

federal register

Thursday
June 18, 1981

Highlights

- 31869 President's Commission on Housing** Executive order
- 31871 Credit Unions** NCUA permits Federal credit unions to offer retail repurchase agreements.
- 31996 Education of Handicapped** ED publishes grant and contract regulations for research in education of the handicapped. (Part II of this issue)
- 31899 Small Businesses** SBA proposes regulations on approving and denying requests for advance payments on Section 8 subcontracts.
- 31880 Securities** SEC expands class of qualified issuers to include certain mining companies.
- 31982 Treasury/Sec'y announces auction on Treasury Notes of June 30, 1985, Series H-1985.**
- 31901 Communications Equipment** CPSC extends development period until 7-31-81 of a consumer product safety standard for electric shock hazards associated with Citizens band base station antennas.
- 31904 Environmental Protection** EPA proposes test method for determining total reduced sulfur emissions from Kraft pulp mills.

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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.

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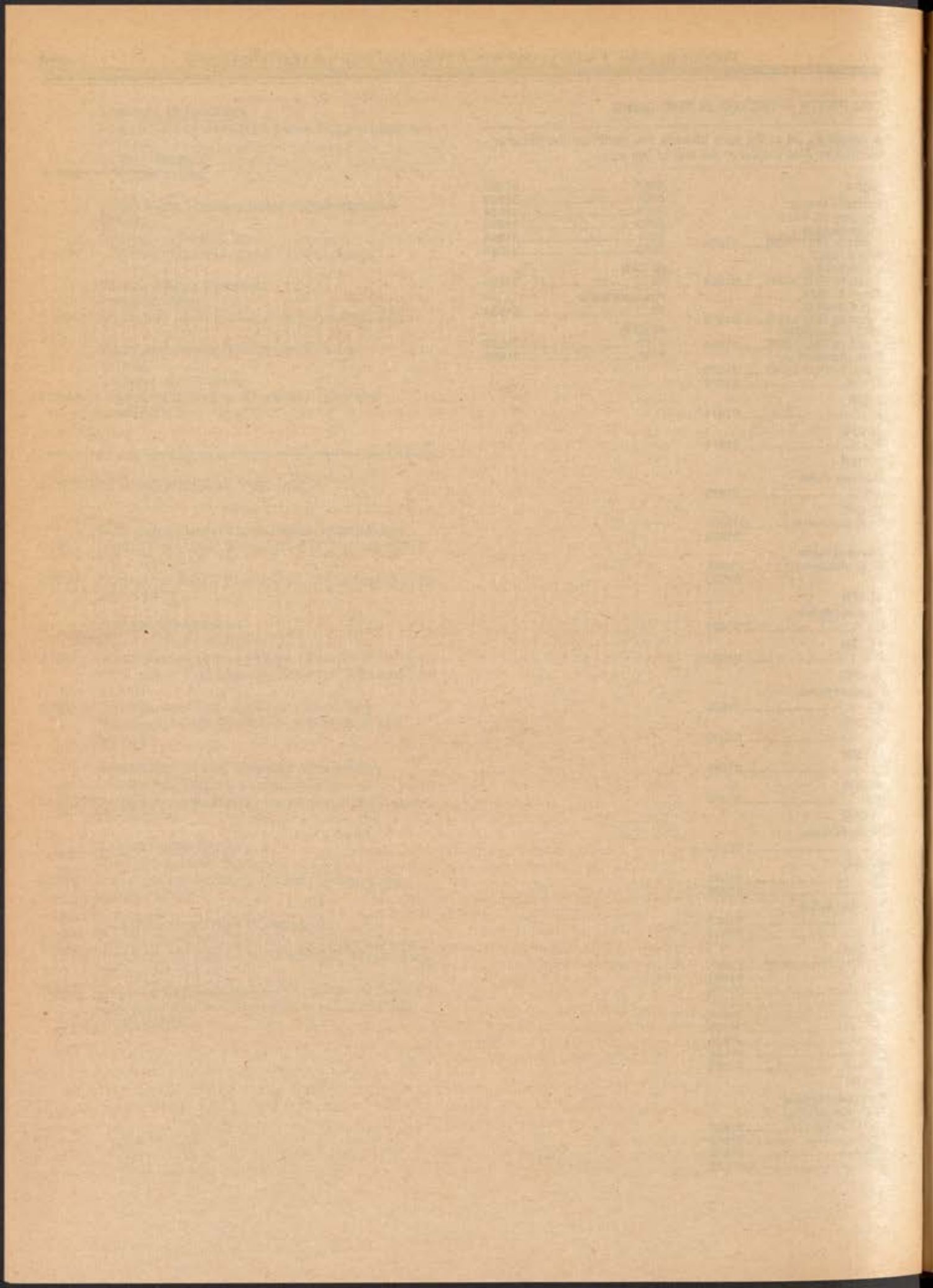
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Title 3—

Executive Order 12310 of June 16, 1981

The President

President's Commission on Housing

By the authority vested in me as President of the United States, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), a Presidential advisory committee on national housing policies and Federal programs in furtherance thereof, it is hereby ordered as follows:

Section 1. Establishment. (a) There is established the President's Commission on Housing. The Commission shall be composed of not more than twenty-two (22) members from private life and from State and local governments who shall be appointed by the President.

(b) The President shall designate a Chairman and Vice-Chairman from among the members of the Commission.

Sec. 2. Functions. The Commission shall advise the President and the Secretary of Housing and Urban Development with respect to options for the development of a national housing policy consistent with the President's Economic Recovery Program and the role and objectives of the government in future housing availability. Consistent with these general functions, the Commission shall:

- a. Analyze the relationship of homeownership to political, social, and economic stability within the nation;
- b. review all existing federal housing policies and programs;
- c. assess those factors which contribute to the cost of housing as well as the current housing finance structure and practices in the country;
- d. seek to develop housing and mortgage finance options which strengthen the ability of the private sector to maximize opportunities for homeownership and provide adequate shelter for all Americans;
- e. detail program options for basic reform of federally-subsidized housing; and,
- f. utilize such private and public sector expertise available in the housing field as the Commission, in its discretion, deems appropriate.

The Commission shall provide information and advice to the President or to the Secretary of Housing and Urban Development whenever requested and shall provide the President and the Secretary of Housing and Urban Development with an interim report not later than October 30, 1981 and a final report not later than April 30, 1982.

Sec. 3. Administration. (a) Members of the Commission shall serve without compensation. However, they shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707), to the extent funds are available therefor.

(b) The Heads of the Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for the purpose of carrying out its functions.

(c) Any expenses of the Commission shall be paid from funds available to the Secretary of Housing and Urban Development.

Sec. 4. General. (a) Notwithstanding any other Executive Order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, except that of reporting annually to the Congress, which are applicable to the advisory committee established by this Order, shall be performed by the Secretary of Housing and Urban Development in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Commission shall terminate upon presenting its final report and recommendations to the President and the Secretary of Housing and Urban Development.

Ronald Reagan

THE WHITE HOUSE,
June 16, 1981.

[FR Doc. 81-18338

Filed 6-17-81; 12:15 pm]

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Rules and Regulations

Federal Register

Vol. 46, No. 117

Thursday, June 18, 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

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegation of authority from the Secretary of Agriculture to the General Counsel concerning the making of determinations relating to claims of mistakes in bids disclosed before and after award of procurement contracts. The revision is being made to reflect that under the provisions of the Contract Disputes Act of 1978 (41 U.S.C. 601 *et seq.*) it is within the authority of contracting officers to determine whether or not to rescind or reform contracts on the basis of a mistake alleged or disclosed after award.

EFFECTIVE DATE: June 18, 1981.

FOR FURTHER INFORMATION CONTACT:

Gary W. Butler, Deputy Assistant General Counsel, Office of the General Counsel, United States Department of Agriculture, Washington, D.C. 202-447-2577.

SUPPLEMENTARY INFORMATION: Under the provisions of the Contract Disputes Act of 1978 (41 U.S.C. 601 *et seq.*) all claims by a contractor against the government relating to a contract, including claims for reformation or rescission of a contract based on a mistake in bid alleged or disclosed after award, are within the decision-making authority of the contracting officer. The current delegation from the Secretary to the General Counsel provides for such determinations to be made by the General Counsel, as well as, determinations regarding the withdrawal or correction of bids based

on mistakes in bids alleged or disclosed prior to award. The revised delegation reflects the provisions of the Contract Disputes Act of 1978 by removing claims of mistakes arising after award from the decision-making authority of the General Counsel.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Lastly, this action is not a rule as defined in Pub. L. 96-354, the Regulatory Flexibility Act, and thus, it is exempt from the provisions of that Act.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Subpart D—Delegation of Authority to Other General Officers and Agency Heads

Section 2.31(e) is revised to read as follows:

§ 2.31 Delegations of authority to the General Counsel.

(e) Make determinations under 41 CFR 1-2.406-3 relating to mistakes in bids disclosed before award of procurement contracts.

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Dated: June 12, 1981.

John R. Block,
Secretary of Agriculture.

[FR Doc. 81-18069 Filed 6-17-81; 8:45 am]

BILLING CODE 3410-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions; Borrowed Funds From Natural Persons

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: Recent rulings of the Federal Home Loan Bank Board and the Office of the Comptroller of the Currency have authorized retail repurchase agreement programs for their respective institutions. In order to maintain the competitive position of Federal credit unions vis-a-vis other depository institutions, the NCUA Board has amended § 701.38 of the NCUA Rules and Regulations to permit Federal credit unions to offer retail repurchase agreements similar to those authorized for the other institutions.

EFFECTIVE DATE: June 11, 1981.

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

FOR FURTHER INFORMATION CONTACT: Randall J. Miller, Acting Director, Office of Policy Analysis at the above address; telephone (202) 357-1091.

SUPPLEMENTARY INFORMATION: At an open meeting on May 20, 1981, the NCUA Board discussed recent developments in the depository institution marketplace and the deregulation strategies which would be appropriate responses to the developments. The Board specifically addressed the recent rulings of the Federal Home Loan Bank Board and the Comptroller of the Currency which authorized their respective institutions to offer retail repurchase agreement programs.

Generally, retail repurchase agreements are uninsured borrowed funds. They involve the transfer of an interest in a U.S. government or agency security to a customer in a denomination of less than \$100,000 for a term of less than 90 days, and subject to an agreement by the institution to "repurchase" the interest. The interest rate on these uninsured borrowed funds is determined by the institution. In addition, it is stipulated that (1) the obligation cannot be automatically renewed or extended; (2) the obligation bears on its face, in a prominent place, a statement that the obligation is not insured; and (3) all terms and conditions of the agreement be fully and accurately disclosed.

Generally, retail repurchase agreements provide institutions an instrument which can compete with other short-term money market instruments such as Treasury bills or money market mutual funds. To enable

Federal credit unions to meet the competition from other depository and nondepository institutions, the NCUA Board has authorized retail repurchase agreements for Federal credit unions by amending § 701.38 of the NCUA Rules and Regulations to permit such agreements. Under the terms of the amendment, Federal credit unions are permitted to offer, in amounts less than \$100,000, obligations evidencing an indebtedness arising from the transfer of direct obligations of, or obligations fully guaranteed by, the United States government or an agency thereof provided that:

1. The maturity of the obligation is less than 90 days;
2. The obligation cannot be automatically renewed or extended;
3. The obligation and any advertisement for such funds contains conspicuous language indicating that the obligation represents money borrowed by the credit union and that the agreement does not represent shares and, therefore, is not insured by the National Credit Union Share Insurance Fund;
4. The obligation is evidenced by a signed agreement which sets forth all material facts concerning the transaction including the terms and conditions regarding maturity, prepayment, interest rate, method of computation, method of payment, and the purchaser's security interest; and
5. The market value of the underlying security at the time of any purchase of a retail repurchase agreement must at least equal the aggregate purchase price paid by retail repurchase purchasers secured by that security.

Maturity and Interest Rate Gaps

Retail repurchase agreements often attract volatile funds from individuals who may follow high yields as they become available elsewhere. In order to retain retail repurchase funds, a credit union must offer competitive rates. If the funds are used to purchase fixed rate assets (e.g., securities) with maturities longer than the retail repurchase agreements, a credit union may be caught paying higher rates than it is earning on the assets purchased. Moreover, the underlying securities may, in fact, depreciate significantly as rates rise so that a credit union may be unable to liquidate the collateral and unwind the program without incurring significant losses. Such exposure places severe strains on earnings, liquidity, and reserves. Therefore, to help guard against such risks, the maturity of securities underlying a retail repurchase agreement or any investment or deposit made with the borrowed funds should

correspond to the maturity of the agreement so that the FCU may be assured of available funds to repay the borrowing at maturity. Section 703.3(b)(6) of the NCUA Rules and Regulations places such a restriction on reverse repurchase transactions, and that restriction is carried over to this regulation.

Security Interest

Credit unions should be especially careful to ensure that an individual's security interest in the underlying collateral is perfected under applicable state law. Credit unions may wish to use an independent custodian or trustee to hold title to government securities in which customers have security interests.

Disclosure and Advertising

In order to limit potential liability under the securities laws, credit unions should fully disclose all material information regarding the retail repurchase offering. Disclosure should include, at a minimum, appropriate background information regarding the credit union and its financial condition, and the nature and terms of the Retail Repurchase agreement (including minimum investment denominations, interest rates, maturities and any prepayment fees). The lender should be given a detailed explanation of the transaction. The security underlying the transaction should be specifically and accurately identified. The lender should be advised (1) that the retail repurchase agreement is an obligation of the issuing credit union and that the underlying security serves as collateral; (2) that the credit union will pay a fixed amount, including interest on the purchase price, regardless of any fluctuation in the market price of the underlying security; (3) that the interest rate paid is not that of the underlying security; and (4) that general credit union assets will most likely be used to satisfy the credit union's obligation under the retail repurchase agreement rather than proceeds from the sale of the underlying security. In addition, the lender should be advised at the time of purchase of the actual or approximate market value of the underlying security interest and he/she should be clearly warned that the retail repurchase agreement is not a share, is not insured, and is not guaranteed in any way by the U.S. Government or any agency thereof. Language generally associated with shares must be avoided to prevent creating the impression that insured shares are being offered. The lender must be informed that he/she may become an unsecured creditor of the credit union to the extent the market

value of the security interest falls below the amount of the funds invested.

Procedures should be implemented to guide credit union employees in offering retail repurchase agreements. Credit unions may wish to circulate an internal memo to all involved personnel as a means of informing them appropriately with respect to retail repurchase agreements and the necessary disclosure procedures. Such a memorandum might include general responses to questions likely to be asked by potential purchasers. These responses should conform in substance to the disclosure made in the offering materials. Credit union personnel should be instructed to deliver a copy of the offering materials to each purchaser prior to the time of purchase.

The Board finds that this ruling clarifies the borrowing authority already provided to credit unions under § 701.38. Furthermore, the change is a liberalization of the current borrowing regulation necessitated by the substantial outflows of shares being experienced by some credit unions who cannot compete equitably with other depository institutions which possess this authority. These outflows are threatening the continued safe and sound operation of these credit unions, and the interests of their members. For these reasons, the NCUA Board has determined that public comment on the rule is unnecessary and contrary to the public interest as provided under 5 U.S.C. 553(b)(B). The procedures set forth in NCUA's Policy Statement (IRPS 81-4) have been waived for the same reasons. Further, this rule is being made effective in less than 30 days since it relieves a restriction, 5 U.S.C. 553(d)(1).

Beatrix Fields,

Acting Secretary of the Board, National Credit Union Administration.

June 12, 1981.

(12 U.S.C. 1757(9) and 1766(a))

§ 701.38 [Amended]

Section 701.38 is amended to include a new paragraph (b) which reads as follows:

• • • • •
 (b) Notwithstanding any provisions of subsection (a) of this section, and without regard to the provisions of § 703.3, except 703.3(b)(6), and subject to the borrowing limitations of 12 U.S.C. 1757(9), Federal credit unions may offer in amounts less than \$100,000, obligations evidencing an indebtedness arising from the transfer of direct obligations of, or obligations fully guaranteed by, the United States government or an agency thereof provided:

(1) the maturity of the obligation is less than 90 days;

(2) the obligation cannot be automatically renewed or extended;

(3) the obligation and any advertisement for such funds contains conspicuous language indicating that the obligation represents money borrowed by the credit union, and that the obligation does not represent shares and, therefore, is not insured by the National Credit Union Share Insurance Fund;

(4) the obligation is evidenced by a signed agreement which sets forth the terms and conditions regarding maturity, prepayment, interest rate, method of computation, method of payment, and the purchaser's security interest; and

(5) the market value of the underlying security at the time of any purchase of a retail repurchase agreement must at least equal the aggregate purchase price paid by retail repurchase purchasers secured by that security.

[FR Doc. 81-18053 Filed 6-17-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-28-AD; Amdt. 39-4138]

Airworthiness Directives: Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment supersedes Airworthiness Directives 78-04-04 and 78-09-08 which require visual inspections of the floor beams and the main deck pressure web inside the landing gear wheel wells on Boeing Model 747 series airplanes.

The amount and extent of floor beam cracking which has been reported since these ADs were issued indicates that these inspections should be conducted more often to detect and prevent crack development which could result in rapid decompression in the cabin. This AD, therefore, reduces the repetitive inspection intervals and requires more stringent inspections.

DATES: Effective date July 1, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108.

FOR FURTHER INFORMATION CONTACT: Mr. J. W. Hart, Jr., Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2518.

SUPPLEMENTARY INFORMATION: AD 78-04-04 (Amdt. No. 39-3144 (43 FR 7424) as amended by 39-3160, (43 FR 11569) and 78-09-08 (Amdt. No. 39-3209 (43 FR 19644), as amended by Amdt. 39-3246 (43 FR 27510) and Amdt. No. 39-3739 (43 FR 24449)) were issued as results of reports of floorbeam cracking and pressure deck cracking.

Because of more than 200 cases of floor beam cracking and the discovery by an operator on April 17, 1981, of 3 adjacent floor beams failed, it is apparent that the repetitive intervals should be reduced and the inspection methods upgraded to prevent rapid decompression. Accordingly, this new AD is being issued to require more frequent inspections of the floor beams using non destructive testing (NDT)

methods, as well as visual methods. ADs 78-04-04 and 78-09-08 are hereby superseded.

Since this condition is likely to exist or develop on other 747 airplanes of the same type design, this AD requires an improved inspection program. Further, since a situation exists for the 747 that requires immediate adoption of this regulation, it is found that notice and public procedure for that portion of the regulation are impracticable.

Adoption of Amendment

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

Boeing: Applies to Model 747 series airplanes certificated in all categories with more than 5,000 landings listed in S/B 747-53-2176 Revision 4, or S/B 747-53-2183, Revision 2, and Special Freighter Airplanes, upon accumulation of 5,000 landings after conversion to the Special Freighter configuration.

To prevent crack growth development which could result in rapid cabin decompression, inspect in accordance with either paragraph A or B (NOTE: Changing inspection programs is permitted with prior approval of the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.)

A. Inspect the floor beams and main deck pressure web for cracks, in the area noted, using the methods indicated. If cracks are found, prior to further flight repair in accordance with paragraph C or D as appropriate.

(1) Within 175 landings after the effective date of this AD, unless accomplished within the last 175 landings, inspect in accordance with subparagraphs (a), (b), and (f), or (c), (d), and (f) of Table I.

(2) Within 1,000 landings after the effective date of this AD, unless accomplished within the last 1,000 landings or in accordance with AD 78-09-08, paragraph B, inspect the floor beams in accordance with subparagraph (e) of Table I.

(3) Repeat the inspections at intervals not to exceed those noted in Table I.

Table I

Floor beams	Area	Method	Repetitive interval (landings)	Reference (S.B.)
(a) 11, 33, 57, 75	B.S. 1265-1300, Web Only	Visual Means	175	747-53-2183, Rev. 2
(b) 33, 57, 75	B.S. 1420-1460, Web Only	Visual Means	175	747-53-2176, Rev. 4
(c) 11, 33, 57, 75	B.S. 1265-1300, Web Only	Eddy Current	350	747-53-2183, Rev. 2
(d) 33, 57, 75	B.S. 1420-1460, Web Only	Eddy Current	350	747-53-2176, Rev. 4
(e) All	B.S. 1265-1480, Web & Chord	Eddy Current	2,000	747-53-2183, Rev. 2

(f) Thoroughly clean the exposed portion of the main deck pressure web inside the main landing gear wheel wells from fuselage station 1265 to 1480 and visually inspect the pressure web for cracks as described in Boeing Service Bulletin 747-53-2183 Rev. 2 or

later FAA approved revisions at intervals not to exceed 350 landings. If cracks are found in the pressure web, before further flight visually inspect all floor beams for cracks in accordance with Boeing Service Bulletin 747-

53-2183, Revision 2, or later FAA approved revisions from fuselage station 1265 to 1480.

B. Inspect the floor beams and main deck pressure web for cracks in the areas noted using the methods indicated. If cracks are found, prior to further flight, repair in

accordance with paragraph C or D as appropriate.

(1) Within 250 landings after the effective date of this AD, unless accomplished within the last 250 landings, inspect in accordance with subparagraph (a) of Table II.

(2) Within 250 landings after the effective date of this AD, unless accomplished within the last 750 landings or in accordance with AD 78-09-08, paragraph B, inspect in accordance with subparagraph (b) of Table II.

(3) Within the next 90 landings after the

effective date of this AD unless accomplished within the last 85 landings inspect in accordance with subparagraph (c) of Table II.

(4) Repeat inspections at intervals not to exceed those noted in Table II.

Table II

Floor beams	Area	Inspection method	Reinspect interval (landings)	Service bulletin reference
(a) 33, 57, 75	B.S. 1420-1460, Web Only	Visual Means	500	747-53-2176, Rev. 4
(b) All	B.S. 1265-1480, Web and Chord	Eddy Current	1,000	747-53-2183, Rev. 2

(c) Thoroughly clean the exposed portion of the main deck pressure web inside the main landing gear wheel well from body station 1265-1480 and visually inspect the pressure web for cracks as described in Boeing S/B 747-53-2183, Rev. 2, or later FAA approved revisions, at intervals not to exceed 175 landings. If cracks are found in the pressure web, visually inspect all floor beams before further flight for cracks in accordance with Boeing Service Bulletin 747-53-2183, Revision 2, or later FAA approved revisions from fuselage station 1265-1480.

C. The airplane may be returned to service, prior to repair, provided all of the following are met:

1. There must be no more than one crack on each side of BL O.
2. No crack may exceed 3 inches in length; and
3. All such cracks must be in the floor beam web and confined to fastener lines, and must show no evidence of turning away from fastener lines.

Aircraft returned to service under this paragraph must be reinspected at intervals not to exceed 50 landings for evidence of crack progression, and must be repaired in accordance with paragraph D within 1,000 landings after cracks are first discovered.

D. If cracks exceed the limits of paragraph C, remove all corrosion and repair all cracks in the floor beams and pressure webs in accordance with the Structural Repair Manual, Boeing S/B 747-53-2176, Rev. 4, or later FAA approved revisions or Boeing S/B 747-53-2183, Rev. 2, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, ANW-100S, FAA Northwest Region. Spray the floor beams and pressure webs with BMS 3-23 moisture inhibitor or equivalent.

E. Modification of the floor beams in accordance with the terminating action procedures described in Boeing Service Bulletin 747-53-2183, Rev. 1, or later FAA approved revisions and S/B 747-53-2176, Revision 3, or later FAA approved revisions, or procedures approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region, constitutes full terminating action under the provisions of this AD.

Modification of floor beam webs in accordance with terminating action procedures described in Boeing Service Bulletin 53-2176, Rev. 3, or later FAA approved revisions constitutes terminating

action for paragraphs (b) and (d) of Table I and (a) of Table II.

Modification of floor beam webs in accordance with terminating action procedures described in Boeing S/B 53-2176, Rev. 3, and 53-2183, Rev. 1, or later approved revisions, or incorporation of equivalent changes during production constitutes terminating action for paragraphs (a), (b), (c), (d), of Table I and (a) of Table II.

F. For purposes of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time-in-service by the operator's fleet average from takeoff to landing for the airplane type. Only pressurized flights need be considered when establishing number of landings on the airplane.

G. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region, may adjust the inspection interval, if the request contains substantiating data to justify the increase for that operator.

H. Aircraft may be ferried to a base for maintenance in accordance with Section 21.197 and 21.199 of the Federal Aviation Regulations.

I. Boeing S/B 747-53-2224 to be issued in July 1981 will replace S/B 747-53-2176 and 747-53-2183. The guidance information and terminating action contained in S/B 747-53-2224 and later FAA approved revisions may be used in lieu of that contained in 747-53-2176 and 747-53-2183 when complying with this AD.

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

Note.—Eddy current inspection procedures referred to herein are contained in Boeing Document D6-7170 "NDT Manual" Part 6, Section 51-00-00 Figure 6.

ADs 78-04-04 and 78-09-08 are superseded.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Company, P.O. Box 3707, Seattle, Washington 98124. These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective July 1, 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 regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, small entities. A final regulatory evaluation has been prepared for this regulation, and has been placed in the regulatory docket. 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. 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, Washington, on June 5, 1981.

Jonathan Howe,
Acting Director, Northwest Region.

[FR Doc. 81-17766 Filed 6-17-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 18069; Amdt. 39-4142]

Airworthiness Directives; Costruzioni Aeronautiche Giovanni Agusta Model A109A Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that

requires an inspection of the main rotor blades on Costruzioni Aeronautiche Giovanni Agusta Model A109A series helicopters for corrosion and proper sealing, blade replacement or repair as necessary, the application of a protective tape, and repetitive visual inspections of the tape condition. The AD is necessary to prevent excessive corrosion which could result in an in-flight rotor blade failure.

DATES: Effective July 20, 1981.

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

ADDRESSES: The applicable service bulletin may be obtained from: Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy.

A copy of the service bulletin¹ 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: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection of the main rotor blades for corrosion, and replacement or repair as necessary, on certain Costruzioni Aeronautiche Giovanni Agusta Model A109A series helicopters was published in the *Federal Register* at 43 FR 27555. The proposal was prompted by a determination that the scarf joint area on the main rotor blade of the Agusta Model A109A helicopters is subject to corrosion which could result in an in-flight rotor blade failure. Since this condition is likely to exist or develop on other helicopters of the same type design, an AD is being issued which requires inspection of the main rotor blades on certain Costruzioni Aeronautiche Giovanni Agusta Model A109A series helicopters for corrosion and proper sealing, blade replacement or repair as necessary, the application of a protective tape, and repetitive visual inspection of the tape condition.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received stating that, based on service experience and operator compliance with recommended

daily and 25 hour inspections, the AD was not needed. The FAA considers the inspection of vital corrosion prevention features mandatory for maintaining continued airworthiness. The AD is being published as proposed, except that editorial changes have been made for ease of reading and a new paragraph has been added concerning an FAA-approved equivalent to the manufacturer's service bulletins.

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:

Costruzioni Aeronautiche Giovanni Agusta. Applies to Model A109A series helicopters, certificated in all categories, that have main rotor blades, P/N 1090-0103-01-07, installed.

Compliance required as indicated, unless already accomplished.

To detect and prevent corrosion which could result in an in-flight rotor blade failure, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD:

(1) Inspect the main rotor blade leading edge abrasion strip inner end and scarf joint for filler erosion, filler release, and corrosion, in accordance with Part I of the "Accomplishment" paragraph of Agusta Bollettino Tecnico No. 109-7, dated February 6, 1978, or an FAA-approved equivalent.

(2) If no filler erosion or release is found during the inspection specified in paragraph (a)(1) of this AD, apply a polyurethane tape to the blade and comply with paragraph (b) of this AD.

(3) If filler erosion or release is found during the inspection specified in paragraph (a)(1) of this AD, clean the area and inspect for corrosion and bond separation.

(4) If corrosion or bond separation is not found during the inspection in paragraph (a)(3) of this AD, fill with urethane adhesive, apply a polyurethane tape to the blade, and comply with paragraph (b) of this AD.

(5) If corrosion is not found during the inspection required by paragraph (a)(3) of this AD but marginal bonding separation not deeper than 5 mm. (0.2 in.) is found, clean and flush the area, fill with urethane adhesive, apply a polyurethane tape to the blade, and comply with paragraph (b) of this AD.

(6) If corrosion or bond separation deeper than 5 mm. (0.2 in.) is found during the inspection required by paragraph (a)(3) of this AD, replace the blade with a serviceable blade of the same part number, or an FAA-approved equivalent, return the helicopter to service and comply with paragraph (b) of this AD.

(b) After the last flight of each day in which the helicopter is operated after compliance with paragraph (a) of this AD, check the main rotor blade polyurethane tapes for condition and adhesion in accordance with Part II of the "Accomplishment" paragraph of Agusta Bollettino Tecnico No. 109-7, dated February

6, 1978, or an FAA-approved equivalent. The check required by this paragraph may be accomplished by the pilot.

(c) If during the check required by paragraph (b) of this AD, a tape defect or abnormal condition including bond separation is found, comply with paragraph (a) of this AD before further flight, except that the helicopter may be flown in accordance with §§ FAR 21.197 and 21.199 to a base where the work can be performed.

(d) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium.

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 Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

This amendment becomes effective July 20, 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)); 14 CFR 11.89)

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

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the 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 June 11, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-18036 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

¹ Service Bulletin filed as a part of original document.

14 CFR Part 39

[Docket No. 80-GL-21-AD; Amdt. 39-4133]

Airworthiness Directives; Hamilton Standard Hydromatic Propellers**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that requires repetitive visual inspections of aluminum blades for corrosion on Hamilton Standard Hydromatic Propellers. The AD is needed to detect corrosion in the aluminum blade and shank area, particularly under the blade seal. Corrosion in the blade fillet and shank area may lead to fatigue cracking and resultant blade loss. There have been three recent incidents where blades have separated at the butt end of the blade due to corrosion and resultant fatigue. The resulting imbalance may tear the engine from the aircraft. Also, there have been seven recent reports of blade butt corrosion found during propeller overhaul.

DATE: Effective—June 19, 1981.

Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable technical manuals may be obtained from: Hamilton Standard, Division of United Technologies Corporation, Windsor Locks, Connecticut 06096.

A copy of the applicable technical manuals is contained in the FAA Great Lakes Region, Room 240, 2300 E. Devon Ave., Des Plaines, IL 60018.

FOR FURTHER INFORMATION CONTACT: Bob Alpiser, Flight Standards Division, Engineering and Manufacturing Branch, AGL-214, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone 312/694-7130.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspections of Hamilton Standard Hydromatic propellers was published in the *Federal Register* at 46 FR 10163, February 2, 1981. The proposal was prompted by National Transportation Safety Board (NTSB) Safety Recommendation A-80-111 which cited six recent instances of corrosion related damage to the shank or fillet of Hamilton Standard Hydromatic propellers and one instance of a complete blade separation at the butt end. This condition is likely to exist in other propellers of the same type design.

Interested persons have been afforded the opportunity to participate in the making of the amendment, and only one

comment was received. That comment was from the NTSB, who concurred with the proposed AD. Accordingly, the AD is adopted as proposed.

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 AD:

Hamilton Standard: Applies to Hamilton Standard aluminum propeller blades installed on propeller types 23D40, 23E50, 33D50, 33E60, 22D30, 22D40, 34D50, 34D51, 43D50, 43E60, 34E60, 23260, 24260, and 43H60, as installed on but not limited to Beech D17 and D18 series, Boeing C-97 and 377 series, Canadair Model 4 and CL-215, DeHavilland DHC-2, DHC-3 and DHC-4, Fairchild C-119 series, General Dynamics (Convair) 240, 340 and 440 series, Gulfstream American (Grumman) G-12A, G-111, G-164, S-2F and W-2F Series, Lockheed L-10, L-12, 049, 749, 1049 and 1649 series, Martin 202 and 404 series, McDonnell Douglas B-26, DC-3, DC-4, DC-6 and DC-7 series, North American AT-6, T-6, T-28 and P-51.

Compliance is required as indicated, unless already accomplished.

To prevent propeller blade failure due to corrosion and fatigue, accomplish the following repetitive actions:

(a) Propeller blades in service. Within the next 12 months after the effective date of this AD or within 18 months since last inspection, whichever occurs later, remove blades and visually inspect for evidence of corrosion in the blade fillet and shank area, particularly under the blade seal, in accordance with Hamilton Standard Aluminum Blade Maintenance Instructions No. P5072 dated October 15, 1978, or Hamilton Standard Aluminum Blade Overhaul Manual No. 130B dated March 1, 1980, as revised by Temporary Revision No. 2 dated June 15, 1980, or FAA approved equivalent. Reinspect blades every 18 months thereafter.

(b) Assembled propellers in storage. Remove blades and visually inspect for evidence of corrosion in the blade fillet and shank area, particularly under the blade seal, in accordance with Hamilton Standard Aluminum Blade Maintenance Instructions No. P5072 dated October 15, 1978, or Hamilton Standard Blade Overhaul Manual No. 130B dated March 1, 1980, as revised by Temporary Revision No. 2 dated June 15, 1980, or FAA approved equivalent, prior to installation or prior to exceeding 18 months combined storage plus time installed.

(c) Disassembled propeller blades in storage. Visually inspect blades for evidence of corrosion in the fillet and shank area prior to assembling to a propeller being prepared for return to service.

(d) Blades showing evidence of corrosion in the fillet or shank area must be replaced with an airworthy blade or given a normal blade overhaul in accordance with Hamilton Standard Aluminum Blade Overhaul Manual No. 130B dated March 1, 1980, as revised by Temporary Revision No. 2 dated June 15, 1980, or FAA approved equivalent.

Upon request of an operator, the Chief, Engineering and Manufacturing Branch, AGL-210, Federal Aviation Administration, Great Lakes Region, may adjust the compliance time specified in paragraph (a) of this AD provided such requests are made through an FAA maintenance inspector and the request contains substantiating data to justify the request for that operator.

For purposes of this AD, an FAA-approved equivalent must be approved by the Chief, Engineering and Manufacturing Branch, AGL-210, Federal Aviation Administration, Great Lakes Region.

This amendment becomes effective June 19, 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)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation has been prepared for this document and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact." It has also been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have a significant economic impact on a substantial number of small entities. The aforesaid determinations under the Regulatory Flexibility Act and Executive Order 12291 are based upon the small number of aircraft and entities which will be affected by this AD, and upon the minimal cost which these entities will incur in complying with this AD.

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer may obtain copies upon request to Hamilton Standards, Division of United Technologies Corporation, Windsor Locks, Connecticut 06096. These documents may also be examined at the Great Lakes Regional Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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 Des Plaines, Illinois on June 2, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-17704 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-WE-6-AD; Amdt. 39-4137]

Airworthiness Directives; Hiller Aviation Model UH-12 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective to all persons an amendment adopting a new Airworthiness Directive (AD) which was previously made effective on certain Hiller Aviation Model UH-12 Series Helicopter. All known United States operators were notified by priority mail AD 81-09-08, issued April 27, 1981. The AD requires inspection of the main rotor blade skin for bond separation at the tip prior to further flight. The AD is prompted by reports of main rotor blade skin delamination which could result in blade failure and loss of helicopter control.

DATES: Effective June 25, 1981, and was effective upon receipt for recipients by priority mail AD 81-09-08, issued April 27, 1981.

Compliance schedule—As prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Hiller Aviation, 2075 West Scranton Avenue, Porterville, California 93275.

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

FAA Headquarters, Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

or

FAA Western Region Office, Rules Docket, Room 6W14, 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: An emergency AD was issued on April 27, 1981 by priority mail AD 81-09-08, and

made effective immediately upon receipt to all known United States operators of Hiller Aviation Model UH-12 Series Helicopters equipped with main rotor blades Part No. 53200-03. Earlier, AD 80-18-01 required inspection of the same part number main rotor blades for skin delamination and was effective September 2, 1980, but was effective only on specific serial numbered blades. Since AD 80-18-01 was issued, two Hiller Aviation UH-12 main rotor blades have experienced skin delamination. In one accident, the skin from the lower surface of the blade, Serial No. 209, totally delaminated during flight with no fatalities. The second blade, Serial No. 219, shows evidence of blisters indicating that the delamination had become severe enough to cause total delamination if continued in service. Blade Serial No. 209 was included as a blade to be inspected in AD 80-18-01, whereas, blade Serial No. 219 was not. In those instances, moisture had penetrated the blade interior and degraded the bond joints. An inspection of these blades indicated that moisture had entered the blades through the tip cap screw holes and/or bond joints. All Hiller main rotor blades, Part No. 53200-03, can be affected by this phenomenon. Since this condition is likely to exist or develop in other helicopters of the same type design, an Airworthiness Directive is being issued which requires repetitive inspection of the main rotor blade for skin delamination and replacement if necessary on the Hiller UH-12 Series Helicopters.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately. 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:

Hiller Aviation: Applies to Models UH-12D, UH-12E, UH-12E4 Series Helicopters, including military Models H-23F, OH-23G, and all models converted by STC SH178WE and STC SH177WE, equipped with main rotor blades Part No. 53200-03, certified in all categories.

Compliance required as indicated, unless already accomplished.

To prevent possible main rotor blade failure due to the delamination of the skin at the blade tip, accomplish the following:

(a) Prior to further flight, after the effective date of this AD or receipt of the priority mail AD 81-09-08, issued April 27, 1981, whichever occurs first:

(1) Remove blade tip cap and visually inspect for skin bond separation in the tip cap area, in accordance with Para. I.D of Hiller Aviation Service Bulletin No. 51-8, dated March 25, 1981.

(2) If the skin bond separation is detected, replace blade with like serviceable item or repair in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region. Submit data defining exact areas of delamination when requesting repair approval.

(3) If no skin bond separation is detected, replace the tip cap and seal, in accordance with Para. I.F of Hiller Aviation Service Bulletin No. 51-8, dated March 25, 1981.

(b) Upon the effective date or upon receipt of the priority mail AD 81-09-08, issued April 27, 1981, whichever occurs first, whenever the rotor blade tip cap is removed for whatever reason, comply with the inspection requirements and tip cap reinstallation requirements of Para. (a) of this AD prior to return to service.

Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate helicopters to a base for the accomplishment of inspections or modifications required by this AD.

Alternative 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.

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. 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: Hiller Aviation, 2075 West Scranton Avenue, Porterville, California 93275.

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

and at: FAA Headquarters, Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

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

This amendment becomes effective June 25, 1981 to all persons, except those to whom it was made immediately effective by priority mail AD 81-09-08, issued April 27, 1981.

(Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 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 must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document 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 a regulatory document (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

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

Issued in Los Angeles, California on June 8, 1981.

John D. Mattson,

Director FAA Western Region.

[FR Doc. 81-17914 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-30-AD; Amdt. 39-4136]

Airworthiness Directives: McDonnell Douglas Model DC-9, -10 thru -50 Series and Military C-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires inspection and repair, as necessary, of wing rear spar lower "tee" caps located near the inboard flap hinge fitting station X_{RS} 164.00. This AD is needed to prevent crack growth which could compromise the structural integrity of the wing spar and spar cap in the McDonnell Douglas Model DC-9, -10 thru -50 Series and Military C-9 series airplanes.

DATE: Effective date June 25, 1981. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director,

Publications and Training, C1-750 (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2826.

FOR FURTHER INFORMATION CONTACT: Harry Irwin, Aerospace Engineer, Airframe Branch, ANW-120L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2826.

SUPPLEMENTARY INFORMATION: One operator recently reported seven aircraft with cracks in the wing rear spar lower "tee" cap at No. 2 flap hinge attach bracket, wing station X_{RS} 164.00. The affected aircraft had approximately 49,000 to 62,000 landings at the time of detection. The cracks, which were discovered as a result of fuel leaks are fatigue related caused by a combination of wing bending and flap loads. If not corrected, this condition could compromise the structural integrity of the spar lower "tee" cap which ultimately could result in a reduction in spar strength. Accomplishment of the required inspections and repairs will ensure the structural integrity of the spar lower "tee" cap.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires initial and repetitive inspections of the wing rear spar lower "tee" cap at wing station X_{RS} 164.00, and repair or replacement of this structure, as necessary.

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:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9, -10 thru -50 series and military C-9 series airplanes, certificated in all categories. Compliance required as prescribed herein.

A. To prevent fatigue cracking and possible structural failure of the wing rear spar lower "tee" cap (P/N 5911301), accomplish the following:

1. For aircraft with 60,000 or more landings

on the effective date of this AD, within the next 300 landings, unless already accomplished within the last 2,000 landings, inspect the right hand and left hand wing rear spar lower caps in the area of the No. 2 flap hinge attachment bracket at wing station X_{RS} 164.00 in accordance with Paragraph B herein.

2. For aircraft with less than 60,000 landings and more than 34,999 landings on the effective date of this AD, unless already accomplished within the last 2,000 landings inspect per Paragraph B in accordance with the following initial inspection schedule:

Accumulated landings ¹	Initial inspection ²
35,000-44,999	2,000 landings.
45,000-54,999	1,000 landings.
55,000-59,999	500 landings.

¹ On effective date of this AD.

² From effective date of this AD.

3. For airplanes with less than 35,000 landings on the effective date of this AD, inspect in accordance with Paragraph B before the accumulation of 37,000 landings.

4. Repeat the inspections in Paragraph B herein every 4,000 landings since last inspected until repaired per Paragraph C. When repaired, the repetitive inspections may be discontinued until the aircraft has accumulated an additional 35,000 landings, at which time the repetitive inspection requirements are reinstated.

B. Perform inspections in accordance with the instructions specified in Douglas Aircraft Company Alert (telex) Service Bulletin A57-146 dated May 20, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

C. If a crack is found in the spar lower "tee" cap, repair the cap before further flight in accordance with Douglas Drawing No. J060165 listed in Douglas Aircraft Company Alert (telex) Service Bulletin A57-146 dated May 20, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

D. Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

E. Upon request of the operator, and FAA maintenance inspector, subject to prior approval by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the change for that operator.

F. For the purposes of complying with this AD, subject to the acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours time in service by the operator's fleet average time from takeoff to landing.

G. Alternative inspections, repairs, or other action to be accomplished on or after the effective date of this AD, which provide an

equivalent level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

Note.—Equivalent repairs approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region, may be obtained from the McDonnell Douglas Corporation, Long Beach, California.

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 the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, CL-750 (54-60). These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment becomes effective June 25, 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 Federal Aviation Administration 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 must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document 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 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 Seattle, Washington on June 5, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-17767 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 21825; Amdt. 39-4143]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale Model SA-330 Series Helicopters

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 Societe Nationale Industrielle Aerospatiale Model SA-330 series helicopters by individual telegrams. The AD requires an inspection of the electrical wires and hydraulic lines between fuselage stations 5295 and 5600 for chafing, and separation and securing of electrical wires and hydraulic lines as necessary to prevent chafing, and replacement of any chafed electrical wires or hydraulic lines prior to further flight. The AD is necessary to prevent friction between the electrical wires and hydraulic lines, which could result in leakage of hydraulic fluid and possible fire.

DATES: Effective June 18, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-18-51, issued August 29, 1980, which contained this amendment.

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

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, D.C. 20591, Telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: On August 29, 1980, telegraphic AD T80-18-51 was issued and made effective immediately as to all known U.S. owners and operators of Societe Nationale Industrielle Aerospatiale Model SA-330 series helicopters. The AD was issued following a National Transportation Safety Board (NTSB) determination, based on the findings of an incident investigation, that friction between electrical wires and hydraulic lines on the Aerospatiale Model SA-330 helicopters may cause leakage of hydraulic fluid and possible fire. The AD required an inspection of the electrical wires and hydraulic lines between

fuselage stations 5295 and 5600 for chafing and separation and securing of electrical wires and hydraulic lines as necessary to prevent chafing, and replacement of any chafed electrical wires or hydraulic lines prior to further flight. AD action was necessary to prevent friction between the electrical wires and hydraulic lines, which could result in leakage of hydraulic fluid and possible fire.

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 Societe Nationale Industrielle Aerospatiale Model SA-330 series helicopters by telegraphic means. 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:

Societe Nationale Industrielle Aerospatiale.

Applies to Model SA-330 series helicopters, certificated in all categories. Compliance required as indicated.

To prevent friction between the electrical wires and hydraulic lines, which could result in leakage of hydraulic fluid and possible fire, accomplish the following:

Prior to further flight, unless already accomplished within the last 50 hours time in service, inspect the electrical wires and hydraulic lines between fuselage stations 5295 and 5600 for chafing against each other and the airframe, and separate and secure electrical wires and hydraulic lines as necessary to prevent chafing. Any chafed electrical wires or hydraulic lines must be replaced before further flight. Report defects found to the Chief, Aircraft Certification Staff, AEU-100 Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174).

This amendment becomes effective June 18, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-18-51, issued August 29, 1980, which contained this amendment.

(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 28, 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 appeal of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C. on June 11, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-10035 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6321]

Availability of Rule 242 To Certain Mining Companies; Definition of "Qualified Issuer"

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending Rule 242, a small issue exemptive rule under Section 3(b) of the Securities Act of 1933, to allow certain issuers engaged in the mining business to utilize that rule in the offer and sale of their securities. The present exclusion of such companies is removed from the definition of a "qualified issuer," thereby extending to them the advantages of raising limited amounts of capital through unregistered offerings of securities.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel Abdun-Nabi, Office of Small Business Policy, Division of Corporation

Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2644.

SUPPLEMENTARY INFORMATION: On March 25, 1981, there was published in the *Federal Register* [46 FR 18559] a notice of proposed rulemaking proposing to expand the availability of Rule 242 to certain issuers engaged in mining operations. The proposed amendment would change the definition of "qualified issuer" by deleting the exclusion presently appearing in Rule 242(a)(5)(iii) and Note thereto, thereby permitting certain mining companies to utilize that rule in the offer and sale of their securities. Interested parties were given the opportunity to submit, not later than May 15, 1981, their views and recommendations regarding the proposal.

Only one comment has been received regarding the proposed amendment. The Commission, after considering the issues raised by the commentator, has determined to adopt the amendment as proposed with one minor technical revision. Therefore, Part 230 of 17 CFR Chapter II is hereby amended by removing paragraph (a)(5)(iii) of § 230.242, by revising paragraph (a)(5)(iv) and redesignating it as new paragraph (a)(5)(iii), by redesignating paragraph (a)(5)(v) as paragraph (a)(5)(iv), and by amending the cross reference appearing in the proviso paragraph following paragraph (a)(5)(v)(B) to read paragraph (a)(5)(iv).

Summary of Final Regulatory Flexibility Analysis

The Commission has prepared a final regulatory flexibility analysis in accordance with 5 U.S.C. 604 regarding the amendments to Rule 242 adopted herein.

The analysis notes that Rule 242 was adopted to provide small business with an alternative exemption from registration which overcomes certain problems encountered in utilizing other available exemptive rules. The objective of the amendment to Rule 242 adopted herein is to expand the class of qualified issuers to include certain mining companies. There were no adverse public comments received concerning the initial regulatory flexibility analysis published by the Commission. A copy of the final regulatory flexibility analysis may be obtained by contacting the Office of Small Business Policy, Division of Corporation Finance, U.S. Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2644.

Statutory Authority

The Commission hereby adopts the amendments to Rule 242 pursuant to the Securities Act of 1933, particularly sections 3(b), (4)(1) and 19(a).

(Secs. 2(b), 4(1), 19(a), 48 Stat. 75, 77, 85; sec. 209, 48 Stat. 908; 59 Stat. 167 sec. 6, 68 Stat. 684; sec. 12, 78 Stat. 580; 84 Stat. 1480; sec. 308(a)(1), (2), (3), 90 Stat. 56, 57; sec. 18, 92 Stat. 275; sec. 2, 92 Stat. 962 [15 U.S.C. 77c(b), 77d(f), 77s(a)])

By the Commission.

George A. Fitzsimmons,

Secretary.

June 11, 1981.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

§ 230.242 Exemption of limited offers and sales by qualified issuers.

(a) * * *

(5) * * *

(iii) is not a majority-owned subsidiary of an issuer which does not meet the qualifications for use of this rule as specified in paragraph (a)(5) (i) or (ii) of this rule.

(iv) * * *

(A) * * *

(B) * * *

Provided, further, That paragraph (a)(5)(iv) of this section shall not apply to any issuer if the Commission determines, upon a showing of good cause, that it is not necessary under the circumstances that the exemption under this section be denied. Any such determination by the Commission shall be without prejudice to any other action by the Commission in any other proceeding or matter with respect to the issuer or any other person.

[FR Doc. 81-18118 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 52

Tribal Reorganization Under a Federal Statute; Extension of Effective Date

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Extension 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 a revision of 25 CFR Part 52 regarding tribal reorganization under a

Federal Statute. Part 52 was published as a final rule in the January 7, 1981, issue of the *Federal Register* (46 FR 1668). The effective date is being extended so that the Office of Management and Budget will have time to review and approve any information collection requirements that may be contained in such regulations.

DATES: 25 CFR Part 52, as revised, shall become effective on September 1, 1981, unless clearance is granted earlier by the Office of Management and Budget, in which case the regulations shall become effective upon publication of a further notice in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Farring, Division of Tribal Government Services, Branch of Tribal Relations, Bureau of Indian Affairs, 202-343-4045.

SUPPLEMENTARY INFORMATION: On January 7, 1981, 25 CFR Part 52 was published in the *Federal Register* as a final rule to become effective on February 6, 1981 (46 FR 1668). In accordance with the President's January 29, 1981, memorandum, a notice published in the February 4, 1981, issue of the *Federal Register* (46 FR 10707), extended the effective date until March 30, 1981. In order to permit reconsideration of the rule under Executive Order 12291, a notice appeared in the March 30, 1981, issue of the *Federal Register* (46 FR 19233) further extending the effective date until April 30, 1981.

The Office of Management and Budget reviewed 25 CFR Part 52 and determined that the information collection requirements contained in revised §§ 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. In order to comply with the Act, the effective date of 25 CFR Part 52 was extended to June 15, 1981, by a notice in the April 30, 1981, issue of the *Federal Register* (46 FR 24177).

By a May 19, 1981, memorandum, the Bureau of Indian Affairs transmitted a request for the Office of Management and Budget to review and approve the information collection feature of the rule. That memorandum clarified the unwarranted impression that election boards fall within the definition of "persons" as stated in the Paperwork Reduction Act of 1980. Correcting this mistaken impression would mean that completion of the voter registration form cited in revised § 52.11 is the only provision for collecting information from "persons" contained in Part 52.

In that the Office of Management and Budget has not yet approved the information collection requirement of 25

CFR Part 52, as revised, the effective date is deferred until September 1, 1981. If such approval is granted earlier, 25 CFR Part 52 shall become effective upon publication of an appropriate notice in the *Federal Register*.

June 15, 1981.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

(FR Doc. 81-18117 Filed 6-17-81; 8:45 am)

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7779]

Income Tax; Treatment of Losses on Small Business Stock

Correction

In FR Doc. 81-15453 appearing on page 29465 in the issue of Tuesday, June 2, 1981; on page 29474, first column, under § 1.1563-3, paragraphs (B) and (C) were inadvertently inserted in that section incorrectly. Those paragraphs, (B) and (C), should have been inserted in § 1.1244(e)-1 above directly after paragraph (A).

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1831-2]

Approval and Promulgation of Implementation Plans: Ohio; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule and Correction of Final Rule.

SUMMARY: On November 7, 1980 (45 FR 73972) EPA proposed conditional approval of the vehicle inspection and maintenance (I/M) program developed for the urbanized area of Cleveland and the Ohio portion of the Cincinnati metropolitan area. This I/M program was submitted by the State to satisfy the conditions of the Clean Air Act. A thirty-day public comment period was provided in the *Federal Register*. During that time, EPA received comments from the State and a local environmental group. Based on EPA's review of these comments EPA is today conditionally approving this I/M program.

EPA is also correcting a clerical error in a rulemaking which was published in the *Federal Register* on May 1, 1981, 46 FR 24526. That rulemaking concerned EPA's decision with regard to the approval or disapproval of the deadlines by which the State of Ohio committed itself to remedy the conditionally approved items in the ozone and carbon monoxide portions of the State Implementation Plan (SIP).

EFFECTIVE DATE: This final rulemaking is effective June 12, 1981.

ADDRESSES: Copies of these revisions to the Ohio State Implementation Plan (SIP) are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois, 60604;

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460;

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.;

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, P.O. Box 1049, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT:

Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6035.

SUPPLEMENTARY INFORMATION: On March 3, 1978, (43 FR 9362) and October 5, 1978 (43 FR 45933), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each state as not meeting the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone. Part D of the Act, which was added by the 1977 Amendments, requires each state to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, that date may be extended to no later than December 31, 1987, for ozone and/or carbon monoxide.

The requirements for an approvable SIP are described in a *Federal Register* notice published on April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 23, 1979 (44 FR 50371),

September 17, 1979 (44 FR 53781) and November 23, 1979 (44 FR 67182).

Despite the implementation of all reasonable emission control measures, the State of Ohio has demonstrated that attainment of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone in the Cleveland urbanized area and the Ohio portion of the Cincinnati metropolitan area is not possible by December 31, 1982.

Therefore, the State requested an extension to demonstrate attainment of the NAAQS in these areas.

For areas granted such an extension, section 172(b)(11) of the Act requires a vehicle emission inspection and maintenance (I/M) program.

On September 17, 1980, the State of Ohio submitted to EPA a plan for the implementation of an I/M program in the Ohio portion of the Cincinnati metropolitan area and in the urbanized area of Cleveland. This plan consists of Amended Substitute Senate Bill 240 (S.B. 240) and a schedule for the implementation of the I/M program. S.B. 240 enacts section 3704.14 of the Ohio Revised Code (ORC). Section 3704.14 requires the Director of the Ohio EPA to study vehicle I/M programs, design and prepare alternate programs, report to the General Assembly on the study and the programs, and adopt rules for the implementation and enforcement of an I/M program which is consistent with such study, program and report. In the November 7, 1980 *Federal Register* (45 FR 73792), EPA proposed to approve the Ohio I/M program provided the State corrected or committed to correct certain deficiencies by a specified date. On December 5, 1980, the State responded to EPA's proposed conditional approval. EPA also received comments from a local environmental group.

EPA's final determination may take one of three forms: approval, conditional approval, or disapproval. A discussion of conditional approval and its practical effects appears in the July 2, 1979 *Federal Register* (44 FR 38583) and in the November 23, 1979 *Federal Register* (44 FR 67182). A conditional approval requires a state to submit additional materials by specified deadlines which have been agreed upon by the state and the EPA. EPA will follow the procedures described below when determining if the requirements of conditional approval have been met:

1. If the state submits the required additional documentation according to schedule, EPA will publish a notice of final rulemaking on the additional documentation if it has determined that the public has had adequate opportunity to know and comment on the contents of

the documentation. Otherwise, EPA will publish a notice in the *Federal Register* announcing receipt and availability of the material for public comment. The notice will also announce that the conditional approval is continuing pending EPA's final action on the submission.

2. EPA will evaluate the state's submission and public comment on the submission to determine if noted deficiencies have been fully corrected. After review is complete, a *Federal Register* notice will be published proposing or taking final action either to fully approve the plan if all conditions have been met, or to withdraw the conditional approval and disapprove the plan if all conditions have not been met. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the state fails to submit the required materials according to the agreed upon schedule, EPA will publish a *Federal Register* notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved, and Section 110(a)(2)(I) restrictions on growth are in effect.

Presented below is a synopsis of the concerns raised by the commentors, EPA's response to these concerns and EPA's final rulemaking action on the Ohio I/M program.

Comment

According to section 172(b)(10), a state must have adopted the necessary statutes, regulations, ordinances, or other legally enforceable requirements to implement and enforce an I/M program. To be acceptable, I/M legal authority must be adequate to implement and effectively enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency.

As part of the Ohio I/M program, the State submitted a copy of Amended Substitute Senate Bill 240 (S.B. 240) as evidence that the State has the necessary legal authority to adopt and implement an I/M program. S.B. 240 enacts ORC 3704.14 which grants the Director of the Ohio EPA the authority to adopt rules for the implementation and enforcement of an I/M program in those parts of the State which are required to implement the program. In the November 7, 1980 *Federal Register*, EPA proposed to approve Ohio's legal authority.

One commentor, a local environmental group, does not believe that ORC 3704.14 provides adequate legal authority to implement and enforce

an I/M program. It is the commentor's position that the I/M program is dependent on the recommendations of the I/M Study Board. The commentor contends that this significantly limits the legal authority and thus makes it insufficient to meet the requirements of Part D of the Act.

EPA Response

EPA believes that ORC 3704.14 provides the Director of the Ohio EPA with adequate legal authority to implement and enforce an I/M program. In particular, ORC 3704.14(1)(G) provides the Director of Ohio EPA with the authority to adopt rules for the implementation and enforcement of an I/M program. Although the Director must adopt rules which are consistent with the recommendations of the I/M Study Board, EPA does not believe that the legal authority to implement and enforce an I/M program is compromised by this provision of 3704.14. The purpose of the I/M Study Board is to determine and recommend the most effective program which can be implemented in the area. 3704.14(1)(C) states that the I/M Study Board shall develop and prepare a vehicle I/M program which complies with the requirements of the Clean Air Act Amendments of 1977. Based on the Study Board's recommendations, the Director of Ohio EPA will adopt the regulations necessary to implement and enforce the I/M program. EPA believes that ORC 3704.14 provides the legal authority necessary to implement and enforce an I/M program. As stated in the November 7, 1980 *Federal Register*, however, if the legal authority is subsequently withdrawn or found to be inadequate to authorize implementation or enforcement of the required program, the I/M portion of the SIP would no longer satisfy the requirements of Part D of the Clean Air Act.

Comment

Section 172(b)(10) of the Clean Air Act requires the appropriate governmental body to commit itself to implement and enforce the I/M program. In the November 7, 1980, *Federal Register*, EPA stated that it considers ORC 3704.14 and the I/M implementation schedule to be adequate commitments from the State to implement an I/M program.

One commentor contends that Ohio EPA's commitment to implement and enforce an I/M program is inadequate. The commentor believes that Ohio EPA has only committed itself to implement the recommendations of the I/M Study Board and not necessarily to implement an I/M program.

EPA Response

EPA believes that ORC 3704.14 and the I/M schedule submitted by the Governor represent adequate commitments on the part of the State to implement an I/M program. ORC 3704.14(1)(G) requires the Director of Ohio EPA to adopt rules for implementation and enforcement of an I/M program which is consistent with the I/M Study Board's report. EPA considers this legislative mandate as a sufficient commitment since the Ohio EPA is required to adhere to the provisions of Ohio law.

The I/M schedule submitted on September 17, 1980 represents further evidence of the State's commitment to implement an I/M program. Although the schedule does not contain all the incremental dates necessary for EPA approval it does contain dates for commencement and completion of certain milestones critical to implementing the program.

Comments

Section 172(b)(7) of the Act requires the identification and commitment of the necessary finances and resources to carry out the I/M program. The September 17, 1980 I/M submittal states that the appropriate staff and financial commitments will occur as are necessary to comply with Ohio's I/M legal authority. EPA recognized that until completion of the Study Board's report the State could not be more specific in the identification and commitment of the resources necessary to carry out and enforce the I/M program. Therefore, in the November 7, 1980 Federal Register, EPA proposed to approve this portion of the I/M program on the condition that the State, by a specified date, submit an identification of the manpower and financial resources necessary to carry out and enforce the program and a commitment to obtain those resources.

During the public comment period, EPA received two comments on this portion of the Ohio I/M program. One comment was from Ohio EPA and the other was from a local environmental group. The commentator from the local environmental group believes that until the I/M Study Board's report is completed, EPA cannot determine whether the necessary resources will be available.

Ohio EPA responded to EPA's proposed action in a letter dated December 5, 1980. In that letter Ohio EPA stated that since Senate Bill 240 requires it to perform certain tasks, the necessary staff and financial resources will be provided so that Ohio EPA may

comply with Ohio law. Ohio EPA agreed to submit by January 8, 1982 an identification of the staff and financial resources necessary to carry out and enforce the I/M program and a more specific commitment to obtain those resources.

EPA Response

In response to the commentor from the local environmental group, EPA believes that since the I/M program is mandated by Ohio law, the financial and manpower resources necessary to implement the plan will be available. Ohio EPA has indicated that although the precise resources cannot be identified until after completion of the Study Board's report, the program will probably be funded from either the General Revenue Fund, other state sources, or grant funds available through the Clean Air Act. EPA realizes that after the Study Board's report is completed and the type of I/M program is chosen, Ohio EPA will be able to better identify and commit the specific resources that will be necessary to carry out and enforce the I/M program.

As stated earlier, the State has committed itself to submit by January 8, 1982, an identification of the staff and financial resources necessary to carry out and enforce the program as well as a more specific commitment to obtain those resources. EPA believes that this date is acceptable and that Ohio EPA has adequately committed itself to correct the deficiency noted in this portion of the I/M program. Therefore, EPA approves this portion of the Ohio I/M program on the condition that Ohio EPA submits by January 8, 1982 the items previously specified. A separate notice which solicits comments on the acceptability of the January 8, 1982 date is published elsewhere in today's Federal Register.

Comment

Section 172(b)(11)(B) of the Act requires that an I/M program must contain a legally enforceable schedule for the implementation of the plan and a commitment to the schedule by the State. The schedule must include the milestones listed in the July 17, 1978 I/M Policy Memorandum. The September 17, 1980 submittal contained a schedule which did not contain all the milestones outlined in the I/M Policy Memorandum. The State did commit itself to submit a more detailed schedule after the I/M Study Board's report was completed.

In the November 7, 1980 Federal Register, EPA proposed to approve this portion of the Ohio I/M program on the condition that the State submit, by a specified date negotiated between EPA

and the State, a schedule which includes all the milestones prescribed in the July 17, 1978 I/M Policy Memorandum.

During the public comment period EPA received two comments on this portion of the Ohio I/M program, one comment from Ohio EPA and one comment from a local environmental group. The commentor from the local environmental group believes that EPA cannot determine whether the I/M program will be implemented by December 31, 1982, until after the I/M Board completes its report.

In the December 5, 1980 letter, Ohio EPA committed itself to submit by January 8, 1982 an I/M schedule which includes all the milestones prescribed in the I/M Policy Memorandum.

EPA Response

Based on the schedule submitted on September 17, 1980, EPA believes that the I/M program developed for the Cincinnati and Cleveland areas will be implemented by December 31, 1982. Although this schedule does not show all the necessary incremental dates, it does show that full implementation of the I/M program will be achieved by no later than December 31, 1982. EPA recognizes that a more specific schedule, which is consistent with the requirements of the I/M Policy Memorandum, cannot be submitted until after the I/M Study Board has completed its report. As stated previously, Ohio EPA has committed itself to submit by January 8, 1982, a more detailed schedule which satisfies the July 17, 1978 I/M Policy Memorandum requirements.

EPA believes that the January 8, 1982, date is acceptable and that the State has adequately committed itself to correct the deficiency noted in this portion of the Ohio I/M program. Therefore, EPA approves this portion of the Ohio I/M program on the condition that Ohio EPA submits by January 8, 1982, a detailed schedule which satisfies the requirements of the July 17, 1978, I/M Policy Memorandum. A separate notice which solicits comments on the acceptability of the January 8, 1982, date is published elsewhere in today's Federal Register.

Comment

Although the State committed itself in the September 17, 1980 submittal to a percent reduction goal which is consistent with current EPA guidance for both hydrocarbon and carbon monoxide exhaust emissions from light duty vehicles, it did not include the specific programmatic details necessary to verify the percent reduction. EPA

proposed to approve this portion of the I/M program if the State submitted, or committed itself to submit on a negotiated date, detailed programmatic information relating to the specific geographic coverage of the program, enforcement mechanisms and procedures to be used, those vehicle categories to be included in the inspection program, and other factors which aid in determining the effectiveness of an I/M program.

During the public comment period, EPA received two comments on this portion of the Ohio I/M program; one comment from Ohio EPA and one comment from a local environmental group. The commentator from the local environmental group believes that until the Study Board completes its report EPA cannot determine whether the I/M program will meet the minimum level of effectiveness. Ohio EPA in its December 5, 1980 letter, committed itself to submit by January 8, 1982 the detailed programmatic information specified above.

EPA Response

EPA believes that the State has adequately committed itself to achieve the percent reduction goal consistent with current EPA guidance. The percent reduction goal will depend on the computer model and program data the State utilizes to assess the effectiveness of the program. The difference in the percent reduction goal does not represent the need for a more stringent I/M program. If EPA's Mobile 1 model is used, the emission reduction goal will be 25%, if EPA's Mobile 2 model is used, the emission reduction goal will be 35%. To verify that the I/M program will meet the percent reduction goal, Ohio EPA has agreed to submit to EPA by January 8, 1982, detailed programmatic information relating to the specific geographic coverage of the program, the enforcement mechanisms and the procedures to be used, those vehicle categories to be included in the inspection program, and other factors which aid in determining the effectiveness of an I/M program. EPA believes that the January 8, 1982, date is acceptable and that Ohio EPA has adequately committed itself to correct the deficiency noted in this portion of the Ohio I/M program. Therefore, EPA approves this portion of the Ohio I/M

program on the condition that Ohio EPA submits by January 8, 1982 the items specified above. A separate notice which solicits comments on the acceptability of the January 8, 1982 date is published elsewhere in today's Federal Register.

Final Determination

After reviewing the comments received on EPA's proposed conditional approval of the Ohio I/M program EPA approves the State's I/M program provided the State submit by January 8, 1982, the following items:

1. an identification of the staff and financial resources necessary to carry out and enforce the program and a more specific commitment to obtain those resources;
2. a detailed schedule which satisfies the requirements of the July 17, 1978 I/M Policy Memorandum; and
3. detailed programmatic information relating to the specific geographic coverage of the program, the enforcement mechanisms and procedures to be used, those vehicle categories to be included in the inspection program, and other factors which aid in determining the effectiveness of an I/M program.

A separate notice soliciting comments on the acceptability of the January 8, 1982 date is published elsewhere in today's Federal Register.

The conditional approval granted through this notice will remain in effect as long as the State meets its commitments according to the agreed upon schedule. Failure to submit the necessary material by the scheduled dates or inadequate submittals will result in SIP disapproval by EPA (44 FR 67182, November 23, 1979). This will result in the imposition of the growth restrictions of section 110(a)(2)(I) of the Act in counties with a disapproved plan.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it conditionally approves an inspection and maintenance (I/M) program which was developed by the State for the Cincinnati and Cleveland urban areas. EPA today is only conditionally approving the State's program and is not promulgating any regulation above that

which is required by the State. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

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

Incorporation by reference of the Ohio SIP was approved by the Director of the Federal Register on July 1, 1980.

Dated: June 12, 1981.
 Anne M. Gorsuch,
 Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart KK—Ohio

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

(1) Section 52.1870(c) is amended by adding subparagraph (29) to read as follows:

§ 52.1870 Identification of Plan.

* * * * *

(c) * * *
 (29) On September 17, 1980 the State of Ohio submitted a vehicle inspection and maintenance (I/M) program developed for the urbanized area of Cleveland and the Ohio portion of the Cincinnati metropolitan area. On December 5, 1980 the State submitted comments on, and commitments for correcting, the deficiencies cited in the November 7, 1980 Supplemental Notice of Proposed Rulemaking.

(2) Section 52.1875 is amended to remove paragraph (b) and revise paragraph (a) as follows:

§ 52.1875 Attainment Dates for National Standards.

(a) The following table presents the latest date by which the national standards are to be attained. These dates reflect the information presented in Ohio's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Greater Metropolitan Cleveland Interstate (AOCR 174):							
a. Primary/Secondary Nonattainment Areas	h	h	f	f	b	e	c
b. Remainder of AOCR	b	b	b	b	b	b	b

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Huntington (West Virginia)—Ashland (Kentucky)—Portsmouth-Ironton (Ohio) Intrastate (AQCR 103):							
a. Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	d
b. Remainder of AQCR	b	b	b	b	b	b	b
Mansfield-Marion-Intrastate (AQCR 175):							
a. Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	d
b. Remainder of AQCR	b	b	b	b	b	b	b
Metropolitan Cincinnati Interstate (AQCR 079):							
a. Primary/Secondary Nonattainment Areas	j	h	f	f	b	l	l
b. Remainder of AQCR	b	b	b	b	b	b	b
Metropolitan Columbus Intrastate (AQCR 176):							
a. Primary/Secondary Nonattainment Areas	h	h	f	f	b	d	d
b. Remainder of AQCR	b	b	b	b	b	b	b
Metropolitan Dayton Intrastate (AQCR 173):							
a. Primary/Secondary Nonattainment Areas	h	h	f	f	b	d	d
b. Remainder of AQCR	b	b	b	b	b	b	b
Metropolitan Toledo Interstate (AQCR 124):							
a. Primary/Secondary Nonattainment Areas	h	h	f	f	b	g	d
b. Remainder of AQCR	b	b	b	b	b	b	b
Northwest Ohio Interstate (AQCR 177):							
a. Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	d
b. Remainder of AQCR	b	b	b	b	b	b	b
Northwest Pennsylvania Youngstown Interstate (AQCR 178):							
a. Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	d
b. Remainder of AQCR	b	b	b	b	b	b	b
Parkersburg (West Virginia)—Marietta (Ohio) Interstate:							
a. Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	b
b. Remainder of AQCR	b	b	b	b	b	b	b
Sandusky Intrastate (AQCR 180):							
a. Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	d
b. Remainder of AQCR	b	b	b	b	b	b	b
Stevensville-Wiarton-Wheeling Interstate (AQCR 181):							
a. Primary/Secondary Nonattainment Areas	h	h	f	f	b	d	d
b. Remainder of AQCR	b	b	b	b	b	b	b
Wilmington-Chillicothe-Logan Intrastate (AQCR 182):							
a. Primary/Secondary Nonattainment Areas	h	h	b	b	b	b	d
b. Remainder of AQCR	b	b	b	b	b	b	b
Zanesville-Cambridge Intrastate (AQCR 183):							
a. Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	d
b. Remainder of AQCR	b	b	b	b	b	b	b

NOTE.—Sources subject to the plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1875 published July 1, 1979.

NOTE.—For actual nonattainment designations refer to 40 CFR Part 81.

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. Air quality levels presently below primary standards or is unclassifiable.

b. Air quality levels presently below secondary standards or is unclassifiable.

c. For Stark, and Portage Counties attainment is to be achieved by December 31, 1982. For the remaining counties attainment is to be achieved by December 31, 1987.

d. December 31, 1982.

e. For Summit County attainment is to be achieved by December 31, 1982. For Cuyahoga County the attainment date is to be achieved by December 31, 1987.

f. August 27, 1979 except for the companies listed in (1) which are subject to an attainment date of June 17, 1980, the Ashland Oil Company in Stark County which is subject to an attainment date of September 14, 1982, the companies in Summit County listed in (2) which are subject to an attainment date of January 4, 1983, and the PPG Industries, Inc. (boilers only) in Summit County, Ohio which is subject to an attainment date of August 25, 1983.

g. Attainment date will be specified in the future.

h. April 15, 1977.

i. December 31, 1987.

j. For the primary nonattainment area of Middletown, Ohio, located in Butler County, Ohio, attainment of the primary standard is to be achieved by December 31, 1982. For all other nonattainment areas within this AQCR the previously specified attainment date of April 15, 1977 is still applicable.

(1) Youngstown Sheet & Tube Co.; PPG Industries, Inc.; Wheeling-Pittsburgh Steel Corp.; Pittsburgh-Canfield Corporation; The Timken Company; The Sun Oil Co.; Sheller-Globe Corp.; The B.F. Goodrich Company; Phillips Petroleum Co.; Shell Oil Co.; Federal Paper Board Co.; The Firestone Tire & Rubber Co.; Republic Steel Corp.; Chase Bag Co.; White-Westinghouse Corp.; U.S. Steel Corp.; Interlake, Inc.; Austin Power Co.; Diamond Crystal Salt Co.; The Goodyear Tire & Rubber Co.; The Gulf Oil Co.; The Standard Oil Co.; Champion International Corp.; Koppers Co., Inc.; General Motors Corp.; E.I. duPont de Nemours and Co.; Coulton Chemical Corp.; Allied chemical Corp.; Specialty Chemicals Division; the Hoover Co.; Aluminum Co. of America; Ohio Greenhouse Assoc.; Armco Steel Corp.; Buckeye Power, Inc.; Cincinnati

Gas and Electric; Cleveland Electric Illuminating Co.; Columbus and Southern Ohio Electric; Dayton Power and Light Co.; Duquesne Light Co.; Ohio Edison Co.; Ohio Electric Co.; Pennsylvania Power Co.; Toledo Edison Co.; Ohio Edison Co.; RCA Rubber Co.

(2) In Summit County; Diamond Crystal Salt; Firestone Tire & Rubber Co.; General Tire & Rubber; B.F. Goodrich, Co.; Goodyear Aerospace Corp.; Goodyear Tire & Rubber Co.; Chrysler Corp.; PPG Industries, Inc.; Seiberling Tire & Rubber; Terex Division of General Motors Corp.; Midwest Rubber Reclaiming; Kittinger Supply Co.

(3) Section 52.1878 is amended by adding new paragraph (h) to read as follows:

§ 52.1878 Inspection and maintenance program.

* * *

(h) Part D—Conditional Approval—The Ohio vehicle inspection and maintenance program for the urbanized area of Cleveland and the Ohio portion of the Cincinnati metropolitan area is approved provided that the following conditions are met.

(1) An identification of the staff and financial resources necessary to carry out and enforce the vehicle inspection and maintenance (I/M) program and a more specific commitment to obtain those resources.

(2) Detailed schedule which contains dates for all the milestones specified in July 17, 1978 I/M policy memorandum.

(3) Detailed programmatic information relating to the specific geographic coverage of the program, enforcement mechanisms and procedures to be used, those vehicle categories to be included in the inspection program, and other

factors which aid in determining the effectiveness of an I/M program.

(4) In FR Doc. 81-13196, appearing at page 24563 in the May 1, 1981 issue of the Federal Register, in the middle column, item No. 1, change the amendatory language and the paragraph designation in § 52.1870 to read as follows:

"(1) Section 52.1870(c) is amended by adding subparagraph (28) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *
(28) * * *"

[FR Doc. 81-18181 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-6-FRL 1842-7]

State of New Mexico Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the New Mexico Environmental Improvement Division (NMEID) redesignation request to change the existing nonattainment designation for carbon monoxide (CO) for the Farmington area to attainment.

EFFECTIVE DATE: June 18, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L Street NW., Washington, D.C. Rm. 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 "M" Street SW., Washington, D.C. Rm. 2922.

FOR FURTHER INFORMATION CONTACT:

Estela Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: The New Mexico Environmental Improvement Division (NMEID) submitted to EPA on November 15, 1979, their redesignation request to change the existing nonattainment designation for carbon monoxide (CO) for the Farmington area to attainment.

EPA has reviewed the redesignation request and finds it to be approvable. On July 23, 1980 at 45 FR 49117, EPA

published a notice of proposed rulemaking and solicited public comment. No comments were received. Therefore, EPA is redesignating the Farmington area from nonattainment to attainment.

EPA finds that good cause exists for making this action immediately effective. The redesignation of an area from nonattainment to attainment relieves the state of the necessity to develop, submit and obtain EPA approval of an implementation plan designed to demonstrate attainment of the standard. Relief from this requirement is a benefit which should be made available to the State and its citizens as soon as possible.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before August 17, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan for the State of New Mexico was approved by the Director of the Federal Register on July 1, 1980. This notice of final rulemaking is issued under the authority of Section 107(d) of the Clean Air Act, as amended 42 U.S.C. 7407(d).

Dated: June 12, 1981.

Anne M. Gorsuch,
Administrator.

Subpart C of Part 81 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

§ 81.332 [Amended]

1. In § 81.332—New Mexico, the attainment status designation table for carbon monoxide is amended by revising the designation for Central Farmington from "does not meet primary standards" to "cannot be classified or better than national standards." The amended portion of the CO table for § 81.332 reads as set forth below:

New Mexico—CO

Designated area	Does not meet primary standard	Cannot be classified or better than national standard
AQCR 014:		
Central Farmington	X
Remainder of AQCR	X
	*	*

[FR Doc. 81-18090 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-38-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

41 CFR Parts 7-1, 7-3, 7-6, 7-7, 7-10, 7-15, 7-30

[AIDPR Notice 81-5]

Miscellaneous Revisions to the AID Procurement Regulations

AGENCY: Agency for International Development (AID).

ACTION: Final rule.

SUMMARY: This AIDPR Notice makes administrative and editorial revisions throughout the AID Procurement Regulations (AIDPR), to conform the AIDPR to the Federal Procurement Regulations, and to formally incorporate into the AIDPR material previously issued within AID as Contract Information Bulletins or other forms of internal procedural instructions. This AIDPR Notice is a procurement regulation, and has been exempted from the requirements of Executive Order 12291 of February 17, 1981, pursuant to Sec. 8(b) of the Order, by a letter dated April 8, 1981, from the Director, OMB.

EFFECTIVE DATE: This AIDPR Notice is effective on the date it is signed (June 10, 1981)

FOR FURTHER INFORMATION CONTACT:

Mr. James M. Kelly, CM/SD/POL, Agency for International Development, Washington, D.C. 20523, (703) 235-9107.

SUPPLEMENTARY INFORMATION: For the convenience of the reader significant revisions made by this AIDPR Notice are summarized below:

—Section 7-1.451-2 is revised to establish a requirement that an AID Contracting Officer be a U.S. citizen employee of the U.S. Government.

—Section 7-1.704 is revised to clarify the definition of a small business—nonprofit organizations are *not* small businesses.

—Section 7-1.704-2 and 7-1.704-6 are revised to reduce the threshold for

requiring SDB review of proposed procurements from \$5,000 to \$2,500.

—Section 7-3.103-51 is established to provide guidance on leadtimes for negotiated procurements.

—Section 7-6.1603 is established to provide guidance on applicability of the Trade Agreement Act of 1979, and the new FPR Subpart 1-6.16 concerning purchases under the Act.

—Subpart 7-6.51 (Source, Origin, and Nationality) is amended to conform to Handbook 1, Supplement B, as revised through TM 1B:31.

—Contract clauses in Part 7-7 are revised to reflect new and amended cost principles (Amended FPR 1-15.3, new FPR 1-15.6); and to revise reference to "AG" to "IG".

—Section 7-10.402 is revised to insert the most recent list of countries for which DBA waivers are in effect.

—Part 7-15 is revised to conform to the current FPR cost principles, and to provide AID implementation of the new cost principles in FPR 1-15.6 (Cost Principles for Contracts with Nonprofit Organizations).

PART 7-1—GENERAL

Subpart 7-1.4—Procurement Responsibility and Authority

1. Section 7-1.451-2 *Designation of Contracting Officers*, is amended by designating the current text as paragraph (a), and by adding the following new paragraph (b):

§ 7-1.451-2 Designation of Contracting Officers.

(a) * * *

(b) A Contracting Officer represents the U.S. Government through the exercise of his/her delegated authority to negotiate, sign, and administer contracts on behalf of the U.S. Government. The Contracting Officer's duties are sensitive, specialized, and responsible. In order to insure proper accountability, and to preclude possible security, conflict of interest, or jurisdiction problems, it is AID policy that AID Contracting Officers must be U.S. citizen employees of the U.S. Government.

Subpart 7-1.7—Small Business Concerns

2. Section 7-1.704-1 *General*, is revised as follows:

§ 7-1.704-1 General.

The purpose of this section is to prescribe responsibilities and procedures for carrying out the small business program policy set forth in FPR 1-1.702 and § 7-1.702 of this Subpart. Small business concerns are defined in

the Notice in FPR 1-1.706-5(d); in addition, small business concerns are concerns organized for profit. Nonprofit organizations are not considered small business concerns. Small minority business enterprises are defined in FPR 1-1.1310-2. Small minority business enterprises are included in the term "small business" when used in this subpart; specific reference to minority business enterprises is for added emphasis.

§ 7-1.704-2 [Amended]

3. Paragraph (b)(8) of § 7-1.704-2 entitled "The AID Office of Small and Disadvantaged Business Utilization" is amended by removing the figure "\$5,000," and in its place inserting "\$2,500."

§ 7-1.704-6 [Amended]

4. Paragraph (a) of § 7-1.704-6 entitled "Small business screening procedure" is amended by removing the figure "\$5,000", and in its place inserting "\$2,500."

PART 7-3—PROCUREMENT BY NEGOTIATION

Subpart 7-3.1—Use of Negotiation

5. A new § 7-3.103-51 is added as follows:

§ 7-3.103-51 Lead-time for preparation and submission of bids or proposals.

(a) Prospective offerors should be allowed sufficient lead-time to adequately prepare their bids or proposals. The following suggested lead-times are established as the normal minimum lead-times for the procurements described. If the contracting officer determines that circumstances require lead-times shorter than those specified below, he or she must prepare a written statement explaining the circumstances and the basis for his/her determination. This statement must be included in the contract file.

(b) Suggested minimum lead times. (Note: the suggested lead times which follow cover the period from the estimated date the announcement will be published in the *Commerce Business Daily*, or when responses are solicited directly, from the estimated date the offerors will receive the request for proposal, to the time when responses are due to the contracting officer.)

(1) Not less than 20 calendar days when procuring standard commercial (off the shelf) items or services;

(2) Not less than 30 calendar days when procuring other than standard commercial items or services;

(3) Not less than 45 days when procuring other than standard commercial items or services from U.S. sources that involve any overseas performance or use; and

(4) Not less than 60 days when procuring services of an educational institution or international research center under the selection procedures established in AIDPR 7-4.57 and 7-4.58.

PART 7-6—FOREIGN PURCHASES

6. The table of contents of Part 7-6 is amended by adding the following:

* * *

Subpart 7-6.16—Purchases Under the Trade Agreement Act of 1979

7-6.1603 Applicability.

* * *

7. A new Subpart 7-6.16 is added as follows:

Subpart 7-6.16—Purchases Under the Trade Agreement Act of 1979

§ 7-6.1603 Applicability.

Subpart 1-6.16 of the Federal Procurement Regulations establishes procedures for purchases under the Trade Agreement Act of 1979. FPR 1-6.1603(e) lists 11 exemptions to the requirements of Subpart 1-6.16; FPR 1-6.1603(e)(10) exempts "Tied-aid procurements under AID foreign assistance programs . . .". Under this exemption, AID is not required to follow the procedures in Subpart 1-6.16 for any contract implementing a foreign assistance project. The procurement of goods or services for the direct benefit and use of AID, rather than for implementation of an assistance project, would be subject to the procedures in Subpart 1-6.16, unless otherwise exempted by one of the exceptions specified in FPR 1-6.1603(e).

Subpart 7-6.51—Source, Origin, and Nationality

8. Section 7-6.5103 *Contract clause—source and nationality requirements*, is amended by revising the introductory statement, inserting a clause title and date, and by revising paragraphs (b)(3)(ii), (c)(2) and (h) as follows:

§ 7-6.5103 Contract clause—source and nationality requirements.

The following clause shall be included in all AID-direct contracts:

Source and Nationality Requirements for Procurement of Goods and Services (May 1981)

(a) * * *

(b) * * *

(3) * * *

(ii) Unless otherwise specified by the contracting officer, components from the U.S., the Cooperating Country, and any other countries included in Geographic Code 941 may always be utilized in unlimited amounts regardless of the geographic code authorized.

(c) * * *

(2) *Ocean and Air Transportation*

(i) Except as otherwise approved in writing by the contracting officer, AID will finance only those ocean transportation costs:

(A) Incurred on vessels under U.S. flag registry, when Geographic Code 000 is authorized for procurement of goods or services;

(B) Incurred on vessels under U.S., Cooperating Country, or other countries included in Geographic Code 941 flag registry, when Geographic Code 941 is authorized for procurement of goods or services; or

(C) Incurred on vessels under flag registry of any free world country, if the costs are part of the total cost on a through bill of lading paid to a carrier for initial carriage on a vessel which is authorized in accordance with paragraphs (c)(2)(i) (A) and (B), above.

(ii) Any ocean or air charter, covering full or part cargo, for the transportation of goods purchased under this contract must be approved by the AID Transportation Support Division, Office of Commodity Management, prior to shipment.

(iii) When use of non-U.S. flag vessels has been authorized, the following requirements still apply:

(A) At least 50 percent of the gross tonnage of all goods purchased under this contract and transported to the Cooperating Country on ocean vessels shall be transported on privately-owned U.S. flag commercial vessels, to the extent such vessels are available at fair and reasonable rates for such vessels; and

(B) At least 50 percent of the gross freight revenue generated by shipments of goods purchased under this contract and transported to the Cooperating Country on dry cargo liners shall be paid to or for the benefit of privately-owned U.S. flag commercial vessels to the extent such vessels are available at fair and reasonable rates for such vessels.

(iv) When U.S. flag vessels are not available, or their use would result in a significant delay, the contractor may request a certificate of nonavailability from the AID Transportation Support Division, Office of Commodity Management, giving the basis for the request. Such a determination of

nonavailability will relieve the contractor of the requirement to use U.S. flag vessels for the tonnage of goods included in the determination.

(v) Vouchers submitted for reimbursement which include ocean shipment costs shall contain a certification essentially as follows: "I hereby certify that a copy of each ocean bill of lading concerned has been submitted to the Maritime Administration, Cargo Preference Control Center, Commerce Building, Washington, D.C. 20235 and that such bills of lading state all of the carrier's charges including the basis for calculation such as weight or cubic measurement."

(vi) For use of U.S. flag air carriers, see the General Provision entitled "Preference for U.S. Flag Air Carriers."

(h) * * *

(6) Used equipment;

(7) U.S. Government-owned excess property; or

(8) Fertilizer.

9. Section 7-6.5104 *Contract clause—authorization of local cost financing with U.S. dollars*, is amended by revising paragraphs (b)(2) (vi), (vii), and (viii) and (d)(2)(ii) of the contract clause specified in paragraph (b) of § 7-6.5104 as follows:

§ 7-6.5104 *Contract clause—authorization of local cost financing with U.S. dollars.*

(a) * * *

(b) * * *

Local Cost Financing With U.S. Dollars (May 1981)

(b) * * *

(2) * * *

(vi) used equipment;
(vii) U.S. Government-owned excess property; or
(viii) fertilizer.

(d) * * *

(2) * * *

(ii) Shelf items having their origin in any country included in Code 899 but not in Code 941 are eligible if the price of one unit does not exceed \$5,000. For goods sold by units of quantity; e.g., tons, barrels, etc., the unit to which the local currency equivalent of \$5,000 is applied is that which is customarily used in quoting prices. The total amount of imported shelf item purchases from countries included in Code 899 but not in Code 941 may not exceed \$25,000 or 10% of the total local costs financed by AID for the project whichever is higher; however, in no case may the total

amount of such purchases exceed \$250,000 without first obtaining a specific geographic source waiver.

PART 7-7—CONTRACT CLAUSES

Subpart 7-7.50—Clauses for Cost Reimbursement Contracts

10. Section 7-7.5000, *Scope of subpart*, is revised as follows:

§ 7-7.5000 *Scope of subpart.*

This subpart sets forth contract clauses for use in cost reimbursement contracts with commercial organizations, or with nonprofit organizations. Contract clauses for use with educational institutions are set forth in Subpart 7-7.55.

11. Section 7-7.5001, *Required clauses*, is revised as follows:

§ 7-7.5001 *Required clauses.*

The following clauses are mandatory for cost reimbursement contracts with commercial organizations. For cost reimbursement contracts with nonprofit organizations, delete all reference to "Subpart 1-15.2 (Contracts with Commercial Organizations) of the Federal Procurement Regulations"; in its place insert reference to "Subpart 1-15.6 (Contracts with Nonprofit Organizations) of the Federal Procurement Regulations."

12. Section 7-7.5001-10, *Negotiated overhead rates*, is amended by changing the clause date from " * * * (Sept. 1975)" to " * * * (May 1981)", and by amending paragraph (b) by removing the reference to " * * * the AID Auditor General * * *", in its place inserting " * * * the AID Inspector General * * *".

13. Section 7-7.5001-42, *Reserved*, is revised as follows:

§ 7-7.5001-42 *Personnel compensation.*

Personnel Compensation (May 1981)

Direct compensation of the Contractor's personnel will be in accordance with the Contractor's established policies, procedures, and practices, and the cost principles applicable to this Contract. Compensation (the employee's base salary plus overseas recruitment incentive, if any) which exceeds the maximum daily or annual level for Foreign Service Class I (FSR-1), as set forth in the payment schedule of the Uniform State/AID/USIA Regulation, as from time to time amended, must be specifically approved in writing by the Contracting officer in order to be reimbursed under this Contract.

14. Section 7-7.5003-9, *Health and accident coverage for AID participant trainees*, is amended to change the clause date from "February 1980" to "May 1981", and to revise paragraph (d)(1) as follows:

§ 7-7.5003-9 Health and accident coverage for AID participant trainees.

Health and Accident Coverage for AID Participant Trainees (May 1981)

(d) * * *

(1) Within thirty (30) days after enrollment, the Contractor shall send an enrollment fee computed on the basis of the fixed rate per participant per month* (the minimum period for calculation of fee is one month—that is, one participant month, 30 days, not one calendar month—premiums may not be prorated for fractional periods of less than 30 days), to: Agency for International Development, Office of Financial Management, Program Accounting Division, Non Project Assistance, Washington, D.C. 20523.

The enrollment fee should cover a minimum period of up to one year or the current training period for which funds are obligated under this Contract, whichever is less. As applicable, payments for additional periods of enrollment shall be made 30 days prior to the beginning of each new enrollment period or new period of funding of this Contract (the monthly enrollment fee for succeeding fiscal years may be obtained by calling the AID Office of International Training). All such fee payments shall be made by check, payable to the "Agency for International Development (HAC)." If payments are not made within 30 days, a late payment charge shall apply at a percentage rate based on the current value of funds to the Treasury for each 30 day period; the full charge shall also be applicable to periods of less than 30 days. The percentage rate will be calculated by the Treasury as an average of the current value of funds to the Treasury for a recent three month period and will be transmitted to AID in TFRM Bulletins.

The late payment charge shall be applied to any portion of the fees in arrears and be remitted together with the fees as a separately identified item on the covering memorandum.

Subpart 7-7.55—Clauses for Cost Reimbursement Contracts With Educational Institutions

15. Section 7-7.5500, *Scope of subpart*, is revised as follows:

§ 7-7.5500 Scope of subpart.

This subpart sets forth clauses for use in cost reimbursement contracts with educational institutions. For clauses to be used in cost reimbursement contracts with commercial organizations or nonprofit organizations other than educational institutions, see Subpart 7-7.50 of this Part.

16. Section 7-7.5501-8, *Allowable cost and payment*, is amended by changing the clause date from * * * (Sept. 1975)" to * * * (May 1981)", and by amending paragraph (a)(1) to remove the reference * * * Grants and Contracts with Educational Institutions * * *, in its place inserting * * * Contracts with Educational Institutions * * *.

17. Section 7-7.5501-9, *Negotiated overhead rates—post determined*, is amended to change the clause date from * * * (Sept. 1975)" to * * * (May 1981)"; to delete the reference to * * * the AID Auditor General * * *, appearing in paragraph (b), in its place inserting * * * the AID Inspector General * * *; and to remove the reference to * * * (Grants and Contracts with Educational Institutions) * * * appearing in paragraph (c), in its place inserting * * * (Contracts with Educational Institutions) * * *.

18. Section 7-7.5503-4, *Negotiated overhead rates—predetermined*, is amended to change the clause date from * * * (Sept. 1975)" to * * * (May 1981)"; to remove the reference to * * * the AID Auditor General * * * appearing in paragraph (b), in its place inserting * * * the AID Inspector General * * *; and to delete the reference to * * * (Grants and Contracts with Educational Institutions) * * * appearing in paragraph (c), in its place inserting * * * (Contracts with Educational Institutions) * * *.

PART 7-10—BONDS AND INSURANCE

Subpart 7-10.4—Insurance Under Fixed Price Contracts

19. Section 7-10.402, *Workmen's compensation insurance overseas*, is amended by removing the list of countries for which Defense Base Act insurance waivers are in effect set forth in § 7-10.402(b)(2), in its place inserting the following list.

§ 7-10.402 Workmen's compensation insurance overseas.

(b) * * *
(2) * * *

- | | |
|----------------|-----------------------------|
| 1. Afghanistan | 4. Barbados |
| 2. Bahamas | 5. Benin (formerly Dahomey) |
| 3. Bangladesh | |

- | | |
|------------------------|----------------------------|
| 6. Bolivia | 43. Mali |
| 7. Botswana | 44. Mauritania |
| 8. Brazil | 45. Mauritius |
| 9. Burundi | 46. Mexico |
| 10. Cameroon | 47. Morocco |
| 11. Chad | 48. Nepal |
| 12. Chile | 49. Nicaragua |
| 13. Colombia | 50. Niger |
| 14. Costa Rica | 51. Nigeria |
| 15. Djibouti | 52. Panama |
| 16. Dominican Republic | 53. Paraguay |
| 17. Ecuador | 54. Peru |
| 18. Egypt | 55. Philippines |
| 19. El Salvador | 56. Portugal |
| 20. Ethiopia | 57. Rwanda |
| 21. Fiji | 58. Senegal |
| 22. Gambia | 59. Seychelles |
| 23. Ghana | 60. Sierra Leone |
| 24. Guatemala | 61. Signal Support Mission |
| 25. Guinea | 62. Somalia |
| 26. Guinea-Bissau | 63. Sudan |
| 27. Guyana | 64. Swaziland |
| 28. Haiti | 65. Syria |
| 29. Honduras | 66. Tanzania |
| 30. Indonesia | 67. Thailand |
| 31. Israel | 68. Togo |
| 32. Italy | 69. Tunisia |
| 33. Ivory Coast | 70. Uganda |
| 34. Jamaica | 71. Upper Volta |
| 35. Jordan | 72. Uruguay |
| 36. Kenya | 73. Yemen Arab Republic |
| 37. Korea | 74. Zaire |
| 38. Lebanon | 75. Zambia |
| 39. Lesotho | 76. Zimbabwe |
| 40. Liberia | |
| 41. Madagascar | |
| 42. Malawi | |

PART 7-15—CONTRACT COST PRINCIPLES AND PROCEDURES

20. The table of contents of Part 7-15 is amended by adding the following:

Subpart 7-15.6—Contracts with Nonprofit Organizations

- Sec.
7-15.603-50 OMB Circular A-122; AID implementation.
7-15.603-2.50 Compensation for personal services.

Subpart 7-15.1—Applicability

§ 7-15.103 [Removed]

21. Section 7-15.103, *Contracts with educational institutions*, is removed in its entirety.

22. Subpart 7-15.3 is retitled as follows:

Subpart 7-15.3—Contracts with Educational Institutions

§§ 7-15.301, 7-15.302 [Removed]

23. Sections 7-15.301, *General*, and 7-15.302, *Definitions*, are removed in their entirety.

§ 7-15.307-4 [Redesignated as § 7-15.303-50]

24. Section 7-15.307-4, *Predetermined fixed rates for indirect costs*, is redesignated as § 7-15.303-50.

§ 7-15.309-7 [Redesignated as § 7-15.303-51]

25. Section 7-15.309-7, *Compensation for personal services*, is redesignated as § 7-15.303-51.

26. A new Subpart 7-15.6 is added as follows:

Subpart 7-15.6—Contracts with Nonprofit Organizations

§ 7-15.603-50 OMB Circular A-122; AID implementation.

(a) The transmittal letter for OMB Circular A-122 is set forth in FPR 1-15.603. Paragraph 6 of the transmittal letter specifies that "Agencies shall designate a liaison official to serve as the agency representative on matters relating to the implementation of this Circular." The Director, Office of Contract Management, Bureau for Program and Management Services, has been so designated. The Overhead and Special Cost Branch (SER/CM/SOD/OSC) in the Office of Contract Management provides staff assistance to the Director concerning OMB Circular A-122. SER/CM/SOD/OSC is also responsible for obtaining cognizance under the criteria in the transmittal letter for OMB Circular A-122; for liaison with other cognizant agencies; for authorizing exclusion of OMB Circular A-122 coverage for a particular nonprofit organization pursuant to paragraph 5 of the OMB Circular A-122 transmittal letter; and for advice and assistance in applying OMB Circular A-122 cost principles.

(b) Paragraph 4b of the OMB Circular A-122 transmittal letter contains a definition of "prior approval" as follows: "Prior approval means securing the awarding agency's permission in advance to incur costs for those items that are designated as requiring prior approval by OMB Circular A-122. Generally, this permission will be in writing. Where an item of cost requiring prior approval is specified in the budget of an award, approval of the budget constitutes approval of that cost."

Consequently, an award containing a budget constitutes prior approval of the direct cost item in the budget, unless otherwise annotated. Accordingly, award budgets should be appropriately annotated substantially as follows:

"Inclusion of any cost in the line item budget of this award does not obviate the requirement for prior approval of cost items designated as requiring prior approval by OMB Circular A-122;"

or

"In accordance with the requirements of OMB Circular No. A-122, approval is granted to incur costs for (name specific item or items) which are included in the budget of this award."

§ 7-15.603-2.50 Compensation for personal services.

AID is frequently required to report and justify reimbursement of salaries for contractor employees which exceed the maximum level of Foreign Service Class I (FSR-1). In order to be able to meet this requirement, it is AID policy to require prior approval by the contracting officer before reimbursing a contractor for employee compensation which exceeds the FSR-1 rate (daily or annual), as set forth in the payment schedule of the Uniform State/AID/USIA Regulations. The contracting officers approval will be obtained as specified in AIDPR 7-15.205-6(b)(2).

PART 7-30—CONTRACT FINANCING

Subpart 7-30.50—Federal Reserve Letter of Credit Method of Disbursing Advances to Nonprofit Institutions

27. Paragraph (c) of § 7-30.5000, *Scope and applicability*, is amended by removing the reference to " * * * (TUS 5401) * * * ", in its place inserting " * * * (TFS 5401) * * * ".

28. Section 7-30.5002, *Contract Clause*, Federal Reserve Letter of Credit is amended by changing the clause date from " * * * (April 1975) * * * " to " * * * (May 1981) * * * "; and by removing reference to Form TUS 5401 as it appears in paragraph (d)(4) (i) and (iii) and lines A2 and A2b and c of the Report set forth in paragraph (d)(8) of the clause, in its place inserting reference to Form TFS 5401.

Determination: As required by paragraph 4a of OFPP Policy Letter 80-5, I hereby determine that this AIDPR Notice has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93-400 as amended by Pub. L. 96-83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6(h) of the Act. Based on this review, I hereby determine that this AIDPR Notice is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

This AIDPR Notice is issued pursuant to 41 CFR 7-1.104-4.

Dated: June 10, 1981.

John F. Owens,

Deputy Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 81-18056 Filed 6-17-81; 8:45 am]

BILLING CODE 4710-02-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. E-71, Supp. 1]

Procurement of Gasoline, Fuel Oil (Diesel and Burner), Kerosene, and Solvents

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to December 31, 1981, the expiration date of FPMR Temporary Regulation E-71 and increases the minimum annual amounts of gasoline, burner fuel oil, diesel oil, and kerosene agencies must procure from the Defense Fuel Supply Center. The minimum annual requirements for gasoline, burner fuel oil, and diesel oil increases from 2,000 gallons to 10,000 gallons. Kerosene minimum annual requirements increases from 500 gallons to 10,000 gallons. This change will permit agencies to procure more bulk petroleum products from local sources through small purchase procedures, thereby making fuel more readily available where needed.

DATES: Effective date: June 18, 1981.

Expiration date: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Welsh, Acting Director, Regulations Management Division (703-557-7970).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter E:

Federal Property Management Regulations, Temporary Regulations E-71, Supplement 1 May 26, 1981.

To: Heads of Federal agencies

Subject: Procurement of gasoline, fuel oil (diesel and burner), kerosene, and solvents

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation E-71 and increases the minimum annual requirement for gasoline and diesel oil as stated in FPMR 101-26.602-3(a)(1) from 2,000 gallons to 10,000 gallons. Minimum annual requirements for kerosene increases from 500 gallons to 10,000 gallons.

2. *Effective date.* This regulation is effective June 18, 1981.

3. *Expiration date.* This supplement expires on December 31, 1981.

4. *Explanation of changes.*

a. The expiration date in paragraph 3 of FPMR Temporary Regulation E-71 is revised to December 31, 1981.

b. Paragraphs 4 and 5 of FPMR Temporary Regulation E-71 are revised to read as follows:

4. *Background.* Section 101-26.602-3(a)(1) now provides that estimated minimum annual requirements of less than 2,000 gallons for gasoline, burner fuel oil, and diesel oil, and less than 500 gallons for kerosene shall not be submitted to the Defense Fuel Supply Center of the Defense Logistics Agency (DLA) unless the requiring activity does not have authority or capability to procure locally. By increasing the minimum annual requirements for gasoline, burner fuel oil, and diesel oil from 2,000 gallons to 10,000 gallons, and kerosene from 500 gallons to 10,000 gallons, GSA and other agencies can take advantage of local sources through small purchase procedures. This action should make fuel more readily available where needed and allow DLA to devote its time and effort to larger quantity and dollar volume procurements.

5. *Effect on other directives.* This temporary regulation amends 101-26.602-3(a)(1) by increasing the minimum annual requirements for gasoline, burner fuel oil, and diesel oil from 2,000 gallons to 10,000 gallons. The minimum annual requirement for kerosene is increased from 500 gallons to 10,000 gallons.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-18068 Filed 6-17-81; 8:45 am]

BILLING CODE 6820-24-M

41 CFR Ch. 101

[FPMR Temp. Reg. E-73]

Federal Property Management; Request for Waivers

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation establishes a specific dollar value threshold that will determine whether a waiver request shall be approved by the agency or by GSA. This change is necessary to reduce

the costs associated with waivers by requiring that agencies control low dollar value waivers while allowing GSA to evaluate high dollar value waiver requests and monitor agencies' compliance with FPMR guidelines. The result will be a more cost-effective method for approval of waiver requests.

DATES: Effective date: March 1, 1981.

Expiration date: February 28, 1982.

Comments due on or before: June 30, 1981.

ADDRESS: Comments should be addressed to the General Services Administration (FRR), Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT: Mr. Clyde H. Mathews, Acting Director, Office of Requirements (703-557-7580), (Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter E to read as follows:

Federal Property Management Regulations Temporary Regulation E-73

April 21, 1981.

To: Heads of Federal agencies
Subject: Request for waivers

1. *Purpose.* This regulation establishes a dollar value threshold that will determine whether a waiver request will be approved by the agency or by GSA.

2. *Effective date.* This regulation is effective on March 1, 1981.

3. *Expiration date.* This regulation expires on February 28, 1982.

4. *Applicability.* The provisions of this regulation apply to all executive agencies.

5. *Background.* Federal Property Management Regulation 101-26.100-2 requires that Federal civilian and military agencies submit requests to waive GSA as a supply source when goods or services supplied by GSA will not serve the required functional end-use purpose. Existing waiver policy has been of limited value because of low participation by Federal agencies. In the past, 60 percent of the requests for waiver received by GSA have had dollar values less than \$1,000. Thus, the cost of evaluating requests for waiver often exceeded the value of the items and resulted in an inefficient use of Government resources. Setting a dollar value threshold on waiver submissions will significantly reduce the workload imposed on GSA. At the same time, GSA will continue to monitor participation by requiring that agencies submit to GSA copies of purchase orders issued for agency-approved requests for waiver.

6. *Waiver requests.* When items or services available from GSA stock or Federal Supply Schedule will not serve the required functional end-use purpose, requests to waive the requirement for use of GSA sources shall be submitted to GSA for consideration when the purchases are valued at \$1,000 or more. Requests for waiver for items or services with a total value (quantity multiplied by

price) of less than \$1,000 shall be evaluated and approved by a designated agency official. A copy of each purchase order issued for agency-approved requests for waiver shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, DC 20406. Each purchase order copy shall be annotated to indicate that it has been issued as a result of an approved request for waiver. Waivers are not required for (a) items or services procured in accordance with policy set forth in FPMR 101-26.100-1 nor (b) the purchase of identical products from noncontract sources at delivered prices that are lower than the prices quoted in Federal Supply Schedules. In (b), above, agencies are required to submit copies of purchase orders issued in accordance with FPMR 101-26.401-4(f)(3).

7. *Waiver requests requiring GSA approval.*

a. Requests for waiver on purchases whose total value is \$1,000 or greater shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, DC 20406, and, if considered justified, will be approved. If disapproved, the requesting office will be so notified. Such requests shall contain:

(1) Complete description of the item requested. (Descriptive literature such as cuts, illustrations, drawings, and brochures which show the characteristics or construction should be furnished wherever possible in satisfaction of this requirement.)

(2) Comparison of price and pertinent technical differences between the item requested and the GSA item:

(a) Inadequacies of the GSA item in performing required functions.

(b) Advantages of the item requested, such as technical, economic, or other.

(3) Quantity required. (If demand is recurrent (estimate annual usage), nonrecurrent, or unpredictable, so state.)

(4) Other pertinent data when applicable.

b. Agencies shall not initiate action to procure similar items from non-GSA sources until a request for waiver has been requested from and approved by GSA. The fact that action to procure a similar item has been initiated will not influence GSA action on a request for waiver.

8. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations should be submitted to the General Services Administration (FRR), Washington, DC 20406, no later than June 30, 1981, for consideration and possible incorporation into a permanent regulation.

9. *Effect on other directives.* This temporary regulation supersedes the provisions of FPMR 101-26.100-2.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-18067 Filed 6-17-81; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5954

[A-12162 and A-12163]

Arizona; Partial Revocation of Reclamation Withdrawals; Withdrawal for U.S. Border Patrol Area Station and Headquarters Office

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes four reclamation withdrawals affecting 20 acres of public lands withdrawn by the Bureau of Reclamation in connection with the Colorado River Survey, Yuma Project, and Colorado River Storage Project. This action concurrently withdraws the same lands and reserves them for construction, operation, and maintenance of a U.S. Border Patrol area station and headquarters office for a period of 20 years. The lands remain closed to settlement, sale, location, or entry under the general land laws, including the mining laws, but not the mineral leasing laws.

EFFECTIVE DATE: June 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Orders of July 2, 1902, January 31, 1903, September 30, 1904, and March 14, 1929, which withdrew public lands for reclamation purposes for the Bureau of Reclamation, in connection with the Colorado River Survey, Yuma Project, and Colorado River Storage Project, are hereby revoked so far as they relate to the following described lands:

Gila and Salt River Meridian

T. 9 S., R. 23 W.,
Section 17, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 20 acres in Yuma County.

2. Subject to valid existing rights, the lands described in paragraph 1 are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws, and reserved for use as an area station and headquarters office for the Border Patrol, Immigration and Naturalization Service, U.S. Department of Justice.

3. The withdrawal made by this order does not alter the applicability of the public lands laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18057 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5955

[NM-21834]

New Mexico; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a Secretarial Order of August 5, 1944, which withdrew lands for the proposed Tucumcari Project. This action will restore 77.70 acres of public land to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office 505-988-6211.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of August 5, 1944, withdrawing lands for the Tucumcari Project, is hereby revoked insofar as it affects the following described lands:

New Mexico Principal Meridian

T. 12 N., R. 29 E.,
Sec. 15, lot 1;
Sec. 22, lots 1 and 2.

Excepting 6.5 acres, more or less, for a 300' strip reserved for the Conchas Canal right-of-way across lot 2 in section 22 more particularly described as follows:

One hundred and seventy five (175) feet left (northerly side) and one hundred and twenty five (125) feet right (southerly side) of the centerline of the Conchas Canal;

Beginning at a point eight hundred and seventy nine (879.4) and four tenths feet N74°57'E of the east quarter corner of sec. 21, T. 12 N., R. 29 E., N.M.P.M., at Conchas Canal Station 2058+50.4, a point on the county line between San Miguel County and Quay County. The centerline described as follows:

Backing upstream along the Conchas Canal from the above-described point, S56°42'00"E to the PI Station 2056+24.7 of a six hundred (600) foot radius curve of 2°31'30"L with curve length of 26.4 feet, then S54°10'30"E of the tangent to the PI Station 2051+13.0 of a two hundred (200) foot radius curve of 51°30'00"L with a curve length of 179.8 feet then N77°26'00"E of the tangent to the PI Station 2049+27.0 of a two hundred (200) foot radius curve of 48°23'30"R to the section line between sections 21 and 22, consisting of 6.5 acres more or less.

The area aggregates approximately 77.70 acres in Quay County.

2. At 10 a.m. on July 17, 1981 the lands described shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All valid applications received at or prior to 10 a.m. on July 17, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. The lands will open to location under the United States mining laws at 10 a.m. on July 17, 1981. They have been open and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P. O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18063 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5956

[ORE 05952]

Oregon; Revocation of Public Land Order No. 1933

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 139.81 acres of land for use by the U.S. Air Force. This action will restore 110.99 acres of land to operation of the public land laws generally, including the mining and mineral leasing laws. The 28.82-acre balance is excess property and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6903

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1933 of July 31, 1959, which withdrew the following described land for use by the U.S. Air Force, is hereby revoked:

Willamette Meridian

Keno Air Force Station

T. 40 S., R. 7 E.,

Sec. 22, lot 1.

Revested Oregon and California Railroad Grant Land.

T. 40 S., R. 7 E.,

Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 139.61 acres in Klamath County.

2. The following described lands have been reported to the General Services Administration for disposition as excess property and will not be restored to operation of the public land laws generally, including the mining and mineral leasing laws:

Willamette Meridian

T. 40 S., R. 7 E.,

Sec. 22, that portion of lot 1 containing 8.46 acres, more or less, described as follows:

Beginning at a point lying 42°08'51" W., a distance of 274.38 feet from the southeast corner of said section 22; thence N. 39°00' W., 257 feet; thence S. 78°00' W., 281 feet; thence N. 9°00' W., 168 feet; thence N. 29°00' E., 436 feet; thence N. 64°00' E., 200 feet; thence S. 56°00' E., 330 feet, more or less, to the point of intersection with the east line of said section 22; thence southerly along said east line a distance of 725 feet, more or less, to a point on a line bearing S. 56°00' E. from the point of beginning; thence N. 56°00' W., 239 feet, more or less, along said line to the point of beginning.

Sec. 23, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and that portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ containing 0.36 acre, more or less, described as follows:

Beginning at a point lying northerly along the west line of said section 23, a distance of 800 feet, more or less, from the southwest corner of said section 23; thence S. 56°00' E., more or less, to a point on the south line of said N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence westerly along said south line, 223 feet, more or less, to a point on the west line of said section 23; thence northerly along said west line, 140 feet, more or less, to the point of beginning.

The area described contains approximately 28.82 acres in Klamath County.

3. At 10 a.m. on July 17, 1981, the lands described in paragraph 1, except as provided in paragraph 2, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 17, 1981, shall be considered as

simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on July 17, 1981, the lands described in paragraph 1, except as provided in paragraph 2, will be open to location and entry under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18061 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5957

[OR 20236-A]

Oregon; Partial Revocation of Public Water Reserve No. 91

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 40 acres of public land withdrawn as a public water reserve. This action will restore the land to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of June 13, 1925, which withdrew certain lands for public water reserve purposes, is hereby revoked insofar as it affects the following described land:

Willamette Meridian

Public Water Reserve No. 91

T. 21 S., R. 29 E.,

Sec. 17, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 40 acres in Harney County.

2. At 10 a.m. on July 17, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 17, 1981, shall be considered as simultaneously filed at that time. Those

received thereafter shall be considered in the order of filing.

3. At 10 a.m. on July 17, 1981, the land will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18069 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5958

[OR 19005]

Oregon; Partial Revocation of Public Water Reserve No. 154

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 120 acres of public land withdrawn as a public water reserve. This action will restore the land to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 6618 of February 26, 1934, which withdrew certain lands for public water reserve purposes is hereby revoked so far as it affects the following described lands:

Willamette Meridian

Public Water Reserve No. 154

T. 7 S., R. 42 E.,

Sec. 25, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 9 S., R. 43 E.,

Sec. 1, S $\frac{1}{2}$ NW $\frac{1}{4}$.

The areas described aggregate 120 acres in Baker County, Oregon.

2. At 10 a.m. on July 17, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 17,

1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on July 17, 1981, the lands will be open to non-metalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18065 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5959

[OR 20221-C]

Oregon; Partial Revocation of Public Water Reserve No. 61

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 60 acres of public land withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of February 25, 1919, which withdrew certain lands for public water reserve purposes, is hereby revoked so far as it affects the following described public lands:

Willamette Meridian

Public Water Reserve No. 61

T. 40 S., R. 22 E.,

Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 60 acres in Lake County.

2. At 10 a.m. on July 17, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 17,

1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on July 17, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18060 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5960

[OR 19001]

Oregon; Partial Revocation of Public Water Reserve No. 146

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 236.54 acres of public land withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5907 of August 18, 1932, which withdrew certain lands for public water reserve purposes, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Public Water Reserve No. 146

T. 39 S., R. 13 E.

Sec. 3, lots 1, 2, 3, and 4.

T. 38 S., R. 28 E.

Sec. 10, N $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described aggregates 236.54 acres in Lake and Klamath Counties.

2. At 10 a.m. on July 17, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of

applicable law. All valid applications received at or prior to 10 a.m. on July 17, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on July 17, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18064 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order No. 5961

[OR 20229]

Oregon; Partial Revocation of Public Water Reserve No. 82

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 240 acres of land withdrawn as a public water reserve subject to a prior right, a stockraising homestead entry which was subsequently patented. This action will clear the records of a withdrawal which never attached. The lands remain open to the mining and mineral leasing laws.

EFFECTIVE DATE: June 18, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 4, 1922, which withdrew certain lands for public water reserve purposes is hereby revoked so far as it affects the following described lands:

Willamette Meridian

Public Water Reserve No. 82

T. 21 S., R. 29 E.,

Sec. 19, S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$.

The area described contains 240 acres in Harney County, Oregon.

2. The described lands have been conveyed from Federal ownership with

a reservation of all minerals to the United States. Therefore, the lands will not be open to operation of the public land laws generally. The lands have been and remain open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior,
June 11, 1981.

[FR Doc. 81-18068 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5962

[OR-20374]

Oregon; Revocation of Recreational Withdrawal No. 19

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew 1,500 acres of land for protection of recreational values. This action permits restoration of the lands to operation of the mining laws provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: June 18, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of March 21, 1929, which withdrew the following described lands for recreational purposes is hereby revoked in its entirety.

Willamette Meridian

Recreational Withdrawal No. 19

T. 37 S., R. 1 W.,

Sec. 11, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;

Sec. 13, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;

Sec. 14, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,

NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 15, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 1,500 acres in Jackson County.

2. The surface estate of the above described lands have been conveyed from United States ownership pursuant

to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869, 869-4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior,
June 11, 1981.

[FR Doc. 81-18062 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 78-92; RM-2979 & RM-3086]

FM Broadcast Station in Rhinelander, Tomahawk, Washburn, and Wausau, Wis.; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action reassigns FM Channel 300 from Rhinelander, Wisconsin, to Wausau, Wisconsin, as that community's third FM assignment, at the request of Seehafer and Johnson Broadcasting Corporation. This action also substitutes Channel 224A for Channel 261A at Tomahawk, Wisconsin; substitutes Channel 262 for Channel 300 at Rhinelander, Wisconsin; and modifies the license of Station WRHN, Rhinelander, to specify operation on Channel 262.

EFFECTIVE DATE: August 7, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Second Report and Order

(Proceeding Terminated)

Adopted: June 2, 1981.

Released: June 12, 1981.

In the matter of amendment of § 73.202(b), Table of Assignment, FM Broadcast Stations. (Rhinelander, Tomahawk, Washburn, and Wausau, Wisconsin), BC Docket No. 78-92, RM-2979, RM-3086.

By the Chief, Policy and Rules Division:

1. Before the Commission is the *Further Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 16216, published March 13, 1980, and the *Request for Supplemental Information*, 45 FR 49625, published July 5, 1980, in which the Commission proposed to substitute Channel 262 for Channel 300 at Rhinelander, Wisconsin; substitute Channel 224A for Channel 261A at Tomahawk, Wisconsin; and reassign Channel 300 from Rhinelander, Wisconsin, to Wausau, Wisconsin. The *Notice* also proposed to modify the license of the current occupant of Channel 300, Station WRHN, Rhinelander, to specify operation on Channel 262, and asked the licensee of Station WRHN, Oneida Broadcasting Co. ("Oneida"), to show cause why its license should not be so modified.

History of the Proceeding

2. This proceeding was initiated by Seehafer & Johnson Broadcasting Corporation ("Seehafer"), which requested that Channel 300 be reassigned from Rhinelander to Wausau as that community's third FM assignment and that Station WRHN (Channel 300) be required to modify its license to specify Channel 248, which at that time was assigned to Rhinelander and unoccupied. Rhinelander Broadcasting Corporation ("RBC") opposed the assignment on the grounds that it was in the process of preparing an application for Channel 248 at Rhinelander. The Commission therefore proposed to add Channel 291 to Rhinelander in order to accommodate the interest of RBC.¹ A counterproposal was then filed by Silver Birch Broadcasting Company seeking the assignment of Channel 290 to Washburn, Wisconsin. This counterproposal was mutually exclusive with the Commission's proposal to assign Channel 291 to Rhinelander.

3. At this point in the proceeding, we looked into the possibility of having RBC amend its application for Channel 248 to specify Channel 291 instead. However, RBC's specified transmitter site did not comply with the site restriction necessary for assigning Channel 291 to Rhinelander. Thereafter, we pursued the option of modifying the license of Station WRHN on Channel 300 to specify Channel 291.² Oneida responded that because of the Channel

¹ *Notice of Proposed Rule Making and Order to Show Cause*, 43 Fed. Reg. 10944, published March 16, 1978.

² *Order to Show Cause*, 44 FR 21029, published May 30, 1979.

291 site restrictions its station would have to move from its existing transmitter site if it were required to operate on Channel 291. Therefore, we dismissed that option and assigned Channel 290 to Washburn, Wisconsin, as requested in Silver Birch's counterproposal.³

4. Acting on Oneida's stated desire to retain its present site, Commission staff analysis indicated that Oneida could operate from its present site on Channel 262. Channel 262 can be assigned to Rhinelander if Channel 224A is substituted for Channel 261A at Tomahawk, Wisconsin. Accordingly, we issued the *Further Notice* under discussion here which proposes to substitute Channel 262 for Channel 300 at Rhinelander and amend WRHN's license to specify operation on Channel 262. In response to the *Further Notice*, Oneida opposes modification of its license to Channel 262 because it now desires to move from its present site and the available sites for Channel 262 would not permit a move to an existing television tower. Oneida states that it is considering such a move in order to upgrade its facilities in compliance with the rules contemplated in Docket No. 80-90.⁴ Oneida suggests that if the Commission proceeds with the proposed assignments, that it be permitted to operate on Channel 248 and that RBC be required to amend its application to specify Channel 262 instead of Channel 248.

5. The Commission considered this alternative proposal and determined that RBC should be given the opportunity to respond to the plan. We therefore issued a *Request for Supplemental Information*, which sought RBC's position with respect to amending its application to specify Channel 262. We also asked Oneida to give a more definite indication of its intention to upgrade its facilities and an explanation of why the constraints imposed by modification to Channel 262 would make any upgrading impossible at its present site or at other sites available on Channel 262. In response to the Commission's request, RBC stated that Channel 262 is "... substantially less attractive to it than Channel 248" and

that it must respectfully decline to amend its application. Oneida responds that the equities of the situation favor its being allowed to modify its facilities to operate on Channel 248. Oneida reasons that as an existing licensee, it deserves preference over RBC in the choice of channel assignments. Oneida further states that RBC had notice that the Commission was proposing to modify Oneida's license to Channel 248 at the time it filed its application. In a supplemental pleading, Oneida estimates that its expenses in changing operating frequencies will be approximately \$28,000. Oneida did not respond to the Commission's questions concerning specifics on its anticipated transmitter relocation.

Analysis

6. Although much of the time and effort spent on this proceeding thus far has concerned the channel substitutions in Rhinelander, the primary issue to be considered is whether a third FM channel should be assigned to Wausau, as proposed by Seehafer. Only if we determine that Wausau deserves another assignment do we then have to confront the channel substitution problem in Rhinelander. Thus, we shall begin by analyzing the propriety of assigning a third FM channel to Wausau.

7. Several objections have been raised about the assignment of Channel 300 to Wausau during the course of this proceeding,⁵ but the only issue that remains concerns the application of the Commission's population guidelines. According to these guidelines, cities the size of Wausau are routinely allotted no more than two FM channels. However, the Commission has consistently stated that its population criteria are flexible benchmarks and not immutable standards. The trend in recent years has been to focus not on the numerical distribution of channels, but on the preclusive impact of a proposed assignment. See, e.g., *Waycross, Georgia*, 47 R.R. 2d 319 (Broadcast Bureau, 1980); *Tallahassee, Florida*, 43 R.R. 2d 639 (Broadcast Bureau, 1978). In the instant case, the assignment of Channel 300 to Wausau will cause no additional preclusion. We also note that a station operating on Channel 300 in Wausau will provide a first nighttime aural service to 312 persons in an area of 130 kilometers (49 square miles) and a second nighttime aural service to 2,808 persons in an area of 850 square kilometers (323 square miles). Given this showing of first and second service, the

finding that the assignment will cause no additional preclusion, and the fact that an interest in the assignment has been expressed, we conclude that the assignment of Channel 300 to Wausau serves the public interest. As stated at the outset of this proceeding, the assignment requires a site restriction of 18.5 kilometers (11.5 miles) east northeast of Wausau.

8. The assignment of Channel 300 in Wausau requires channel substitutions at Tomahawk and Rhinelander. As proposed, we are substituting Channel 262 for Channel 300 at Rhinelander. Also, we are substituting Channel 224A for Channel 261A at Tomahawk. Channel 261A is currently occupied by a translator which may continue to operate on Channel 224A. We must now decide whether to modify the license of Station WRHN to specify Channel 262 as proposed in the *Further Notice*, or modify the license to specify Channel 248 and thereby force RBC, the current applicant for Channel 248, to amend its application to specify Channel 262.

9. To reiterate the pleadings of the parties, both Oneida, the licensees of Station WRHN, and RBC, the applicant for Channel 248, desire to operate on Channel 248. Oneida states that the limited site availability for Channel 262 would foreclose it from moving its transmitter to a location where it could increase its facilities. Oneida states that it is considering upgrading its facilities pursuant to the rules proposed in Docket 80-90 (see footnote 4, *supra*). RBC likewise wishes to operate on Channel 248, ostensibly due to the site limitations inherent in the Channel 262 assignment. While Channel 248 could accommodate WRHN's present site, its anticipated new site, and RBC's application site, Channel 262 can accommodate only WRHN's present site.

10. After carefully considering the competing arguments and interests expressed on this issue, as well as the public interest ramifications of the options before the Commission, we have determined that the license of Station WRHN should be modified to specify operation on Channel 262. We have come to this conclusion based on several important considerations. Initially we note that Channel 262 was proposed in the first place because of Oneida's stated opposition to relocating its present transmitter site. Station WRHN may continue operating from its present site on Channel 262; thus, no relocation is necessary. Oneida's stated reasons for opposing the switch to Channel 262—the necessity to relocate its transmitter in order to upgrade its facilities—is unconvincing for a number

³ *First Report and Order*, 45 FR 16192, published March 13, 1980.

⁴ *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignment*, 78 F.C.C. 2d 1235 (1980). The Commission has proposed in this rule making, *inter alia*, that licensees operating minimum facilities on Class C channels upgrade their facilities or forfeit their Class C classifications. Station WRHN is currently operating with minimum Class C facilities, 91 meters (300 feet) HAAT antenna height, at 25 kW. Oneida states that height restrictions foreclose upgrading its facilities at its present site.

⁵ For a discussion and resolution of these issues, see paragraphs 3 and 4 of the *Further Notice*, *supra*.

of reasons. First, Oneida has made no showing that the site being considered for its relocation is in fact the only site available at which it could upgrade its facilities. Furthermore, other than its assertions in this proceeding, Oneida has presented no evidence that it actually intends to relocate its transmitter in the near future. The sole reason Oneida gives for wanting to upgrade its facilities is its fear of losing its Class C status if the rules as proposed in Docket 80-90 are adopted. However, at this point in time, the Commission will not speculate on the extent to which the proposals in Docket 80-90 may indeed be adopted. In the interim, we will not make important assignment decisions on the basis of what might happen if Docket 80-90 is adopted as proposed. We must make our decisions on the basis of the regulatory scheme as it exists today; at this time, there is no Commission requirement or policy which would force Oneida to upgrade its facilities. Finally, in the event that Docket 80-90 is adopted and Oneida is confronted with the possibility of moving in order to upgrade its facilities, we note that Channel 262 could be used at the specific site mentioned by Oneida if Channel 261A in Marquette, Wisconsin, is deleted. In this regard, Channels 232A, 272A, and 288A are available as substitutes for the Marquette assignment.⁷ Thus, the modification of Oneida's license does not necessarily, as Oneida suggests in its pleadings, unfairly restrict Station WRHN's ability to improve its facilities. In any event, additional areas seem to be available for a site relocation on Channel 262, which could permit upgrading.

11. Oneida argues that its position as an established licensee should give it preference over RBC and that it should therefore be modified to operate on the more desirable Channel 248. We disagree with two aspects of Oneida's assertion. First Oneida has cited no authority, and we can find none, for its statement that an existing licensee should be given preference over an applicant in its choice of channel assignments. Channels are assigned by the Commission based on benefits to the public interest, not the desires of established broadcasters. In this instance, the public interest clearly favors Station WRHN operating on Channel 262. The assignment accommodates the station's existing site but does not accommodate the site

proposed by RBC. Thus, if RBC were forced to amend its application at this time, it could substantially delay the provision of a new aural service to the public in Rhinelander and the surrounding areas. Second, we disagree with Oneida's contention that Channel 262 is a less desirable channel. As stated in the previous paragraph, should the subject proposal in Docket 80-90 be adopted, Oneida could either pursue a change in the Table of Assignments, or move to other sites to enable a relocation of its transmitter. In sum, we can find no persuasive reason to accede to the wishes of Oneida, and thereby disrupt the provision of a new aural service in Rhinelander, based solely on Oneida's status as an existing broadcast licensee.

12. Having determined that the license of Station WRHN should be modified to specify operation on Channel 262, two interrelated issues are left for resolution: the reimbursement of Oneida for the required change in operating frequencies, and the timing of Station WRHN's frequency change. Regarding the reimbursement issue, it is settled Commission policy that the ultimate party deriving a benefit from the required frequency shift should bear the responsibility for reimbursement. Here, the party deriving the benefit from the change in Station WRHN's operating frequency will be the permittee for Channel 300 in Wausau. See after recognizes this fact and has agreed to reimburse Oneida for its reasonable expenses incurred in the channel substitution. The Commission does not routinely become involved in the question of what constitutes reasonable reimbursement, but instead expects the parties to negotiate in good faith to determine the proper amount of reimbursement based on established Commission guidelines. See *Circleville, Ohio*, 8 F.C.C. 2d 159 (1967).

13. We stated in the original *Notice* in this proceeding that Oneida would not be required to change its frequency until a construction permit is granted to a Wausau applicant for Channel 300. That statement was made on the assumption that Oneida would not object to modification of its license. In those instances when a licensee agrees to modification of its license, we see no reason why that licensee should be forced to change operating frequencies prior to a permit being granted which would conflict with the licensee's continued operations. Allowing the licensee to wait until a permit is granted also assures the licensee that a specific party (the permittee) will provide reimbursement for the frequency

change. However, up to this point in this proceeding, Oneida has refused to consent to the proposed modifications in its license and has asked for a hearing on the modification proposal. However, as is our policy in these cases, if Oneida continues its refusal to consent, we shall make the substitution of Channel 262 for Channel 300 at Rhinelander effective upon the license expiration of Station WRHN, December 1, 1982, at 3:00 a.m. local time.⁸ See *Transcontinental Television Corp. v. F.C.C.*, 308 F.2d 339 (D.C. Cir. 1962); *Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1976); *Knoxville, Tennessee, et al.*, 78 F.C.C. 2d 1208 (1980). We shall give Oneida a period as set forth in paragraph 16 to consent to the proposed license modifications made herein, in which case it will be entitled to continue operation on Channel 300 until a permit is granted for that channel at Wausau. If Oneida refuses its consent, the changes in the Table of Assignments will become effective at the expiration of Oneida's current license period, at which time Oneida will be permitted to submit its renewal application for Channel 262.⁹

14. Canadian concurrence in the assignments has been obtained.

15. In view of the foregoing, and pursuant to authority contained in §§ 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective August 7, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Rhinelander, Wis.....	248, 262
Tomeahawk, Wis.....	224A
Wausau, Wis.....	238, 270, 300

⁸ Effective 3:00 a.m. local time December 1, 1982, (concurrently with the expiration of the outstanding license for FM Station WRHN on Channel 300 at Rhinelander, Wisconsin) or such earlier date as FM Station WRHN may consent to operate on Channel 262.

16. It is further ordered, that the licensee of Station WRHN, Rhinelander, Wisconsin, shall inform the Commission in writing by no later than August 7, 1981, of its acceptance of the modification of its license to specify Channel 262 instead of Channel 300. If such an acceptance is made, the following conditions shall apply:

⁷ See Section 73.1020 of the Commission's Rules.

⁹ Oneida has requested a hearing on the proposed modification of its license. In view of our action (assuming Oneida does not consent to the modification) delaying the deletion of Channel 300 until Oneida's license expiration date, a hearing will not be necessary. See *Transcontinent Television Corp. v. F.C.C.*, supra.

⁷ Use of Channel 262 at the television tower site would also involve a possible short-spacing to the site specified in an application for Channel 261A at Sturgeon Bay, Wisconsin. (File No. BPH-800428AH)

(a) At least 30 days before operation on Channel 262, the licensee of FM Station WRHN shall submit to the Commission the technical information normally required of an applicant for a construction permit;

(b) At least 10 days prior to commencing operation on Channel 262, the licensee of FM Station WRHN shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The licensee of FM Station WRHN shall not commence operation on Channel 262 without prior Commission authorization.

17. It is further ordered, That effective August 7, 1981, in the event that the licensee of Station WRHN, Rhinelander, Wisconsin, does not accept the modification of its license to specify Channel 262 instead of Channel 300, the licensee of Station WRHN, Rhinelander, Wisconsin, may specify operation on Channel 262 in its renewal application for the license period commencing December 1, 1982. The station may continue to operate on Channel 300 until December 1, 1982.

18. It is further ordered, That the request of Oneida Broadcasting Company for a hearing under § 1.87 of the Commission's Rules is denied.

19. It is further ordered, That the Secretary of the Commission shall send a copy of this Order by Certified Mail, Return Receipt Requested, to Oneida Broadcasting Company, Post Office Box 738, Rhinelander, WI 54504, the party affected by this Order.

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

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

(Secs. 4, 303, 48 Stat., as amended, 1066, 1062; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18051 Filed 6-17-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1100 and 1137

Submission of Pleadings and Other Documents in Motor Carrier Applications and Restriction Removal Applications

Correction

In FR Doc. 81-17399, published in the issue of Thursday, June 11, 1981, on page 30832, in the third column, second paragraph, eighth line, insert the word "not" after the word "should". As corrected, the paragraph reads as follows:

All pleadings and documents in motor carrier applications proceedings and restriction removal applications, which must be filed in Washington, D.C., should be addressed to Secretary, Interstate Commerce Commission, Washington, D.C. 20423. Such pleadings should not be addressed to an applications Evaluation and Authorities Team or an individual on a Team.

BILLING CODE 1505-05-M

Proposed Rules

Federal Register

Vol. 46, No. 117

Thursday, June 18, 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.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Minority Small Business and Capital Ownership; Development Assistance

AGENCY: Small Business Administration.
ACTION: Proposed rule.

SUMMARY: The proposed rule is a revision of 124.1-2(c)(2) of the current regulations of the Minority Small Business and Capital Ownership Development Assistance program dealing with the authority of the Regional Administrators to approve and deny requests for advance payments on a particular section 8(a) subcontract.

DATE: Comments should be received no later than July 18, 1981.

ADDRESS: Interested parties may submit comments on this proposed revision of the regulations to the Office of General Law, Small Business Administration, 1441 L Street, N.W. Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Charlie L. Dean, Chief Counsel for Special Programs (202) 653-6699.

SUPPLEMENTARY INFORMATION: Advance payments are disbursements of money made by SBA to a section 8(a) business concern prior to the completion of performance of a specific section 8(a) subcontract.

Advance payments are made for the purpose of assisting the section 8(a) business concern in meeting financial requirements pertinent to the performance of the subcontract.

SBA's experience indicates the need for flexibility in delegating authority to SBA officials in approving, or denying requests for advance payments by section 8(a) business concerns. The present rule places all authority regarding advance payment with the Regional Administrators.

The proposed rule amends 13 CFR 124.1-2(c)(2) by deleting the present first two sentences and replacing the deleted

sentences with two new sentences. The effect is to place the authority of approving, or denying advance payments with the Administrator, who in turn may delegate the authority, or any part thereof, to other SBA officials.

For the purpose of Executive order 12291, effective February 17, 1981, SBA hereby determines that this proposed rule, if finalized, would not constitute a major rule. In addition, it is hereby certified that, for the purposes of the applicability of the requirements of section 603 and 604 of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, 5 U.S.C. 603 and 604), this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule governs only those firms which have been or will be admitted to participate in SBA's section 8(a) program. This number is not substantial relative to all small business firms in the United States.

Dated: May 27, 1981.
Michael Cardenas,
Administrator.

Therefore, pursuant to the authority of section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), the Small Business Administration purposes to amend Part 124 of its Regulations (13 CFR Part 124) by revising Section 124.1-2(c)(2) to read as follows:

§ 124.1-2 Advance Payments.

* * * * *

(c) * * *
(2) Based upon a review of all circumstances and evidence, SBA shall decide whether to approve or deny a request for advance payments. The approval or denial authority may be delegated by the Administrator, in whole or part, to designated SBA officials. The section 8(a) business concern, the bank selected pursuant to paragraph (c)(1)(ii) of this section, and SBA shall execute an Advance Payment Agreement which shall set forth the term and conditions governing advance payments.

[FR Doc. 81-18197 Filed 6-17-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 21823]

Airworthiness Directive; Avions Marcel Dassault-Breguet Aviation Model Falcon 10 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would require reinforcement of the pilot and co-pilot seats and restraint systems on Avions Marcel Dassault-Breguet Aviation Model Falcon 10 airplanes. The AD is needed to prevent loosening of seat belt screws, jamming of movement locking spigots, rupture of the movement actuator coupling endfitting, and rupture of the backrest housings in the pilot and co-pilot seats, which could result in loss of control of the airplane.

DATE: Comments must be received on or before August 17, 1981.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 21823, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 21823. Comments may be inspected at Room 916 between 8:30 am and 5:00 pm. The applicable service bulletins may be obtained from: Falcon Jet Corporation, 90 Moonachie Avenue, Moonachie, New Jersey 07074.

A copy of each service bulletin¹ is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 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.,

¹ Service Bulletin filed as a part of original document.

Washington, D.C. 20591, Telephone: 202-426-8374.

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. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit those comments and a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 21823." The post card will be dated, time stamped and returned to the commenter.

The FAA has determined that with normal use and adjustment of the pilot and co-pilot seats, the seat belt attachment screws may be loosened, the fore and aft movement locking spigots may be jammed in the disengaged position or may not obtain sufficient engagement when in the engaged position, the up and down movement actuator coupling endfitting may bind and rupture, and the backrest housings may rupture so that the backrest of the seat becomes loose on certain Avions Marcel Dassault-Breguet Aviation Model Falcon 10 series airplanes, which could result in loss of control of the airplane.

Since these conditions are likely to exist or develop on other airplanes of the same type design, the proposed AD would require installation of protective spacers on, and additional securing of, the seat belt attachment screws, modification of the fore and aft movement locking mechanism, installation of a grease fitting for the up and down movement actuator endfitting, and reinforcement of the backrest housings, on the pilot and co-pilot seats on certain Avions Marcel Dassault-Breguet Aviation Model Falcon 10 series airplanes.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Avions Marcel Dassault-Breguet Aviation: Applies to Model Falcon 10 series airplanes, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent loosening of seat belt screws, jamming of movement locking spigots, rupture of movement actuator coupling endfitting, and rupture of backrest housings in pilot and co-pilot seats, accomplish the following:

(a) Within the next 300 hours time in service after the effective date of this AD, on Falcon 10 airplanes serial numbers 1 through 20, 22 through 31, 33 through 38, 41 and 42, modify the pilot and co-pilot seat belt attachments in accordance with paragraph 2, "ACCOMPLISHMENT INSTRUCTIONS," of Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0685, Revision 1, dated November 30, 1979, or an FAA-approved equivalent.

(b) Within the next 300 hours time in service after the effective date of this AD, on Falcon 10 airplanes serial numbers 1 through 49, 51 through 90, 92, 94 through 97, 99, 100, 102 and 104, modify the pilot and co-pilot seat fore and aft movement locking control in accordance with paragraph 2, "ACCOMPLISHMENT INSTRUCTIONS," of Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0143, Revision 1, dated November 30, 1979, and SICMA AERO-SEAT Service Bulletin No. 376/F10/BS02, Revision 1, dated November 30, 1979, or an FAA-approved equivalent.

(c) Within the next 600 hours time in service after the effective date of this AD, or before the accumulation of 1600 hours time in service, whichever occurs later, modify and improve greasing of the actuator endfitting on the following pilot and co-pilot seats in accordance with the instructions in paragraph 2, "ACCOMPLISHMENT INSTRUCTIONS," of Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0148, Revision 2, dated February 1, 1980, and SICMA AERO-SEAT Service Bulletin No. 376/F10/BS03, Revision 1, dated November 30, 1979, or an FAA-approved equivalent:

	Part No.	Seat serial Nos.
Pilot seat	376-2R1	1 through 52
	376-211	53 through 117
	376-22	118 through 122
Co-pilot seat	376-3R1	1 through 52
	376-311	53 through 83 and 85 through 117
	376-32	118 through 122

(d) Within the next 600 hours time in service after the effective date of this AD or before the accumulation of 1600 hours time in service, whichever occurs later, on Falcon 10 airplanes serial numbers 1 through 102, 104 through 123, 125 through 128, and 133, modify the pilot and co-pilot seat backrest housings in accordance with the instructions in

paragraph 2, "ACCOMPLISHMENT INSTRUCTIONS," of Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0193, Revision 1, dated November 30, 1979, and SICMA AERO-SEAT Service Bulletin No. 376-0017, Revision 2, dated November 30, 1979, or an FAA-approved equivalent.

(e) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

(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 11.85)

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

Issued in Washington, D.C., on June 11, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-18637 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-26-AD]

Airworthiness Directives: Lockheed-California Co. Model 188A and 188C Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice proposes adoption of a new Airworthiness Directive (AD) which requires a revision of the FAA-Approved Airplane Flight Manual Limitations Section to require that takeoffs and approaches be accomplished with the propeller synchronizer control (sync master or synchronizer) in the off position of Lockheed Model 188 Series airplanes. This AD is needed to prevent a reduction in available performance below levels currently substantiated in the FAA-Approved Airplane Flight Manual.

DATES: Comments must be received on or before July 31, 1981. Compliance

schedule as prescribed in the body of the AD.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; or, Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: Regional Counsel, Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108.

The applicable service information may be obtained from: Lockheed-California Company, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1, P.O. Box 551, Burbank, California 91520.

FOR FURTHER INFORMATION CONTACT: Samuel K. Frick, Supervisory Aerospace Engineer, Propulsion Branch, ANW-140L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2837.

SUPPLEMENTARY INFORMATION:

Comments Invited

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, including comments on the economic, environmental, and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above 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 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 this proposal will be filed in the Rules Docket.

Availability of NPRM's

Any persons may obtain a copy of this 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

No. 81-NW-26-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

This proposed amendment is prompted by an incident which occurred to a Lockheed 188 during takeoff. Subsequent investigations revealed multiple malfunctioning of the synchronization system due to overheating, corrosion, and a ground pin connector. These discrepancies were corrected and the airplane returned to service prior to the establishment of causal factors for the malfunction. However, in the course of this investigation, and an evaluation of the FAA-approved flight manual, it was revealed that the synchronization system authority can affect engine RPM a nominal two percent. In addition, the FAA-approved flight manual limitations or the normal procedures section do not specify a required position for the synchronizer control switch for takeoff and approach. Thus, in the normal operating mode with this switch on, and irrespective of the events in this incident, the synchronizing system tolerance bank could permit the three "slave" engines to each reduce RPM up to two percent; a performance reduction which is not accounted for in the FAA-Approved Airplane Flight Manual Performance Section. The reduced performance in combination with one-engine-inoperative performance could result in a hazardous condition during takeoff, go-around, and landing phases of airplane operation on Lockheed 188 Series airplanes.

The expected impact from this airworthiness directive is so minimal that this action does not warrant preparation of a regulatory evaluation.

Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require revision of the FAA-Approved Airplane Flight Manual Limitations Section to require that takeoffs and approaches be accomplished with the synchronizer control switch in the off position.

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:

Lockheed-California Company.—Applies to Model 188A and 188C Series airplanes certificated in all categories.

Compliance required within 30 days after the effective date of this AD, unless already accomplished.

To prevent a reduction in performance which could result in a hazardous condition, incorporate in the Limitations Section of the FAA-approved Airplane Flight Manual a revision which specifies that all takeoffs and approaches must be performed with the synchronization control in the following position:

For Hamilton Standard Propellers—
SYNC MASTER switch—OFF.
For Aeroproducts Propellers—
Synchronizer switch—SYNCH OFF.

(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 document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, it has been determined under the criteria of the Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Wash., on June 5, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-17705 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Omnidirectional Citizens Band Base Station Antennas; Extension of Development Period

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time.

SUMMARY: The Consumer Product Safety Commission extends the development period for its proceeding to develop a consumer product safety standard addressing electric shock hazards associated with omnidirectional Citizens Band base station antennas by three months, until July 31, 1981. The development period is the time the Commission allots to develop the provisions of a proposed standard and to prepare the standard for publication as a proposed standard. The development period is extended in order to allow for comments from other agencies concerned with communications antennas.

DATE: The period for development of a consumer product safety standard for electric shock hazard associated with

Citizens Band base station antennas is extended until July 31, 1981.

ADDRESS: All material which the Commission has that is relevant to this proceeding may be seen in, or copies obtained from, the Office of the Secretary, 3rd Floor, 1111 18th Street N.W. Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Carl Blechschmidt, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 492-6557.

SUPPLEMENTARY INFORMATION: The Commission estimates that for the period from 1975 through 1980, approximately 575 persons were electrocuted while putting up or taking down omnidirectional Citizens Band (CB) base station antennas when the antennas contacted power lines. The number of fatalities appears to have leveled off at about 50 per year. As a result of these deaths and other injuries associated with electric shock caused by contact of these antennas with power lines, the Commission instituted a proceeding to develop a consumer product safety rule that would help ensure that such antennas would not conduct a harmful amount of electricity to the installer if the antenna did contact a power line (44 FR 53676; September 14, 1979). The Commission also provided for participation in the standard development proceeding by interested persons outside the Commission.

Section 7(b)(1) of the Consumer Product Safety Act, 15 U.S.C. 2056(b)(1), provides that a proceeding to develop a consumer product safety standard shall be commenced by the publication in the *Federal Register* of a notice that, among other things, specifies the period of time in which the Commission will develop a proposed standard. Section 7(f) states that if the Commission does not publish a proposed consumer product safety standard within 45 days after the expiration of the period stated in the notice commencing the proceeding, the Commission shall either terminate the proceeding or publish in the *Federal Register* the reasons for not publishing the proposed standard, specifying the time period within which either the standard will be published or the proceeding terminated. The period originally specified by the Commission for the development of a standard for omnidirectional CB base station antennas expires April 30, 1981.

The Commission's staff has drafted a recommended standard for consideration by the Commission. However, the Commission believes that

it is desirable to submit the draft standard to the Federal Communications Commission to ensure that the standard would not have any unintended effect on areas within the responsibility of that Commission.

The Commission estimates that up to 90 additional days could be needed to obtain and evaluate any comments that may be submitted. This period can also be utilized to complete a draft *Federal Register* notice, that if approved by the Commission, would propose the standard for comment by the public.

Therefore, the commission hereby extends until July 31, 1981, the period within which it will either publish a proposed standard addressing the hazard of electric shock associated with omnidirectional CB base station antennas or terminate its proceeding to develop such a standard. For good cause, the Commission may further extend this period.

Dated: June 12, 1981.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 81-18040 Filed 6-16-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Regulatory Flexibility Agenda

June 12, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commission is required under section 602 of the Regulatory Flexibility Act to publish in the *Federal Register* in April and October of each year an agenda of rules the Commission expects to propose that are likely to have a significant impact on a substantial number of small entities. In accordance with section 602, the Commission publishes the following agenda.

FOR FURTHER INFORMATION CONTACT: Teresa Ponder, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street

NE., Washington, D.C. 20426, (202) 357-8151.

Kenneth F. Plumb,
Secretary.

Regulatory Flexibility Agenda

Rulemakings Relating to Hydroelectric Power Projects

The Federal Energy Regulatory Commission has jurisdiction pursuant to part I of the Federal Power Act to license and regulate hydroelectric power projects. All of the rulemakings listed in this agenda propose to reduce the regulatory burdens of certain persons who must comply with the Commission's regulations that relate to hydroelectric power projects.

Title: Application for License for Minor Water Power Projects and Major Water Power Projects 5 Megawatts or Less, Docket No. RM81-10. (18 CFR Parts 4, 16, 131, 375)

Objective: The Commission proposed to adopt regulations permitting an abbreviated application procedure for license for minor water power projects and major water power projects with an installed generating capacity of 5 megawatts or less. These proposed regulations are designed to expedite the application procedure for the above-described class of projects.

Legal Basis: Part I of the Federal Power Act, 16 U.S.C. 799, *et seq.*; section 405 of the Public Utility Regulatory Policies Act of 1978.

Schedule: Notice of Proposed Rulemaking—issued January 1, 1981; Final Rule—schedule summer, 1981.

Contact Person: James Hoecker, 357-9342.

Title: Regulations Governing Applications for License for Major Unconstructed Projects and Major Modified Projects; Applications for License for Transmission Line Only; and Applications for Amendment to License; Docket No. RM80-39. (18 CFR Parts 2, 4, 5, 16, and 131)

Objective: This rulemaking proposes to ease the application procedures for hydroelectric projects greater than 5 megawatts that plan to utilize an unconstructed dam or modify an existing dam. This proposal reduces and reorganizes the required information and consolidates exhibits in order to make the application procedure less burdensome.

Legal Basis: Part I of the Federal Power Act, 16 U.S.C. 799, *et seq.*

Schedule: Notice of Proposed Rulemaking—issued January 23, 1981; Final Rule—scheduled—summer, 1981.

Contact Person: James Hoecker, 357-9342.

Title: Annual Charges to Licensees for Use of Government Dams; undocketed. (18 CFR Part 11)

Objective: All licensees of hydroelectric facilities who use government dams must pay the Federal Government a charge for the use of the dam. Currently the Commission uses a "sharing of a net benefit" analysis and computes the charge on a case by case basis. The charge is fixed for the term of the license, subject to periodic readjustment. The Commission proposes to establish a generic charge based on the concept of sharing of net benefits and to update the charges more frequently.

Legal Basis: Section 10(e) of the Federal Power Act, 16 U.S.C. 803(e).

Schedule: Notice of Proposed Rulemaking—scheduled July, 1981; Final Rule—fall, 1981.

Contact Person: Paul Hartley, 357-8608.

Title: Rulemaking to Revise Form No. 80, Licensed Projects Recreation Report; undocketed. (18 CFR Part 141)

Objective: Form No. 80 collects information about recreational facilities and recreational opportunities at developments within hydroelectric projects which are licensed by the Commission. This proposal would significantly consolidate and simplify Form No. 80 in an effort to reduce reporting burdens.

Legal Basis: Section 304 of the Federal Power Act, 16 U.S.C. 825c.

Schedule: Notice of Proposed Rulemaking—scheduled June 10, 1981; Final Rule—scheduled fall, 1981.

Contact Person: Cathy Ciaglo, 357-8526.

[FR Doc. 81-18018 Filed 6-17-81; 8:45 am]
BILLING CODE 6450-65-M

VETERANS ADMINISTRATION

38 CFR Part 1

Cancellation of Publication of Semi-Annual Agenda of Regulations

AGENCY: Veterans Administration.

ACTION: Notice of Cancellation of Publication of Semi-Annual Agenda of Regulations.

SUMMARY: The Veterans Administration announced that it would publish its Semi-Annual Agenda of Regulations, as required by Executive Order 12044, on June 18 and December 18 of each year. Executive Order 12291 rescinded E. O. 12044 and requires each agency to publish a regulatory agenda in April and

October of each year. The Regulatory Flexibility Act (Pub. L. 96-354) also requires publication of a regulatory agenda in those same months. The VA has chosen to publish its agendas on April 23, 1981 (46 FR 23081) and October 22, 1981. The purpose of this notice is to inform those who may expect our Semi-Annual Agenda to be printed on June 18, 1981 that it will now appear in the Federal Register of October 22, 1981 as required by E. O. 12291.

FOR FURTHER INFORMATION CONTACT: Celia Fasone, Office of Management Services (61), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202-389-2340).

Dated: June 16, 1981.

Donald L. Custis,
Acting Administrator.

[FR Doc. 81-18247 Filed 6-17-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1831-3]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The United States Environmental Protection Agency (EPA) announced in today's Federal Register final rulemaking on a revision to the Ohio State Implementation Plan (SIP). The revision consisted of a vehicle inspection and maintenance (I/M) program and was to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977. In its final rulemaking, EPA conditionally approved certain portions of that SIP revision. A discussion of conditional approval and its practical effect appears in the July 2, 1979 Federal Register (44 FR 38583) and the November 23, 1978 Federal Register (44 FR 6718). A conditional approval requires the State to remedy identified deficiencies by specified deadlines. This notice solicits public comment on the deadlines by which the State of Ohio has committed itself to remedy the conditionally approved portions of the I/M program. Although public comment is solicited on the deadlines, the State remains bound by its commitments unless the schedules are disapproved by EPA in its Final Rulemaking Action. A conditional approval means that the restriction on new source construction in designated nonattainment areas will

not apply unless the State fails to submit the corrections by the specific date, or unless the corrections are ultimately determined to be inadequate.

DATES: Comments must be received on or before July 20, 1981.

ADDRESSES: Comments should be sent to the following Address: Mr. Gary Gulezian, Chief, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the materials submitted by the State and by the public during the comment period announced in this notice of proposed rulemaking are available for review during normal business hours at the following address: USEPA—Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

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

SUPPLEMENTARY INFORMATION: In final rulemaking action published in today's Federal Register, EPA identified the actions taken by the State of Ohio to remedy deficiencies in the I/M program submitted on September 17, 1980. These deficiencies were noted in EPA's November 7, 1980 Notice of Proposed Rulemaking (45 FR 73972). In today's final rulemaking, EPA also identified the conditions which must be satisfied by the State of Ohio to correct the specified deficiencies in the I/M program. The State of Ohio has provided assurances that it will satisfy these conditions on a specified date.

EPA proposes to approve the following schedule for the State of Ohio's correction of deficiencies in the I/M program submitted on September 17, 1980.

Schedule

The State of Ohio has committed itself to submit by January 8, 1982, the following:

(1) An identification of the staff and financial resources necessary to carry out and enforce the vehicle inspection and maintenance (I/M) program and a more specific commitment to obtain those resources.

(2) A detailed schedule which contains dates for all the milestones specified in July 17, 1978, I/M policy memorandum.

(3) Detailed programmatic information relating to the specific geographic coverage of the program, enforcement mechanisms and procedures to be used,

those vehicle categories to be included in the inspection program, and other factors which aid in determining the effectiveness of an I/M program.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This only proposes to approve state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed SIP schedule approval is not Major because it will impose no new regulatory requirements. It only propose to approve actions the state has agreed to implement.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This notice of proposed rulemaking is issued under authority of Section 110 of the Clean Air Act, as amended.

Dated: April 10, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-18182 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-36-M

40 CFR Part 60

[AD-FRL 1718-5]

Standards of Performance for New Stationary Sources; Appendix A—Reference Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The purpose of this action is to propose a test method for determining total reduced sulfur from kraft pulp mills to be added to Appendix A of 40 CFR Part 60. On February 23, 1978, the Environmental Protection Agency promulgated Method 16 for total reduced sulfur compounds. Method 16 utilizes costly and complex sampling and analytical equipment. Method 16A, "Determination of Total Reduced Sulfur Emissions from Stationary Sources

(Impinger Technique)," is being proposed because the procedure is simple, much cheaper to operate than Method 16, and involves fewer and less complicated components that reduces chances of measurement error. An amendment to § 60.285 of Subpart BB referencing Method 16A is also being proposed.

DATES: *Comments.* Comments must be received on or before August 17, 1981.

Public Hearing. A public hearing will be held, if requested. Persons wishing to request a public hearing must contact EPA by August 31, 1981. If a hearing is requested, an announcement of the date and place will appear in a separate Federal Register notice.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-80-38, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Public Hearing. Persons wishing to present oral testimony should notify Mrs. Naomi Durkee, Office of the Director, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5571.

Docket. Docket Number A-80-38, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Mr. Roger Shigehara, Emission Measurement Branch (MD-19), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2237.

SUPPLEMENTARY INFORMATION: This proposed method for kraft pulp mills utilizes the impinger collection method and barium-thorin titration producer outlined in Method 6 of Appendix A. In the sample, SO₂ is first removed by a scrubber system; then the reduced sulfur compounds are oxidized to SO₃ which is subsequently collected and analyzed by Method 6. This procedure offers the following advantages over Method 16:

1. Needed testing equipment is much cheaper.
2. The method is simpler. The Method 6 collection and titration eliminates the need of instrumentation. No gas dilution system is needed.

3. Sampling can be performed on the stack.

4. Samples need not be analyzed in the field.

5. The method has few interferences.

These advantages, plus satisfactory performance during laboratory and field testing, have prompted the proposal of the procedure as an alternative method. This means that this method may be used at the discretion of the owner or operator of the affected facility to determine compliance with the standards. The owner or operator, however, should understand that Method 16A measures all reduced sulfur in contrast to the four reduced sulfur compounds specified in Method 16. Therefore, Method 16A may give higher results than Method 16. EPA, however, feels that any difference is expected to be insignificant.

When the kraft pulp mill standard was developed and originally adopted, the intent was to include all reduced sulfur compounds. But, during the emission testing program, EPA found that the four compounds—hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide—were the only significant compounds being emitted. Comments from the industry confirmed this finding. Therefore, as a practical matter, Method 16 was written to require that only the four major reduced sulfur compounds be measured. If EPA determines that other compounds are now being emitted as a result, for example, of different process conditions, EPA would consider this as an indication of the need to investigate and possibly revise the standard.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 601 *et seq.* is not required for this rulemaking, because the rulemaking would not have a significant impact on a substantial number of small entities. The rulemaking would not impose any new requirements; on the contrary, it would reduce the cost of demonstrating compliance with the NSPS. The Administrator has considered Executive Order 12291 and concluded that since Method 16A allows industry a less expensive alternative to the existing reference method, the costs of implementing this method do not outweigh the benefits obtained.

(Sections 114 and 301(a) of the Clean Air Act as amended [42 U.S.C. 7414, and 7601(a)])

Dated: June 12, 1981.

Anne M. Gorsuch,
Administrator.

It is proposed that in 40 CFR Part 60, § 60.285 and Appendix A be amended as follows:

1. By revising paragraph (d)(1) of § 60.285 to read as follows:

§ 60.285 Test methods and procedures.

(d) * * *

(1) Method 16 or, at the discretion of the owner or operator, Method 16A for the concentration of TRS.

2. By amending Appendix A by adding a new method as follows:

Appendix A—Reference Methods

Method 16A. Determination of Total Reduced Sulfur Emissions From Stationary Sources

(Impinger Technique)

1. *Applicability and Principle*—1.1 *Applicability*. This is an alternative method to Method 16 for determining total reduced sulfur (TRS) compounds from recovery furnaces, lime kilns, and smelt dissolving tanks at kraft pulp mills. The TRS compounds include hydrogen sulfide, methyl mercaptan, dimethyl sulfide, dimethyl disulfide, and other reduced sulfur compounds (e.g., carbonyl sulfide, if present). Therefore, Method 16A might yield higher TRS concentrations than Method 16.

The minimum detectable limit of the method has been determined to be 0.04 ppm TRS (compounds with single sulfur atom) when sampling at 2 liters/min for 60 minutes. For an analytical accuracy of at least ± 5 percent, a minimum sulfur dioxide (SO₂) mass of 500 μ g should be collected. The upper concentration limit of the method generally exceeds all encountered TRS levels from kraft pulp mills.

1.2 *Principle*. A gas sample is extracted from the sampling point in the stack. SO₂ is

selectively removed from the sample using a citrate buffer solution. Then reduced sulfur compounds are oxidized and analyzed as SO₂ using the barium-thorin titration procedure of Method 6.

2. *Apparatus*—2.1 *Sampling*. The sampling train is shown in Figure 16A-1. The apparatus is the same as listed in Method 6, except as listed below. Other designs are acceptable provided that the sampling system meets the performance check of Section 5.

2.1.1 *SO₂ Scrubber*. Two midget impingers in series packed with glass wool to eliminate entrained mist and charged with potassium citrate-citric acid buffer.

2.1.2 *Combustion Tube*. Quartz glass with an expanded combustion chamber of 22 to 25 mm and at least 30.5 cm long. The tube ends shall have an outside diameter of about 6 mm to accept Teflon tubing or Swagelok fittings.

2.1.3 *Combustion Tube Furnace*. A furnace of sufficient size to enclose the combustion chamber of the combustion tube with a temperature regulator capable of maintaining the temperature at $815 \pm 15^\circ\text{C}$.

2.1.4 *Rate Meters*. Rotameters, or equivalent, capable of measuring flow rate to within 2 percent of the selected flow rate.

2.1.5 *Probe Brush*. Nylon bristle brush with stainless steel wire handle. The brush shall be properly sized and shaped and of sufficient length to brush out the entire length of the probe.

2.2 *Sample Recovery*. Same as in Method 6, Section 2.2.

2.3 *Analysis*. Same as in Method 6, Section 2.3, except a 10-ml buret with 0.1-ml graduations is required and the spectrophotometer is not needed.

3. *Reagents*—Unless otherwise indicated, all reagents must conform to the specifications established by the Committee on Analytical Reagents of the American Chemical Society. Where such specifications

are not available, use the best available grade.

3.1 *Sampling*. The following reagents are needed:

3.1.1 *Water*. Same as Method 6, Section 3.1.1.

3.1.2 *Hydrogen Peroxide*, 3 percent. Same as Method 6, Section 3.1.3 (40 ml is needed per sample).

3.1.3 *Citrate Buffer*. Dissolve 300 g of potassium citrate (or 284 g of sodium citrate) and 41 g of anhydrous citric acid in 1 liter of deionized distilled water.

3.1.4 *Calibration Gas*. Hydrogen sulfide in nitrogen (30 to 50 ppm) stored in aluminum cylinders. Verify the concentration by Method 11.

3.1.5 *Combustion Gas*. Air or oxygen containing less than 50 ppb total sulfur compounds and less than 10 ppm total hydrocarbons.

3.2 *Sample Recovery and Analysis*. Deionized distilled water (as in 3.1.1) and the same reagents as in Method 6, Section 3.3, are required.

4. *Procedure*—4.1 *Sampling*.

4.1.1 *Preparation of Collection Train*. For the SO₂ scrubber, measure 20 ml citrate buffer solution into each of two midget impingers with glass wool packed in top. For the Method 6 part of the train, measure 20 ml of 3 percent hydrogen peroxide into each of the first two midget impingers. Leave the final midget impinger dry. Assemble the train as shown in figure 16A-1. Place the SO₂ scrubber as close to the stack wall as practical. Adjust the probe heater to a temperature sufficient to prevent water condensation. Maintain the oxidation furnace at 815°C . Place crushed ice and water around the impingers.

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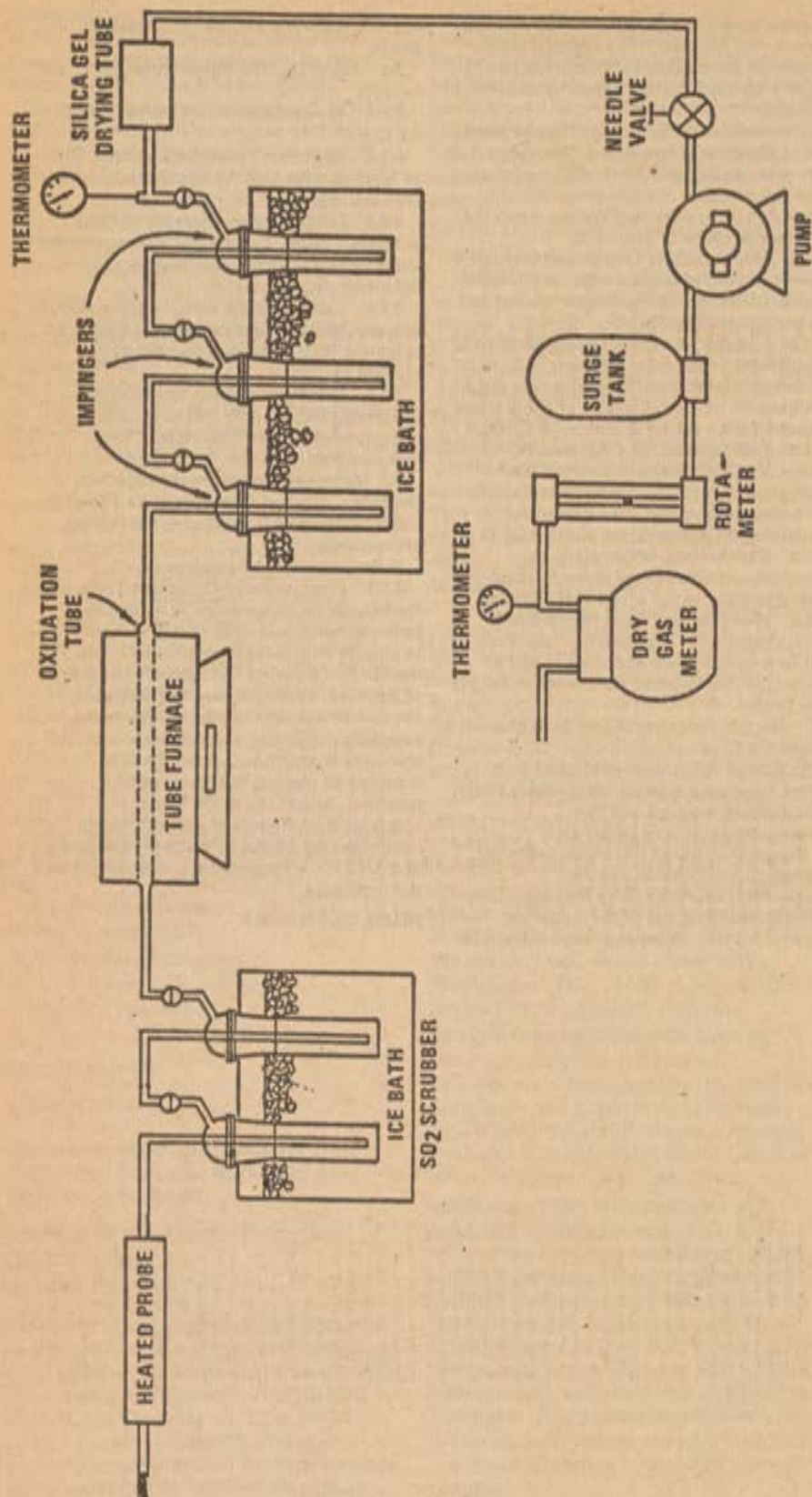


Figure 16A-1. Sampling train

4.1.2 Leak-Check Procedure. Same as Method 6, Section 4.1.2.

4.1.3 Sample Collection. Same as Method 6, Section 4.1.3, except for the following: Adjust the sample flow to a constant rate of approximately 2.0 liters/min (± 10 percent) as indicated by the rotameter. Other constant flow rates may also be used provided its acceptability is checked as in Section 5. Collect the sample for 60 minutes. The 15-minute purge of the train following collection need not be performed.

In Method 16, a sample run is composed of 16 individual analyses (injects) performed over a period of not less than 3 hours or more than 8 hours. For Method 16A to be consistent with Method 16, the following may be used to obtain a sample run: (1) collect three 60-minute samples or (2) collect one 3-hour sample with a total gas sample volume of 120 liters either intermittently (equal samples, equally spaced) or continuously over 3 hours.

After collecting the sample, disconnect the probe and tubing from the SO_2 scrubber and allow to cool. Before conducting the next run, do the following. Clean the inside surface of the probe using a nylon brush and deionized distilled water from a wash bottle until the rinse shows no visible particles. Replace the probe filter. Thoroughly rinse the sample line connecting the probe to the scrubber until all visible particles are removed.

4.2 Sample Recovery. Disconnect the impingers. Replace the SO_2 scrubber contents and the glass wool if saturated with solution for subsequent runs. Pour the contents of the

midget impingers of the Method 6 part of the train into a leak-free polyethylene bottle for shipment. Rinse the three midget impingers, the connecting tubes, and the sample line between the furnace and the first impinger with deionized distilled water, and add the washings to the same storage container. Mark the fluid level. Seal and identify the sample container.

4.3 Sample Analysis. Note level of liquid in container, and confirm whether any sample was lost during shipment; note this on analytical data sheet. If a noticeable amount of leakage has occurred, either void the sample or use methods, subject to the approval of the Administrator, to correct the final results.

Transfer the contents of the storage container to a 100-ml graduated cylinder. Rinse the container with deionized distilled water and add to the cylinder. Measure the volume, and pour into a 250-ml Erlenmeyer flask. Using the cylinder, add sufficient 100 percent isopropanol to give a final sample concentration of 80 percent (v/v) isopropanol. Add four to six drops of thion indicator and titrate to a pink end point using 0.0100N barium perchlorate. Run a blank with each series of samples.

Note.—Protect the 0.0100 N barium perchlorate solution from evaporation at all times.

5. Calibration—5.1 Metering System, Thermometers, Rotameters, Barometer, and Barium Perchlorate Solution. Follow the same

calibration procedure as in Method 6, Sections 5.1 to 5.5, respectively.

5.2 System Performance Check. Using H_2S cylinder gas and combustion gas (as specified in Sections 3.1.4 and 3.1.5), generate a series of samples in the suspected concentration range of TRS in the stack. Using the set-up shown in Figure 16A-2, take at least two 30-minute samples to determine system performance efficiency. Use the cylinder regulator to set the combustion gas rotameter flow rate to the desired level. Adjust the H_2S regulator to a slightly higher than desired flow rate to ensure excess gas for the system. With the pump valve completely closed, turn on the pump and open the valve slowly until a 2 liter/min flow rate (or other selected flow rate) is obtained. Observe the pressure control vessel while opening the valve and during the sampling run to maintain an excess flow. The samples must be transported through the entire sampling system in the normal manner. Compare the resulting measured concentration to the known concentration by subtracting the corrected volume of combustion gas from the corrected total sample volume and treating as in Section 6.3. The sampling system is considered acceptable when two consecutive samples of calibration gas produce results which do not vary by more than ± 5 percent from their mean, and this mean value is within ± 15 percent of the known value.

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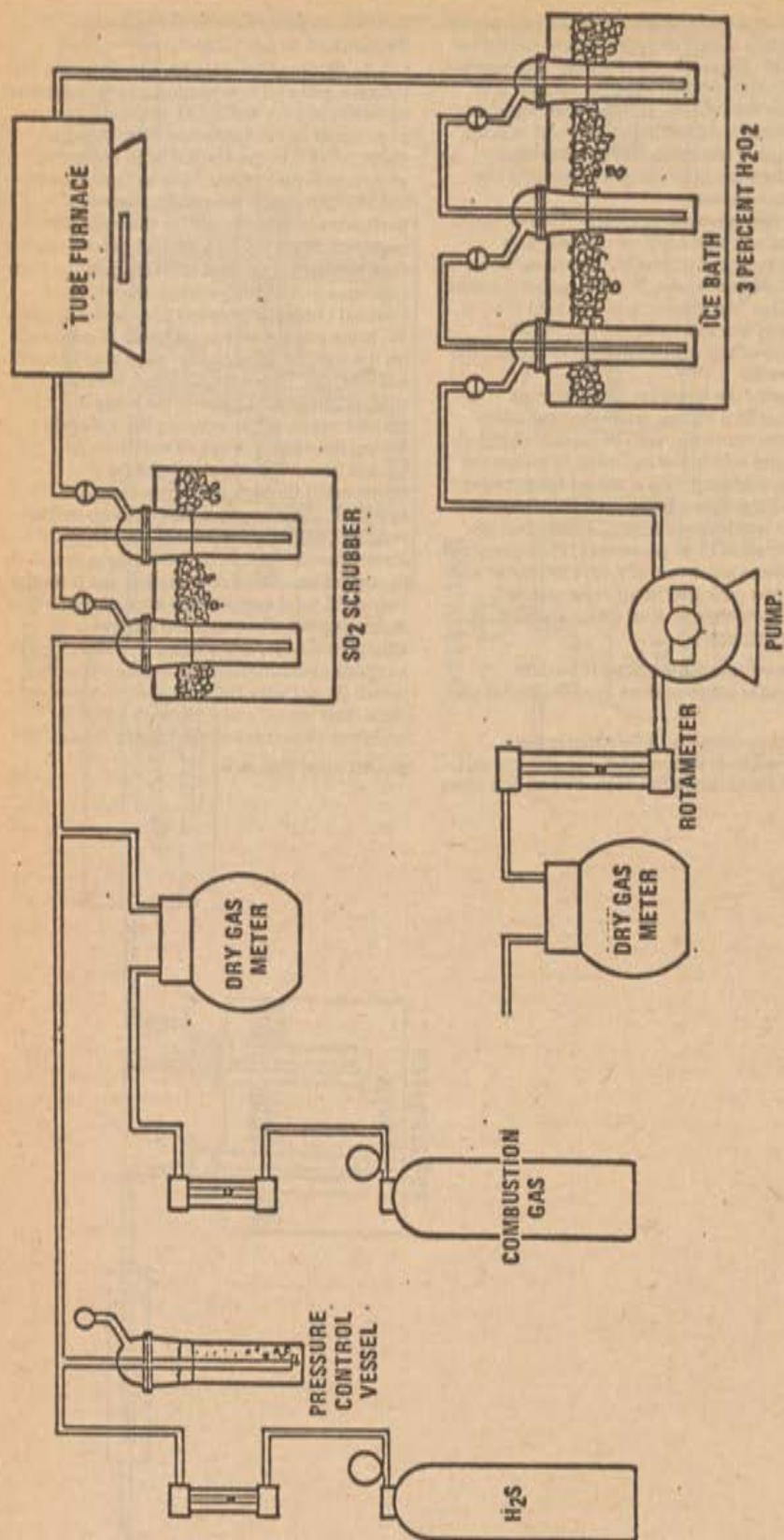


Figure 16A-2. Calibration System

Conduct this performance check before the test to validate the test procedure, sampling system and tester. In addition, field validation samples shall be taken to monitor losses in the probe due to absorption by stack components. Perform this test by collecting a known H₂S sample (in the applicable concentration range) after each third field sample and before cleaning the probe. Introduce the gas into the probe and collect in the usual manner. The obtained concentration shall be within ± 15 percent of the known value. Otherwise, void the previous three samples or make corrections by dividing the sample concentration by the fraction of recovery if the losses are between 0-20 percent. Substitute a field audit sample for one known sample during the collection period if available. Such audit samples are usually available from the Quality Assurance Division, Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

6. *Calculations*—Carry out calculations, retaining at least one extra decimal figure beyond that of the acquired data. Round off figures after final calculation.

6.1 *Standard Dry Sample Gas Volume*. Using Equation 6-1 of Method 6, calculate the dry sample gas volume V_{std} at standard conditions.

6.2 *TRS Concentration as SO₂*. Calculate the TRS concentration in ppm as SO₂ by using Equation 6-2 of Method 6, except use $KSO_2 = 12.020 \mu/\text{meq}$.

7. *Bibliography*—7.1 Curtis, F. and G.D. McAlister. Development and Evaluation of an Oxidation/Method 6 TRS Emission Sampling Procedure. Emission Measurement Branch, Emission Standards and Engineering Division, OAQPS, Environmental Protection Agency, Research Triangle Park, North Carolina 27711. February 1980.

7.2 Blosser, R.O., H.S. Oglesby, and A.K. Jain. A Study of Alternate SO₂ Scrubber Designs Used for TRS Monitoring. A Special Report by the National Council of the Paper Industry for Air and Stream Improvement, Inc., New York, N.Y. July 1977.

7.3 Gellma, I. A Laboratory and Field Study of Reduced Sulfur Sampling and Monitoring Systems. Atmospheric Quality Improvement Technical Bulletin No. 81. National Council of the Paper Industry for Air and Stream Improvement, Inc., New York, N.Y. October 1975.

7.4 Annual Book of ASTM Standards. Part 31; Water, Atmospheric Analysis. American Society for Testing and Materials.

Philadelphia, Pennsylvania, 1974. pp. 40-42.

[FR Doc. 81-18006 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 21513; RM-2882]

FM Broadcast Station in Freeport, Tex.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Request for Supplemental Information; Extension of comment and reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding on reconsideration concerning the assignment of an FM channel to Freeport, Texas. Amatur Group, Inc. states that additional time is required to submit requested engineering showings.

DATES: Comments must be filed on or before June 10, 1981, and reply comments on or before July 1, 1981.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Freeport, Tex.); order extending time for filing comments and reply comments.

Adopted: June 5, 1981.

Released: June 11, 1981.

By the Chief, Policy and Rules Division:

1. On April 1, 1981, the Commission adopted a *Request for Supplemental Information*, 46 FR 22769, published April 21, 1981, in the above-entitled proceeding. The dates for filing

comments and reply comments are presently June 1 and June 22, 1981, respectively.

2. On June 1, 1981, Counsel for Amatur Group, Inc. ("AGI"), licensee of Station KMJQ, Clear Lake City, Texas, filed a letter requesting an extension of time for filing comments to and including June 10, 1981. Counsel states that additional time is necessary to coordinate the preparation of its material with other area stations in order to provide the Commission with the fullest possible response to the request for additional information.

3. Section 1.46 of the Commission's Rules states that extension requests must be filed seven days in advance of the filing deadline and we were not informed as to the reason for the late request. In addition, Counsel has not indicated the consent of other parties to the instant request. However, since this proceeding is one of several rule making proceedings relating to pending applications by various FM stations in Houston, Texas, proposing to relocate their facilities to a common transmitter site, and for which similarly requested extensions were granted in those cases, we shall likewise grant this request. Other parties to this proceeding should not be adversely affected because the information which we seek is expected to come from AGI.

4. Accordingly, it is ordered, that the request for extension of time, filed by AGI, is granted, and the dates for filing comments and reply comments in Docket No. 21513, are extended to and including June 10 and July 1, 1981, respectively.

5. This action is taken pursuant to authority contained in §§ 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,
Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18009 Filed 6-17-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

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.

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Week Ended: June 12, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date Filed, Docket No., and Description

6-9-81 39696 Southeast Alaska Airlines, Inc., 1515 Tongass Avenue, Ketchikan, Alaska 99901. Application of Southeast Alaska Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail within the State of Alaska between the terminal point Gustavus, the intermediate points: Juneau; Ketchikan; Petersburg; Sitka and the terminal point Wrangell. Conforming Applications, motions to modify scope, and Answers may be filed by July 7, 1981.

6-12-81 39706 Transwestern Airlines of Utah, Inc. d.b.a. Transwestern Airlines, Inc. P.O. Box 3228, Logan, Utah 84321. Application of Transwestern Airlines of Utah, Inc. d.b.a. Trans Western Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a subsidy ineligible certificate of convenience and necessity for the transport of persons, property and mail from the terminal point of Salt Lake City to and among the terminal points of Logan, Utah; Sun Valley, Idaho, Vernal, Utah, Rock Springs, Wyoming, and Grand Junction, Colorado. Conforming

Applications, motions to modify scope, and Answers may be filed by July 10, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-18129 Filed 6-17-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-6-87; Docket 39705]

Application of WestAir Jet Inc. For a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Fitness Investigation of WestAir Jet Inc., Order 81-6-87, Docket 39705.

SUMMARY: The Board is issuing an order instituting an investigation to determine whether WestAir Jet is fit, willing and able to perform the transportation which it proposes. Its application (Docket 39587) requests certificate authority to carry persons, property and mail between Seattle, Washington, the intermediate points Pasco-Richland, Kennewick, Washington; Portland, Eugene, Medford, Oregon; Boise, Idaho; Salt Lake City, Utah; Reno, Nevada; Lake Tahoe, Chico, Redding-Red Bluff, Eureka, Arcata, Sacramento, San Francisco-Oakland-San Jose and Fresno, California; Las Vegas, Nevada; Los Angeles-Burbank-Long Beach-Ontario-Orange County and San Diego, California; Phoenix, Arizona and the terminal point, Tucson, Arizona.

DATE: Persons wishing to file petitions to intervene in the WestAir Jet Inc. Fitness Investigation shall file their petitions in Docket 39705 prior to the prehearing conference and serve such filings on all persons listed below. Notice of the prehearing conference shall be published in the Federal Register.

ADDRESSES: Petitions to intervene should be served on the civil officials and airport managers at Seattle, Pasco, Richland, and Kennewick, Washington; Portland, Eugene and Medford, Oregon; Boise, Idaho; Fresno, Los Angeles, Ontario, Long Beach, San Diego, Oakland, South Lake Tahoe, Chico, Redding, Red Bluff, Eureka, Arcata, Sacramento, San Francisco, San Jose and Orange County, California; Reno and Las Vegas, Nevada; Phoenix and Tucson, Arizona; and Salt Lake City, Utah; the Governors of Arizona, California, Nevada, Idaho, Oregon, Utah

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and Washington; the California Department of Transportation; the California Public Utilization Commission; the Nevada Department of Transportation; the Arizona Department of Transportation; the Idaho Division of Aeronautics and Public Transportation; the Oregon Public Utility Commission, the Utah Department of Transportation and the Washington Aeronautics Commission, the Burbank-Glendale-Pasadena Airport Authority and the California Tahoe Regional Planning Agency.

FOR FURTHER INFORMATION CONTACT:

Peter M. Bloch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5345.

By the Civil Aeronautics Board: June 12, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-18130 Filed 6-17-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket Nos. 38019, 38961; Order 81-6-91]

Wien Air Alaska Mainline and Bush Mail Rates Investigation and Intra-Alaska Class Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of June 1981.

Order Denying Petition for Reconsideration

By Order 81-6-4, issued June 1, 1981, the Assistant Director, Fares, Rates and Tariffs, acting under the authority delegated in Order 80-9-150 in the above-entitled proceedings, established an informal conference of the parties to be held on June 17, 1981. The Assistant Director concluded that the conference would help to clarify the issues, form the possible basis for rate agreements in the four general areas listed in the order¹ and consider factual matters related to the Postal Service's policy on the interlining of mail at bush destination hubs.

¹The four areas are: (1) The cost weighting of nonpriority mail over mainline segments; (2) the appropriate directionality and circuitry standards for rate-making purposes; (3) the treatment of future rate adjustments; and (4) the proper rate of return on investment for the carriage of intra-Alaska mail.

The Postal Service has filed a petition which, although styled as a petition for reconsideration, is actually a request for review of staff action. The Postal Service does not oppose in principle the idea of rate discussions, but requests that any such conference be delayed until after the parties have filed reply comments. It believes that a conference at this point will be "rambling, confusing and nondecisive" because not all parties to the case have filed comments stating their position with respect to the four items on the agenda. It also requests that the Board order a reporter to be present to record the conference proceedings should its request for reply comments be denied.

Wien Air Alaska and Alaska Airlines have filed answers that support the Postal Service's request.

We have decided to deny the Postal Service's petition and affirm the action of the staff. Order 81-6-4 reflects the viewpoint of our staff that a conference held at this stage of the proceeding will assist in clarifying the data and serve as the possible mechanism for reaching agreement on the more significant issues. While we appreciate the desire of the Postal Service for an additional comment period, as discussed below, we do not believe that this is a sufficiently strong reason for interfering with the staff's judgment in deciding to convene at this time.

We must weigh the consequences of waiting for replies versus going ahead with the conference without replies. The risk of waiting for replies is that if the desired position statements are not forthcoming, the progress of the case will have been delayed without achieving any benefits in the process. This does not seem to be a desirable risk given the general lack of interest in the original comment period, which drew complete sets of comments from only Wien and the Postal Service. On the other hand, the only consequences of holding a conference now are that it will have to begin without the benefit of complete statements of position from each party on each issue. Nevertheless, as the staff's order points out, this problem can be handled at the conference by simply having the parties state their positions. Recording the conference, as the Postal Service requests, should be very helpful in this respect and we will direct the staff to arrange for the presence of a reporter.

Accordingly,

1. We deny the petition of the Postal Service for reconsideration of Order 81-6-4;

2. We direct the staff to arrange for a reporter at the conference of June 17, 1981; and

3. We will serve a copy of this order on Alaska Airlines, Alaska International Air, Kodiak-Western Alaska Airlines, Munz Northern Airlines, Reeve Aleutian Airways, Peninsula Airways, Sea Airmotive, Wein Air Alaska and the Postmaster General.

This order will be published in the **Federal Register**.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,²

Secretary.

[FR Doc. 18131 Filed 6-17-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Order No. 41-4 (Amendment 1)]

Assistant Secretary for Trade Administration; Organization and Function Order

Effective Date: May 22, 1981.

This order amends ITA Organization and Function Order 41-4 of August 26, 1980 (45 FR 65003), as follows:

Part V, Section 2.06 is renumbered as Section 2.07.

A new Part V, Section 2.06 is added to read:

.06 In addition to the above delegations, any Director of a District Office of the U.S. Commercial Service, upon request by the Compliance Division of the Office of Export Administration and in connection with any proceeding necessary or appropriate to the enforcement of the delegated authority, is authorized, with the power of successive redelegation, to require any person to permit the inspection of books, records, and other writings, premises, or property; to serve subpoenas requiring any person to appear and testify or appear and produce books, records and other writings, or both, to any designated place; to administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony; and to take the sworn testimony of any person.

²All Members concurred.

Approved:

Lionel H. Olmer,

Under Secretary for International Trade.

B. W. Partridge,

Acting Assistant Secretary for Trade Administration.

William V. Skidmore,

Acting Deputy Assistant Secretary for Export Administration.

[FR Doc. 81-18120 Filed 6-17-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Operational Specifications for Fixed Block Rotating Mass Storage Subsystems; Proposed Federal Information Processing Standard

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform automatic data processing standards. A single standard is proposed for Federal use which encompasses two distinct classes of fixed block rotating mass storage subsystems. One of these classes provides only for a block size of 512 bytes, while the other is user formattable to any block size from 32 to 65,536 bits.

This standard for fixed block rotating mass storage subsystems will be used with four existing Federal Information Processing Standards (FIPS). On February 16, 1979, notice was given in the **Federal Register** (44 FR 10098-10101) announcing that the Secretary had approved three input/output (I/O) Federal Information Processing Standards (FIPS): (1) I/O Channel Interface, (2) Channel Level Power Control Interface, and (3) Operational Specifications for Magnetic Tape Subsystems, designated Federal Information Processing Standards Publication (FIPS PUB) 60 (which has been redesignated 60-1), FIPS PUB 61, and FIPS PUB 62, respectively. On August 27, 1979, notice was given in the **Federal Register** (44 FR 50078-50079) announcing that the Secretary had approved a fourth I/O channel level interface standard, Operational Specifications for Rotating Mass Storage Subsystems, designated FIPS PUB 63.

These standards were the subject of corrections and revisions announced in the **Federal Register** on August 27, 1979 (44 FR 50079-50080), August 31, 1979 (44

FR 51294) and on December 3, 1979 (44 FR 69317).

These standards were also the subject of a notice in the *Federal Register* on April 30, 1980 (45 FR 28789-28792) in which the National Bureau of Standards (NBS) announced that it was considering a related operational standard for Fixed Block Rotating Mass Storage Subsystems.

A notice published in the *Federal Register* on December 22, 1980 (45 FR 84115) announced the availability of a preliminary draft Operational Specifications for Fixed Block Rotating Mass Storage Subsystems for informal technical review. That review has been completed and a revised Operational Specifications for Fixed Block Rotating Mass Storage Subsystems has been prepared. This notice now proposes to issue a Federal Information Processing Standard, Operational Specifications for Fixed Block Rotating Mass Storage Subsystems.

Prior to submission of this proposed standard to the Secretary for approval as a Federal Information Processing Standard, it is essential to assure that proper consideration is given to the needs and views of the public, State and local governments, and manufacturers. It is appropriate at this time to solicit such views.

The proposed Federal Information Processing Standard may be considered an alternative to FIPS 63, Operational Specifications for Rotating Mass Storage Subsystems; that is, it may be used in lieu of FIPS 63 where the use of FIPS 63 would otherwise be required.

The proposed Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability and implementation of the standard, and (2) a specification section which defines the technical parameters of the standard. Only the announcement section is provided in this notice.

Interested parties may obtain a copy of the specifications section of this standard from the Director, Institute for Computer Sciences and Technology, National Bureau of Standard, ATTN: FBRMS, Washington, D.C. 20234.

Written comments on this proposed standard should be submitted to the Director, Institute for Computer Sciences and Technology at the above address. Comments to be considered must be received on or before September 16, 1981.

Persons desiring further information about this standard may contact Mr. William E. Burr, System Components Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National

Bureau of Standards, Washington, D.C. 20234, (301) 921-3723.

Dated: June 12, 1981.

Ernest Ambler,
Director.

Federal Information Processing Standards Publication—

(Date) _____

Announcing the Standard for Operational Specifications for Fixed Block Rotating Mass Storage Subsystems

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Operational Specifications for Fixed Block Rotating Mass Storage Subsystems (FIPS PUB _____).

Category of Standard. Hardware Standard, Interface.

Explanation. This standard defines the peripheral device dependent operational interface specifications for connecting fixed block rotating mass storage equipment as a part of automatic data processing (ADP) systems. It is to be used together with FIPS PUB 60-1, I/O Channel Interface, and FIPS PUB 61, Channel Level Power Control Interface. This standard, together with these two referenced standards provides for full plug-to-plug interchangeability of fixed block rotating mass storage equipment as a part of ADP systems. FIPS PUB 63, Operational Specifications for Rotating Mass Storage Subsystems, provides, together with FIPS PUB 60-1 and FIPS PUB 61 for plug-to-plug interchangeability of variable block rotating mass storage equipment as a part of ADP systems. This standard may be applied in lieu of FIPS PUB 63, whenever FIPS PUB 63 would otherwise be required, at the discretion of procuring agencies.

The Government's intent in employing this standard for Fixed Block Operational Specifications for Rotating Mass Storage Subsystems is to reduce the cost of satisfying its data processing requirements through increasing its available alternative sources of supply for computer systems components at the time of initial system acquisition, as well as in system augmentation and in system component replacement. This standard is also expected to lead to improved reutilization of system components.

When acquiring ADP systems and system components, Federal agencies shall cite this standard in specifying the interface for connecting fixed block rotating mass storage peripheral equipment as a part of ADP systems.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. Not applicable.

Applicability. Either this standard or FIPS PUB 63, or both, is applicable to the

acquisition of rotating mass storage equipment whenever the use of Federal Information Processing Standard I/O Channel Interface (NBS FIPS PUB 60-1) is required.

Verification of the correct operation of all interfaces that are required to conform to this standard shall, through demonstration or other means acceptable to the Government, be provided prior to the acceptance of all applicable ADP equipment.

Specifications. This standard incorporates by reference the technical specifications of the following NBS document: Operational Specifications for Fixed Block Rotating Mass Storage Subsystems, Rev. 2.

Implementation. The provisions of this standard are effective January 1, 1982.

All applicable equipment ordered on or after the effective date, or procurement actions for which solicitation documents have not been issued by that date, must conform to the provisions of this standard or FIPS PUB 63 unless a waiver has been granted in accordance with the procedure described elsewhere in this publication.

This standard shall be reviewed by NBS within three years after its effective date, taking into account technological trends and other factors, to determine whether the standard should be affirmed, revised, or withdrawn.

Waivers. Heads of agencies desiring a waiver from the requirements stated in this publication, so as to acquire ADP equipment that does not conform to this standard, shall submit a request for such a waiver to the Secretary of Commerce for review and approval. Approval will be granted if, in the judgment of the Secretary based on all available information, including that provided in the waiver request, a major adverse economic or operational impact would occur through conformance with this standard.

A request for waiver shall include: (1) a description of the existing or planned ADP system for which the waiver is being requested, (2) a description of the system configuration, identifying those items for which the waiver is being requested, and including a description of planned expansion of the system configuration at any time during its life cycle, and (3) a justification for the waiver, including a description and discussion of the major adverse economic or operational impact that would result through conformance to this standard as compared to the alternative for which the waiver is requested.

The request for waiver shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for Waiver to a Federal Information Processing Standard. Waiver requests will normally be processed within 45 days of receipt by the Secretary. No action shall be taken to issue solicitation documents or to order equipment for which this standard is applicable and which does not conform to this standard prior to receipt of a waiver approval response from the Secretary.

Where to Obtain Copies. Either paper or microfiche copies of this Federal Information Processing Standard, including the technical specifications, may be purchased from the National Technical Information Service

(NTIS) by ordering Federal Information Processing Standard Publication — (NBS-FIPS-PUB—), Operational Specifications for Fixed Block Rotating Mass Storage Subsystems. Ordering information, including prices and delivery alternatives, may be obtained by contacting the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, Virginia 22161, telephone: (703) 557-4650.

[FR Doc. 81-19082 Filed 6-17-81; 8:45 am]

BILLING CODE 3510-13-M

Proposed Revision to Federal Information Processing Standard, Character Sets for Optical Character Recognition (OCR)

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal Automatic Data Processing standards. A revision to the Federal Information Processing Standards Publication (FIPS PUB) 32, Optical Character Recognition Character Sets, is being proposed for Federal use. It is based on the Federal adoption of three voluntary industry standards as they were developed and approved by the American National Standards Institute.

Prior to the submission of this proposal to the Secretary for review and approval, it is essential to assure that consideration is given to the views of manufacturers, the public, and State and local governments. The purpose of this notice is to solicit such views.

FIPS 32, specifying the shapes of characters to be recognized by automated techniques, is being revised to bring it up-to-date and in conformance with recent changes made in corresponding American National Standards (ANS X3.2-1970 (R1970), BSR X3.17-1981, and X3.49-1975), and to include the reading of characters printed in magnetic ink by optical means. The optical character recognition sets have been revised by including 11 special characters in OCR-A and the inclusion of three monetary shapes and deletion of four punctuation characters in OCR-B.

The proposed revised Federal Information Processing Standard contains two sections: (1) an announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard and (2) a specifications section, which deals with the technical requirements of the standard. Only the announcement section of the proposal is provided in this notice.

Interested parties may obtain a copy of the technical specifications from and

submit comments in writing to the Standards Administration Office, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. To be considered, comments on this proposed standard must be received on or before September 16, 1981.

Written comments received in response to this notice plus written comments obtained from Federal departments and independent agencies will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C. 20230.

Persons desiring further information about this standard or the proposed revisions as set out herein may contact Mr. Thomas C. Bagg, System Components Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921-3723.

Dated: June 12, 1981.

Ernest Ambler,
Director.

Federal Information Processing Standards Publication 32-1

(Date) _____

Announcing the Standard for Character Sets for Optical Character Recognition (OCR)

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Character Sets for Optical Character Recognition (OCR) (FIPS PUB 32-1).

Category of Standard. Hardware Standard, Character Recognition.

Explanation. This standard prescribes standard sets of printed graphic shapes and sizes to be used in Optical Character Recognition (OCR) systems employed by Federal agencies.

Approving Authority. Secretary of Commerce.

Maintenance Agency. U.S. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. Standards required to implement this FIPS PUB:

a. ANS X3.2-1970 (R1976), *American National Standard for Print Specifications for Magnetic Ink Character Recognition (MICR E-13B)*.

b. ANS BSR X3.17-1981, *American National Standard for Character Set for Optical Character Recognition (OCR-A)*.

c. ANS X3.49-1975, *American National Standard Character Set for Optical Character Recognition (OCR-B)*.

Related Documents. a. Federal Information Processing Standards Publication (FIPS PUB) —, *Optical Character Recognition (OCR) Character Positioning*.

b. Federal Information Processing Standards Publication (FIPS PUB) 85, *Optical Character Recognition (OCR) Inks*.

c. Federal Information Processing Standards Publication (FIPS PUB) 40, *Guideline for Optical Character Recognition Forms*.

d. Federal Information Processing Standards Publication (FIPS PUB) 1-1, *Code for Information Interchange*.

e. Federal Information Processing Standards Publication (FIPS PUB) 15, *Subsets of the Standard Code for Information Interchange*.

f. American National Standard BSR X3.93M-1981, *American National Standard for Optical Character Recognition (OCR) Character Positioning*.

g. ANS X3.86-1980, *American National Standard for Optical Character Recognition (OCR) Inks*.

h. ANS X3.4-1977, *American National Standard for Code for Information Interchange (ASCII)*.

Applicability. This standard is applicable to Optical Character Recognition (OCR) systems utilizing any part or all of the character sets contained herein when used in data entry systems. However, when data or information is being prepared using OCR techniques for the purposes of the interchanging information, the appropriate graphic or control characters of FIPS PUB 1-1, *Code for Information Interchange*, or an appropriate subset as defined in FIPS PUB 15, *Subsets of the Standard Code for Information Interchange*, shall be used for such interchange.

Specifications. This standard specifies the shapes and sizes of printed characters designed to be automatically recognized by optical means. These characters are contained in three sets, designated as OCR-A, OCR-B, and MICR Read Optically. MICR E-13B is intended for automated recognition by magnetic means. Optical recognition techniques applied to E-13B characters under certain conditions can achieve higher recognition rates and can tolerate greater character skew. The number of characters to be employed and the sets from which they are selected shall be determined by the requirements of each application.

This standard adopts in whole, or that part indicated, ANS proposed BSR X3.17-1981, *Character Set for Optical Character Recognition (OCR-A)*, ANS X3.49-1975, *Character Set for Optical Character Recognition (OCR-B)* (with the additional requirements as explained in the Applicability section), and ANS X3.2-1970 (R1976), *Print Specifications for Magnetic Ink Character Recognition (MICR)* (except Sections 5, 11, the Appendix, and related illustrations of X3.2-1970 (R1976)) by

¹ Since this FIPS PUB is in process, a number has not yet been assigned.

incorporating them into this standard by reference.

In addition, the following specifications apply to MICR Read Optically:

1. **Character Skew**—The maximum allowable character skew for MICR E-13B read optically is ± 3.0 degrees, measured from a line which is perpendicular to the average bottom edge of characters, excluding special symbols 3 and 4. Note that the American National Standard X3.2-1970 (R1976), *Print Specifications for Magnetic Ink Characters*, limits the maximum character skew to ± 1.5 degrees for magnetic ink character recognition applications (see Figure 18 of X3.2-1970 (R1976)). This difference is applicable only to optical character recognition of characters which are rejected by magnetic ink recognition devices.

2. **Relationship to the American Standard Code for Information Interchange (ASCII) Code Table**—The encoding of the MICR numerals and their placement is in accordance with the ASCII Code Table. The placement of these and of the four special symbols is shown in Table 1.

Qualifications. A family of related standards is required in order to describe the full set of character shapes, sizes, and performance characteristics necessary for a complete operational OCR system. This standard is a member of such a family. Other standards in the family cover OCR Forms, OCR Inks, OCR Character Positioning, and OCR Print Quality (see Related Documents section).

Special Information. This Federal Information Processing Standards Publication (FIPS PUB) 32-1, *Character Sets for Optical Character Recognition (OCR)*, is issued to reflect revisions in the two American National Standards for OCR on which it is

based, and to include a MICR character set to meet unique needs of certain Federal agencies which process large volumes of MICR encoded financial documents.

Specific differences between the original FIPS PUB 32 and this revision are:

a. The inclusion of graphic shapes for 11 special character of OCR-A, which extends the character set to accommodate the full code table of the ASCII (American Standard Code for Information Interchange), as provided in FIPS PUB 1-1 which adopts American National Standard X3.4-1977 except for two diacritic marks and the underline which are not used in OCR-A systems as stand-alone symbols.

b. The addition of three monetary shapes and the deletion of four punctuation characters of OCR-B, as reflected in American National Standard X3.49-1975.

c. The inclusion of a special character set, E-13-B MICR (read optically), based on the specifications of American National Standard X3.2-1970 (R1976). This is a special set normally used in conjunction with MICR installations.

Implementation. The earlier version of this standard (FIPS PUB 32) became effective on December 1, 1974. This revised version becomes effective on the date of the announcement of its approval, by the Secretary of Commerce, in the *Federal Register*.

All applicable equipment or services ordered on or after the date of this FIPS PUB must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below.

Exceptions to this standard are made in the following cases:

a. For equipment installed or on order prior to the effective date of this standard.

b. Where procurement actions are in the solicitation phase (i.e., Requests for Proposals or Invitations for Bids have been issued) prior to the effective date of this standard.

Waivers. Heads of agencies may waive the provisions of the implementation schedule. Proposed waivers relating to procurement of non-conforming equipment or the use of non-conforming character sets will be coordinated in advance with the National Bureau of Standards. Letters should be addressed to the Standards Administration Office, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. They should describe the nature of the waiver and set forth the reasons therefor.

Sixty days should be allowed for review and response by the National Bureau of Standards. The waiver is not to be effective until a reply is received from the National Bureau of Standards; however, the final decision for the granting of a waiver is a responsibility of the agency head.

Where to Obtain Copies. Either paper or microfiche copies of this Federal Information Processing Standard, including the technical specifications, may be purchased from the National Technical Information Service by ordering Federal Information Processing Standard 32-1 (NBS-FIPS-PUB-32-1), *Character Sets for Optical Character Recognition (OCR)*. (Sale of the included technical specifications document is by arrangement with the American National Standards Institute.) Ordering information, including prices and delivery alternatives, may be obtained by contacting the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161, telephone: 703-557-4650.

BILLING CODE 3510-13-M

b.	0	0	0	0	1	1	1	1
b.	0	0	1	1	0	0	1	1
b.	0	1	0	1	0	1	0	1
	0	1	2	3	4	5	6	7
b.	b.	b.	b.					
0	0	0	0	0				
0	0	0	1	1				
0	0	1	0	2				
0	0	1	1	3				
0	1	0	0	4				
0	1	0	1	5				
0	1	1	0	6				
0	1	1	1	7				
1	0	0	0	8				
1	0	0	1	9				
1	0	1	0	10				
1	0	1	1	11				
1	1	0	0	12				
1	1	0	1	13				
1	1	1	0	14				
1	1	1	1	15				

Table 1

[FR Doc. 81-10083 Filed 6-17-81; 8:45 am]
 BILLING CODE 8510-13-C

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 Bio-Rad Laboratories a limited exclusive right in the United States and certain Foreign countries to manufacture, use and sell products embodied in the invention, "Silver Stains for Protein in Gels."

The invention is protected by U.S. Patent Application No. 240,577 (dated March 4, 1981). 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* (46 FR 25500, May 7, 1981) and in *Government Inventions for Licensing* (May 26, 1981). To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under this patent application. The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of first commercial sale. 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: June 9, 1981.
Douglas J. Campion,
Liaison Officer.
 [FR Doc. 81-18121 Filed 6-17-81; 8:45 am]
BILLING CODE 3510-04-M

Office of the Secretary**Travel Advisory Board; Reestablishment**

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. (1976) and the Office of Management and Budget Circular A-63 (revised), and after consultation with the General Services Administration, it has been determined that the reestablishment of the Travel Advisory Board is in the public interest.

The Travel Advisory Board was first established by the Secretary of Commerce on July 18, 1968. Its charter expired on April 12, 1981. The Committee's purpose is to advise the Secretary of Commerce on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended (22 U.S.C. 2121 et seq.), which are to strengthen the domestic and foreign commerce of the United States and promote friendly understanding and appreciation of the United States by encouraging foreign residents to visit the United States and by facilitating international travel generally.

The Travel Advisory Board will have a balanced representation of approximately 15 members appointed by the Secretary who provide industry-wide and consumer expertise.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, on July 6, 1981.

Interested persons are invited to submit comments regarding the reestablishment of the Travel Advisory Board. Such comments as well as any inquiries, may be addressed to the Committee Control Officer, Ms. Sue Barbour, Office of the Assistant Secretary of Commerce for Tourism, Room 1858, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-4752, or the Department's Committee Management Analyst, Mrs. Yvonne Barnes, U.S. Department of Commerce (202) 377-4217.

Dated: June 12, 1981
Hugh L. Brennan,
Director, Office of Organization and Management Systems.
 [FR Doc. 18095 Filed 6-17-81; 8:45 am]
BILLING CODE 3510-17-M

DEPARTMENT OF DEFENSE**Department of the Air Force****USAF Scientific Advisory Board; Meeting**

June 8, 1981.

The USAF Scientific Advisory Board Operational Test and Evaluation Advisory Group will hold a meeting at Kirtland Air Force Base, New Mexico, on July 21 and 22, 1981. The meeting will convene at 9:00 a.m. with no scheduled adjournment time on July 21, and will convene at 9:00 a.m. and adjourn at 2:00 p.m. on July 22.

The Group will receive classified briefings on AFTEC's OT&E Approach on the Prototype Miniature Air Launched Segment (PMALS) of the Miniature Anti-Satellite System. An additional topic will be the Effects of Dormancy on the Reliability of Systems. The meetings will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Carol M. Rose,
Air Force Federal Register Liaison Officer.
 [FR Doc. 81-18044 Filed 6-17-81; 8:45 am]
BILLING CODE 3910-01-M

Engineers Corps; Department of the Army**Upper Cumberland River at Barbourville, Knox County, Ky; Intent To Prepare a Draft Environmental Impact Statement for Water Resource Development**

AGENCY: U.S. Army Corps of Engineers, Nashville District.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for Water Resources Development of the Upper Cumberland River at Barbourville, Knox County, Kentucky.

SUMMARY: Section 202 of the Energy and Water Development Appropriation Act of 1981, 1 October 1980, authorized and

directed the Secretary of the Army, acting through the Chief of Engineers, to design and construct flood control measures at and in the vicinity of Pineville, Kentucky, and other flood damaged localities and their environs on the Cumberland River.

Alternative flood control measures to be evaluated in the DEIS are: (1) raise the height of the present levee; (2) a downstream high-flow cutoff; and (3) a combination of these two measures. Associated nonstructural measures will also be addressed.

Alternative 1—The SPF levee system would average 25 feet in height (including freeboard) which is 10 feet higher than the existing levee system. The length of the new levee would be approximately 3.75 miles, compared with the existing length of about 3.40 miles. The upstream limit would be extended to approximately River Mile 636.1, near the City Cemetery and the downstream limit (i.e., along Richland Creek to the vicinity of the Heidrick Suburb) would be extended only as far as required to provide the new topographic "tie-in" at U.S. 25E.

Alternative 2—The downstream high-flow channel cutoff would be located through a bend in the river channel from River Mile 628.5 to 633.4, a distance of 4,300 feet. Normal flows would still utilize the existing channel and only high flows would be diverted through the cutoff. No further improvements to the existing channel are proposed. The cutoff cut width would be between 100-150 feet with expected flood level reductions at Barbourville between 3.5-5.0 feet. The cut dimensions, invert elevation above streambed, flood level reductions, costs, and environmental-social considerations will be optimized in the study. An alternative alignment (in the same general location) is being investigated. Although it would require a much greater cut volume, it may be more socially acceptable due to its relative location to nearby homes. The investigation of this alternate alignment will continue in conjunction with the original alignment, but it is expected that economics would make it the least desirable of the two. The cutoff would offer significant protection to the presently unprotected areas, as well as increasing the level of protection within the protected area. (This alternative alone, however, would not provide SPF protection to the City of Barbourville.)

Alternative 3—A combination of the above measures would provide SPF protection to Barbourville and significant protection to the currently unprotected areas. Under this plan, the height of the SPF levee system would be lowered by the benefit offered by the cutoff flood level reduction.

Scoping Process: The public is invited to submit written comments within 30 days of this notice to aid in determining the issues to be covered in the Draft Environmental Impact Statement (DEIS). Input from concerned Federal, State and local agencies will be solicited by letter. The Corps of Engineers has a biological inventory prepared under contract of the surrounding project area to provide baseline data for the DEIS. The following is a list of significant issues which will be analyzed and addressed in the DEIS:

1. Effects on water quality.
2. Effects on recreation.
3. Social, economic impacts.
4. Effects on cultural resources.
5. Effects on aquatic habitats (including changes in substrate composition, bottom geometry, loss of canopy cover and sedimentation).
6. Effects on benthic and vital plankton populations.
7. Effects on floodplain management.
8. Effects on prime and unique farmlands.
9. Effects on terrestrial habitat.
10. Effects on fish and wildlife.
11. Effects on endangered species.
12. Effects of discharge of fill material below ordinary high water under Section 404 of Clean Water Act of 1977.

Inquiry will be made by the Corps of Engineers of the United States Fish and Wildlife Service (USFWS) concerning the presence of Federally-proposed or listed threatened or endangered species. If the presence of such species is possible, consultation procedures will be initiated in compliance with Section 7 of the Endangered Species Act of 1973 as amended in 1978. Further coordination will be conducted with USFWS and the Kentucky Department of Fish and Wildlife Resources under the Fish and Wildlife Coordination Act (48 Stat. 401 as amended; 15 U.S.C. 661 et seq.) The Soil Conservation Service will be requested to determine the presence of any prime and unique farmland within the proposed project area. Under provisions of Section 5(a) of the Wild and Scenic Rivers Act, coordination with the Heritage Conservation and Recreation Service will be conducted. The Service will identify any river segment having sectional potential for designation as a Wild and Scenic River.

Copies of the DEIS will be transmitted to State and area-wide clearinghouses for comments in accordance with ER 200-2-2 and 33 CFR 209.120(i)(1)(iv). Also in accordance with ER 200-2-2 the draft and final EIS will be filed with the Environmental Protection Agency.

Upon completion of the cultural resources reconnaissance, two copies of the report will be forwarded to the Director, Office of Archeology and Historic Preservation, HCRS, with a request for review and comment in

accordance with 33 CFR 305 (ER 1105-2-406). Two copies also will be furnished to the Kentucky State Historic Preservation Officer, State Archeologist, and State Historian for review and comment.

Scoping Meeting: No scoping meeting will be conducted unless comments indicate that one is needed to obtain adequate input from the public and from other agencies. Scoping will be undertaken by mail.

Estimated Completion: The DEIS should be made available to the public in November 1981.

Questions: The District point of contact for questions concerning the proposed action or DEIS is Ms. Veche M. Vaughn, (615) 251-5028 or FTS 852-5028. All correspondence should be sent to the following address: U.S. Army Engineer District, Nashville, Environmental Analysis Section, P.O. Box 1070, Nashville TN 37202.

Dated: June 10, 1981.

Lee W. Tucker,

Colonel, Corps of Engineers, Commander.

[FR Doc. 81-18042 Filed 6-17-81; 8:45 am]

BILLING CODE 3710-GF-M

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, July 7, 1981; Tuesday, July 14, 1981; Tuesday, July 21, 1981; and Tuesday, July 28, 1981 at 10:00 a.m. in Room 3D-321, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related

solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D-264, The Pentagon, Washington, D.C.

M.S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*

June 15, 1981.

[FR Doc. 81-18086 Filed 6-17-81; 8:45 am]

BILLING CODE 3810-70-M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, August 4, 1981; Tuesday, August 11, 1981; Tuesday, August 18, 1981; and Tuesday, August 25, 1981 at 10:00 a.m. in Room 3D-321, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D-264, The Pentagon, Washington, D.C.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*

June 15, 1981.

[FR Doc. 81-18087 Filed 6-17-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-80-041; ERA Case No. 51388-9006-22-22]

Imperial Irrigation District, Rockwood Unit No. 2; Decision and Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues this Decision and Order to Imperial Irrigation District (IID) granting a permanent peakload exemption from the prohibitions against (1) the use of petroleum or natural gas as a primary energy source by new powerplants and (2) the construction of new powerplants

without the capability to use an alternate fuel as a primary energy source, which are contained in section 201 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act).

Background

On December 10, 1979, IID filed a petition with ERA for a permanent peakload powerplant exemption to enable it to use oil or natural gas as a primary energy source in a 25,000 KW oil or natural gas-fired combustion turbine powerplant to be known as Rockwood Unit No. 2 and which is to be located in Imperial County, California. ERA accepted the petition on December 29, 1980, and published a notice of acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the *Federal Register* on January 5, 1981 (46 FR 1015).

Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, which ended on February 19, 1981, interested parties were also afforded an opportunity to request a public hearing. No comments or requests for a public hearing were received.

ERA's staff reviewed the information contained in the record of the proceeding. A tentative Staff Analysis (TSA) recommended that ERA issue an order granting IID a permanent peakload powerplant exemption to use oil or natural gas in Rockwood Unit No. 2, subject to certain terms and conditions. A notice of availability of the TSA was published in the *Federal Register* on May 8, 1981 (46 FR 25683). The publication of the notice of availability opened a 14-day public comment period which ended May 22, 1981, during which no comments were received.

On the basis of ERA's review of the entire record of this proceeding, ERA has determined to grant the exemption requested by IID to use oil or natural gas in Rockwood Unit No. 2, subject to the terms and conditions enumerated below.

On August 11, 1980, DOE published in the *Federal Register* (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. IID has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. The Environmental checklist completed and certified to by IID pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. IID's responses to the questions contained therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments relating to this action which raise a substantial question regarding the categorical exclusion status in this case. Therefore, no additional environmental review is deemed to be required.

DATE: This order will take effect on August 17, 1981.

ADDRESSES: For Further Information Contact:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055

Louis T. Krezanosky, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3012 B, Washington, D.C. 20461, Phone (202) 653-4208

Christina Simmons, Office of General Counsel, Department of Energy, 1000 Independence Ave., S.W., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967

SUPPLEMENTARY INFORMATION: The Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), prohibits the use of natural gas or petroleum in certain new major fuel burning installations and powerplants unless an exemption for such use has been granted by ERA.

Imperial Irrigation District (IID) plans to install a 25,000 KW natural gas or oil-fired combustion turbine unit to be called Rockwood Unit No. 2 located in Imperial County, California. Based upon estimates by IID, the proposed unit is expected to consume approximately 68,182 barrels of No. 2 fuel oil per year. The unit is scheduled for commercial operation in May 1982.

IID submitted a sworn statement with the petition signed by Mr. R. Ogilvie, Manager, Power Department of IID, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Ogilvie certified that Rockwood Unit No. 2 will be operated solely as a peakload powerplant only to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 25,000 KW and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 37,500,000 Kwh.

Order

ERA hereby grants to IID a permanent exemption from the prohibitions of FUA with respect to the use of oil or natural gas in Rockwood Unit No. 2 provided that the powerplant is operated solely as a peakload powerplant and to meet peakload demand subject to the following terms and conditions imposed pursuant to the authority granted to ERA by Section 214(a) of the Act:

Terms and Conditions

A. IID shall not produce more than 37,500,000 Kwh during any 12-month period with the proposed unit. IID shall provide annual estimates of the expected periods (hours during specific months) of operation of Rockwood Unit No. 2 for peakload purposes (e.g., 8:00-10:00 a.m. and 3:00-6:00 p.m. during the June-September period, etc.). Estimates of the hours during which IID expects to operate Unit No. 2 during the first 12-

month period shall be furnished within 30 days from the date of this order.

B. IID shall comply with the reporting requirements set forth in 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in this unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. This order shall take effect on August 17, 1981.

Issued in Washington, D.C. on June 11, 1981.

Robert L. Davies,

Director, Office of Fuels Conservation, Economic Regulatory Administration.

[FR Doc. 81-18077 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-01-M

Powerplant and Industrial Fuel Use Act Issuance of an Order Granting Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on June 11, 1981, it extended the durations of previously issued orders granting temporary public interest exemptions pursuant to the authorities granted it by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) and the implementing regulations (10 CFR 501.68 and 10 CFR Part 506) from the prohibitions of section 301(a)(2) and (3) of the Act to the following powerplants in order to displace high sulfur residual fuel oil:

Docket No.	Petitioner	Generating station	Powerplant identification No.
50781-1822-05-41	City of Detroit Public Lighting Department	Mistersky	5
50781-1822-06-41	do	do	6
50791-1822-07-41	do	do	7
51006-6246-51-41	Florida Power and Light Company	Putnam	CC 1
51006-6246-52-41	do	do	CC 2
51434-0667-01-41	Jacksonville Electric Authority	Northside	1
51434-0667-02-41	do	do	2
51434-0667-03-41	do	do	3
53146-3909-03-41	Virginia Electric and Power Company	Yorktown	3
51887-8054-01-41	Mississippi Power & Light Company	Gerald Andrus	1

These exemptions would have expired on December 7, 1981, if ERA had not taken this action.

The Order is set forth following this Notice and has been sent by certified mail to the Petitioners.

Petitions were received and filed with ERA, pursuant to 10 CFR Part 508 (Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230) for temporary public interest exemptions for the use of natural gas as a primary

energy source. ERA published Orders in the Federal Register granting temporary public interest exemptions to Putnam CC 1 & 2, Northside #1, 2 & 3, and Yorktown #3 on October 16, 1980 (45 FR 68714); to Mistersky #5, 6 & 7 on October 17, 1980 (45 FR 69006) and to Gerald Andrus #1 on March 17, 1981 (46 FR 18336).

ERA was informed that none of the above listed powerplants have been able to utilize natural gas pursuant to the granted temporary exemption because there are no natural gas

interconnections at these powerplants. Therefore, ERA issued and published proposed orders extending the duration of these temporary exemptions in the March 19, and March 25, 1981, Federal Register (46 FR 17582) and (46 FR 18586). The extended order would cover the period of time necessary to construct the natural gas pipelines interconnection, a payback period, plus an additional 18 months. This presented an opportunity for public comments and for interested persons to request a hearing relating to extending the duration of these exemptions. Two comments were received and there were no requests for a hearing. The Midwest Fuel Oil Council submitted comments specifically related to the City of Detroit's Mistersky Powerplant, stating that extensions of this exemption "will exacerbate the disruptions which already have taken place and will further weaken the viability of the independent refining and marketing sectors of the petroleum industry." The comments do not, however, identify any refinery or broker that would be hurt by the granting of this extension. ERA has contacted Enterprise Oil, the broker supplying Mistersky, and was told that the loss of Mistersky as a customer is not expected to threaten its solvency.

The second comment from Florida Power and Light Company requested that ERA not count pipeline construction as part of the five year exemption's duration and also allow the utility to change its payback period, if necessary. A Special Temporary Public Interest exemption's duration begins when the petition is received at ERA. Therefore, an exception cannot be made to temporarily halt the clock while a utility constructs a pipeline. A utility does have the option of withdrawing the exemption and re-applying at a later date. ERA will consider changing the payback period should this be necessary.

These temporary exemption extensions will allow the above-named units to burn natural gas to displace fuel oil, notwithstanding the prohibitions of section 301(a)(2) and (3) of FUA.

Supplementary Information: On April 9, 1979, ERA issued a final rule implementing the authority granted to DOE by section 311(e) of FUA. This final rule, set forth in 10 CFR Part 508, establishes the policy ERA has adopted in implementing its authority under section 311(e) of FUA. Pursuant to section 311(e) of FUA and 10 CFR Part 508, the above listed petitioners filed for temporary public interest exemptions.

The previously issued temporary exemptions allowed the above-listed electric powerplants to use natural gas as a primary energy source in excess of the amounts which are permitted by section 301(a) (2) and (3) of FUA until December 7, 1981, with a provision for extension at the discretion of ERA. The natural gas use permitted by these temporary exemptions is displacing high sulfur residual fuel.

Without this extension, the issued Order will have no practical effect in promoting ERA's policy set forth in 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). In the Special Rule, ERA determined that to the extent that the near-term choice for certain existing powerplants is limited to petroleum or natural gas, generally the use of natural gas is preferred. The increased use of natural gas helps to reduce the Nation's short-term oil consumption and the demand for imported oil. This decreased consumption of imported oil helps the Nation's balance of payments and domestic inflation rate.

There are presently surplus quantities of natural gas available for short-term contracts to displace fuel oil. The general natural gas supply and demand picture also looks more encouraging for the near future than it has in the recent past. ERA believes this additional displacement of fuel oil will have minimal impact on refineries serving the regions wherein these powerplants are located.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of

national energy self-sufficiency. This is in keeping with purposes of FUA and is in the public interest.

Since the increased use of natural gas for oil displacement is in keeping with the purposes of FUA and is in the public interest, and since ERA has determined that surplus gas is available and the use of gas in these units will have minimal impact on refineries, ERA has extended the durations of these exemptions as cited in the Decision and Order.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-4268.

Decision and Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order extending the duration of previously issued temporary public interest exemptions from the prohibitions of section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. § 8301 et seq. (FUA or the Act), pursuant to section 311(e) of FUA, and the implementing regulations (10 CFR 501.68 and 10 CFR Part 508) to the following powerplants to the dates as noted:

Docket No.	Petitioner	Generating station	Powerplant identification No.	As extended
50781-1822-05-41	City of Detroit Public Lighting Department	Mistersky	5	Oct. 1983.
50781-1822-06-41	do	do	6	Do.
50781-1822-07-41	do	do	7	Do.
51006-6246-51-41	Florida Power and Light Company	Putnam	CC 1	June 1984.
51006-6246-52-41	do	do	CC 2	Do.
51434-0667-01-41	Jacksonville Electric Authority	Northside	1	Feb. 1985. ¹
51434-0667-02-41	do	do	2	Do.
51434-0667-03-41	do	do	3	Do.
53146-3809-03-41	Virginia Electric and Power Company	Yorktown	3	Mar. 1984.
51887-8054-01-41	Mississippi Power & Light Company	Gerald Andrus	1	Dec. 1983.

¹ Maximum date without exceeding five-year statutory limitation.

Duration of Temporary Exemptions

ERA extends the duration of these temporary public interest exemptions as cited in the Decision and Order; however, the temporary exemptions are subject to termination upon six months

written notice, if ERA determines such termination to be in the public interest. With the exception of Jacksonville's Northside units, all the exemptions may be extended further at some future time to the full five years permitted by the statute.

Effective Date of Decision and Order

This Decision and Order shall become effective on August 17, 1981 in accordance with section 702(a) of FUA.

Terms and Conditions

Pursuant to the authority of section 314 of FUA and 10 CFR 508.6, the temporary exemptions extended under this Decision and Order are conditioned upon, and shall remain in effect so long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioners will report to ERA for each six-month period during which the exemption is in effect the actual monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioners, with the exception of Mississippi Power & Light Company (MP&L), will submit annually to ERA, commencing with the calendar year ending December 31, 1981, a report on progress achieved in implementing the pertinent fuel conservation plan. The progress report for MP&L will be due December 31, 1982.

ERA's grant of extensions to these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C. on June 11, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion,
Economic Regulatory Administration.

[FR Doc. 81-18076 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-035; ERA Case No. 52721-6135-1 through 20-22]

**Southern California Edison Co.,
Lucerne Valley Project; Decision and
Order Granting Exemption From the
Prohibitions of the Powerplant and
Industrial Fuel Use Act of 1978**

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues this Decision and Order to Southern California Edison Company (Edison) granting twenty permanent peakload exemptions from the prohibitions against (1) the use of petroleum as a primary energy source by new powerplants and (2) the construction of

new powerplants without the capability to use an alternate fuel as a primary energy source, which are contained in section 201 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act).

Background

On April 29, 1980, Edison filed twenty petitions with ERA for twenty permanent peakload powerplant exemptions to enable it to use oil as a primary energy source in twenty 64,500 kilowatt oil-fired simple cycle combustion turbine powerplants to be known as Units CT-1 through CT-20 (Units) and located at its Lucerne Valley Project.

ERA required the submission of additional information which was subsequently received from Edison on September 25, 1980. ERA accepted the petition on November 12, 1980, and published notice of its acceptance in the *Federal Register* on November 19, 1980 (45 FR 76513). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. Interested persons were also afforded an opportunity to request a public hearing. The comment period ended January 5, 1981. No comments or requests for a public hearing were received.

ERA's staff reviewed the information contained in the record of the proceeding. A Tentative Staff Analysis (TSA) was prepared which recommended that ERA issue an order granting Edison twenty permanent peakload powerplant exemptions to use oil in the Units subject to certain terms and conditions. A notice of availability of the TSA was published in the *Federal Register* on April 29, 1981 (46 FR 23971). The publication of the notice of availability opened a 14-day public comment period which ended May 13, 1981, during which no comments were received.

On the basis of ERA's review of the entire record of this proceeding, ERA has determined to grant the exemptions requested by Edison to use oil in the Units subject to the terms and conditions enumerated below.

Section 763(3) of the FUA provides that the grant or denial of an exemption is not a major Federal action for purposes of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) where " * * * the Secretary finds, in consultation with the appropriate Federal agency, and publishes such finding that an environmental impact statement is required in connection with another Federal action and such statement will

be prepared by such agency and will reflect the exemption adequately."

DOE's Office of Environment has determined, after consultation with the Bureau of Land Management of the U.S. Department of Interior (BLM), that an environmental impact statement (EIS) is required to analyze the cumulative effect of operating twenty peakload units, as well as impacts from the construction of transmission lines and water and fuel pipelines.

In order to determine the environmental soundness of the Lucerne Valley Project, BLM will supervise the preparation of an EIS for the Lucerne Valley Project in cooperation with DOE in accordance with section 1501.5 of the Council on Environmental Quality Regulations which provides for agency cooperation in the NEPA process. BLM has agreed to act as lead agency and prepare the EIS in a manner which adequately reflects the petitioner's requested peakload powerplant exemptions. Accordingly, under the authority of Section 763(3), ERA's decision on Edison's petition is not a major Federal action for purposes of NEPA and a separate EIS is not required to be prepared by DOE.

DATES: This order will take effect on August 17, 1981.

ADDRESSES: For further information contact:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055

Louis T. Krezanosky, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3012 B, Washington, D.C. 20461, Phone (202) 653-4208

Henry K. Garson, Office of the General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B-178, Washington, D.C. 20565, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by ERA. Final rules applicable to new facilities issued by ERA on May 30, 1980, were published in the *Federal Register* on June 6, 1980 (45 FR 38276) and became effective August 5, 1980.

Southern California Edison Company (Edison) plans to install twenty 64,500 KW distillate oil-fired simple cycle

combustion turbine units at its Lucerne Valley Project (Units CT-1 through CT-20). Six of these units are scheduled for commercial operation in June 1985, six in 1986, and eight in 1987. Based upon estimates by Edison, each proposed unit is expected to consume the energy equivalent of approximately 176,000 barrels of distillate fuel oil per year (482 bbl/day).

Edison submitted a sworn statement with the petition signed by Mr. A. Arenal, Vice President of Southern California Edison Company, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Arenal certified that Units CT-1 through CT-20 will be operated solely as peakload powerplants and will be operated only to meet peakload demand for the life of each unit. He also certified that the maximum design capacity of each unit is 64,500 KW and that the maximum generation that each unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 96,750,000 Kwh.

Order

ERA hereby grants to Edison twenty permanent peakload exemptions from the prohibitions of FUA with respect to the use of oil in Units CT-1 through CT-20 at its Lucerne Valley Project, provided that each powerplant is operated solely as a peakload powerplant and to meet peakload demand subject to the following terms and conditions stated below:

Terms and Conditions

A. Edison shall not produce more than 96,750,000 Kwh during any 12-month period with each unit. Edison shall provide annual estimates of the expected periods (hours during specific months) of operation of Units CT-1 through CT-20 for peakload purposes (e.g., 8:00-10:00 am and 3:00-6:00 pm during the June-September period, etc.). Estimates of the hours in which Edison expects to operate Units CT-1 through CT-20 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. Edison shall comply with the reporting requirements set forth at 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in each unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. Edison shall comply with any terms and conditions which may be imposed pursuant to the environmental requirements set forth at 10 CFR 503.15(b).

Issued in Washington, D.C. on June 11, 1981.

Robert L. Davies,
Director, Office of Fuels Conversion,
Economic Regulatory Administration.

[FR Doc. 81-16078 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-01-M

Montana Dakota Utilities Co. et al; Receipt of Petitions for Temporary Public Interest Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978 and Proposed Order Granting Special Temporary Public Interest Exemptions

AGENCY: Economic Regulatory
Administration, DOE.

ACTION: Notice of petitions for and proposed order granting special temporary public interest exemptions.

SUMMARY: A number of petitions have been received and filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for temporary public interest exemptions for the use of natural gas as a primary energy source. Such exemptions are authorized by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA or the Act). The owners/operators of the powerplants have provided the following information:

Petitioner/generating station	Unit identification No.	Maximum quantity of oil to be displaced ¹	Type of oil to be displaced	Coal or alternate fuel to be displaced
Montana-Dakota Utilities Company (Glendive)	CT1	58	Distillate	No.
Rochester Gas & Electric Corporation (Beebe)	7	395	Residual	No.
	8	455	Residual	No.
City of Coffeyville (Coffeyville)	3	14	Residual ²	No.
	4	25	Residual ²	No.

¹Barrels per day.

²High sulfur residual oil (sulfur greater than 0.5%).

FUA became effective on May 8, 1979. The Act prohibits the use of natural gas as a primary energy source in certain existing powerplants and also authorizes exemptions under certain conditions.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing section 311(e) of FUA. This final rule, 10 CFR Part 508 (44 FR 21230, April 9, 1979), sets forth the policy ERA has adopted in implementing section 311(e) of FUA, and the eligibility standards which petitioners for the temporary exemption must meet.

The grant of these temporary exemptions will allow these existing electric powerplants to use natural gas as a primary energy source in excess of the amounts which are permitted by section 301(a)(2) and (3) of FUA. The use of natural gas, permitted under these temporary exemptions, will result in displacing distillate and residual fuel oils in existing electric powerplants.

The above listed owners/operators have filed petitions with ERA for temporary public interest exemptions for certain existing electric powerplants. ERA has reviewed these petitions and has determined that the powerplants

meet the eligibility criteria established in 10 CFR 508.2.

ERA is proposing to issue orders which would grant temporary public interest exemptions to all of the powerplants listed above, pursuant to the authority of section 311(e) of FUA and 10 CFR Part 508. These proposed orders, when finalized, would grant a temporary exemption to the subject powerplants from the prohibition against natural gas use, contained in section 301(a)(2) and (3) of FUA.

Additionally, special temporary public interest exemptions do not relieve existing powerplants from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from any public utility obligation to pertinent categories of customers.

Proposed Order Granting Special Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby sets forth its Order proposing to grant special temporary public interest exemptions

from the prohibitions of section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA or the Act) pursuant to

section 311(e) of FUA, 10 CFR 501.68, and 10 CFR Part 508, to the following powerplants:

Case control No.	Petitioner	Generating station	Unit identification	Location
51913-2178-21-41	Montana-Dakota Utilities Company	Glendive	CT 1	Glendive, Mont.
52501-9204-07-41	Rochester Gas & Electric Corporation	Beebees	7	Rochester, N.Y.
52501-9204-08-41	do	do	8	Do.
50610-1271-03-41	City of Coffeyville	Coffeyville	3	Coffeyville, Kansas.
50610-1271-04-41	do	do	4	Do.

I. Statutory Prohibitions

The above listed powerplants are prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source, or are prohibited from using natural gas as a primary energy source in excess of the average base year proportions allowed in section 301(a)(3) of the Act.

II. Eligibility for Exemption

The existing powerplants listed above have submitted petitions to ERA for a special temporary public interest exemption and have asserted that:

a. Each existing powerplant is:

1. Prohibited on May 8, 1979, from using natural gas as a primary energy source by section 301(a)(2) of FUA, or
2. Prohibited from using natural gas in excess of the average base year proportions allowed in section 301(a)(3) of FUA.

b. The proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by section 301(a)(2) or (3) of FUA:

1. Will displace consumption of middle distillate or residual fuel oil, and
2. Will not displace the use of coal or any other alternate fuel in any facility of the owner/operator utility system, including the powerplant for which the exemption petition was submitted.

III. Rationale

To the extent that the *near-term* choice of fuels for existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred. The expanded use of natural gas in these powerplants will be a significant step toward reducing the Nation's oil consumption in the short term. This increased use of natural gas will help the United States meet its international commitments to reduce its demand for imported petroleum products, protect the Nation from the effects of oil shortages, and cushion the impact of increasing world oil prices, which have had a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that this increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency. This is in keeping with purposes of FUA and is in the public interest.

Since the increased use of natural gas for oil displacement is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria established in 10 CFR 508.2, 44 FR 21230, ERA proposes to grant the exemptions.

IV. Duration

ERA proposes to grant these temporary public interest exemptions generally as follows:

1. In no case will any exemption granted extend beyond June 30, 1985, or exceed a maximum of 5 years (including the period of time during which the petition was pending), whichever occurs first.
2. To those facilities that will displace middle distillate fuel oil, grant exemptions until June 30, 1985, subject to the limitations described in paragraph 1, above.
3. To those facilities that will displace residual oil with a sulfur content of 0.5 percent or less, grant exemptions for an initial period of two years, with an automatic extension of up to three years, subject to the limitations described in paragraph 1, above, and upon ERA's written acceptance of a system-wide fuel conservation plan filed by the petitioner consistent with the terms and conditions set forth below.
4. To those facilities that will displace residual oil with a sulfur content greater than 0.5 percent, grant exemptions for an initial period ending December 7, 1981, with provision for an extension, subject to the limitations described in paragraph 1, above, and at ERA's option based on an appropriate request filed by the petitioner.

These proposed temporary exemptions are subject to termination by ERA upon six months written notice,

if ERA determines such termination to be in the public interest.

V. Terms and Conditions

Pursuant to the authority of section 314 of FUA and 10 CFR 508.6, ERA will require the recipient of a final order to:

- (1) Report the actual monthly volumes of natural gas used in each exempted powerplant and the estimated number of barrels of each type of fuel oil displaced during the exemption period;
- (2) submit a system-wide fuel conservation plan to include the period covered by the temporary exemption; and
- (3) submit to ERA a report on progress achieved in implementing the system-wide fuel conservation plan. The first progress report is due within thirty days following the end of the calendar year in which the system-wide fuel conservation plan is required and annually thereafter.

Comments

ERA is publishing this notice of petitions filed and its proposed order granting these exemptions, to invite interested persons to submit written comments pursuant to the requirements of FUA. In addition, any interested person may request that a public hearing be convened in regard to these petitions under the provisions of section 701(d) of FUA.

DATES: Written comments relating to these petitions and the proposed order are due on or before August 3, 1981. Requests for a public hearing are also due on or before August 3, 1981.

ADDRESS: Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Jack C. Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-4055

James W. Workman (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 3112-E, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-4268.

Christina Simmons (Office of General Counsel), Department of Energy, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2967

This is not the final notice of petitions and proposed orders under the final rule. ERA will continue to comply with

the requirements of section 701(c) of FUA and will publish further notices as petitions are received and accepted.

Additionally, special temporary public interest exemptions do not relieve existing powerplants from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from any public utility obligation to pertinent categories of customers.

Issued in Washington, D.C., on June 11, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion,
Economic Regulatory Administration.

[FR Doc. 81-18122 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP78-266]

Bear Creek Storage Company; Tariff Filing

June 12, 1981.

Take notice that on June 3, 1981, Bear Creek Storage Company (Bear Creek), P.O. Box 82, Bienville, Louisiana 71008 filed its FERC Gas Tariff, Original Volume No. 1 together with its executed Service Agreements with Southern Natural Gas Company (Southern) and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) in order to commence storage service on July 1, 1981, all as more fully set forth in the tariff filing which is on file with the Commission and open to public inspection.

Bear Creek states that such an effective date is necessary to enable Bear Creek to receive working storage volumes from Southern and Tennessee and thereby be ready to have storage gas available for Southern and Tennessee in the forthcoming 1981-82 winter heating season. Bear Creek is concomitantly seeking waiver of §§ 154.22 and 154.51 of the Commission's regulations to permit concurrent consideration by the Commission of its tariff and service agreements in order to meet the proposed date of July 1, 1981.

As more fully explained in the instant tariff filing, the proposed service has been authorized previously by the Commission by order issued April 3, 1979, in Docket No. CP78-266. Bear Creek's proposed initial rate is predicated on the procedures established in a Stipulation and

Agreement dated March 8, 1979 which was approved by the Commission's order of April 3, 1979, in the subject docket.

Copies of Bear Creek's filing were served on the Company's jurisdictional customers and on all parties to the proceeding in Docket No. CP78-266.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before June 22, 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 party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18145 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4488-000]

Big Wood Canal Company and American Falls Reservoir District No. 2; Application for Preliminary Permit

June 15, 1981.

Take notice that Big Wood Canal Company and American Falls Reservoir District No. 2 (Applicant) filed on April 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4488 to be known as the Magic Power Project located on Big Wood River in Blaine and Camas Counties, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Big Wood Canal Company and American Falls Reservoir District No. 2, 112 South Apple Street, Box C, Shoshone, Idaho 83352. 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) the existing 191,500 acre-foot Magic Reservoir; (2) the existing 3,100-foot long, 128-foot high Magic Dam; (3) an existing conduit; (4) a

powerhouse to contain four generating units with a total rated capacity of 9.5 MW and (5) a 2-mile long transmission line.

The Applicant estimates that the average annual energy output would be 30 million kWh.

Purpose of Project—Several markets exist for the power generated by the proposed project including the Bonneville Power Administration, other utilities in the area, and the Applicant.

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 review foundation requirements; perform hydrological studies, survey the project area; prepare a feasibility study; assess the environmental impact; develop a schedule for project implementation; and consult with appropriate agencies. The cost of these studies is estimated by the Applicant to be \$100,000.

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 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 Cook Electric Company Project No. 3407 filed on November 3, 1980, under 18 CFR 4.33 (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 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 July 17, 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 in response to this notice of application for preliminary permit for Project No. 4488. 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. 81-10146 Filed 6-17-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4474]

Borough of Cheswick and the Allegheny Valley North Council of Governments, Pennsylvania; Application for Preliminary Permit

June 15, 1981.

Take notice that Borough of Cheswick and the Allegheny Valley North Council of Governments, Pennsylvania (Applicant) filed on April 3, 1981 and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4474 known as the Allegheny L/D #3 & 4 Hydro Project located on the Allegheny River in Allegheny & Westmoreland

Counties, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William B. Payne, Councilman, Borough of Cheswick, 1410 Spruce Street, Cheswick, Pennsylvania 15024.

Project Description—The proposed project would utilize the existing U.S. Army Engineers' Allegheny Locks and Dams No. 3 and 4 and would consist of: (1) new penstocks near the right dam abutment (L/D #3) and near the left dam abutment (L/D #4); (2) new powerhouses containing generating units having a total rated capacity of 30,000 kW (L/D #3) and 24,000 kW (L/D #4); (3) tailraces; (4) new transmission lines, approximately 400 feet and 500 feet long, respectively; and (5) appurtenant facilities. The applicant estimates that the average annual energy output would be 125,000 kWh (L/D #3) and 96,000,000 kWh (L/D #4).

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction.

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 \$300,000.

Competing Applications—This application was filed as a competing application to Atlantic Power Development Corporation's application for Project No. 3456 filed on September 9, 1980 and Noah Corporation's application for Project No. 3494 filed on September 23, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) 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 may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but

only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents 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 RB at the above address. 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. 81-10147 Filed 6-17-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4433-000]

City of Cuba, Wisconsin and the Wisconsin Public Power Incorporated System; Application for Preliminary Permit

June 15, 1981.

Take notice that the City of Cuba, Wisconsin, and the Wisconsin Public Power Incorporated System (Applicant) filed on March 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4433 known as the Mississippi Lock and Dam No. 11 located on Mississippi River in Dubuque, Iowa and Grant Counties, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Michael P. May, Boardman, Suhr, Curry, and Field, 1 South Pinckney Street, P.O. Box 927, Madison, Wisconsin 53701.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers' Dam and would consist of: (1) a proposed powerhouse with an installed generating capacity of 10,644 kW; (2) a proposed transmission line which is estimated to be less than two miles long; and (3) appurtenant facilities.

The proposed project would be located on Federal land.

The Applicant estimates that the average annual energy output would be 72,647 MWh.

Purpose of Project—The Applicant proposes to market the power generated by the project to the municipal members of this system.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. Within the 36-month time frame, the Applicant proposes to conduct engineering, environmental, and legal investigations. The Applicant estimates the cost of the proposed investigations to be \$50,000.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc., Project No. 3668 filed on November 4, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) 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 may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents 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 RB at the above address. 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. 81-18148 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4452-001]

City of Paris; Application for Preliminary Permit

June 15, 1981.

Take notice that the City of Paris (Applicant) filed on May 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4452 to be known as the Kentucky River Lock and Dam No. 11 located on Kentucky River in Madison and Estill Counties, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kerby Burton, W. M. Lewis and Associates, Inc., 740 Fifth Street, P.O. Box 1383, Portsmouth, Ohio 45662.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the north or south end of the existing dam, containing two generating units rated at 10.1 MW each for a total installed capacity of 20.2 MW; (2) a proposed 69 kV transmission line; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. Applicant estimates that the average energy output for the project would be 46.3 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time studies would be made to determine the engineering, economic, and environmental feasibility of the project, along with consulting Federal, State, and local government agencies concerning the environmental effects of the project. Applicant estimates the cost of the studies would be \$75,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 11 Project Nos. 3659 and

3974 filed on November 4, 1980, and January 12, 1981, by Continental Hydro Corporation and ENERGENICS SYSTEMS, INC., respectively, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) 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 may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 17, 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 in response to this notice of application for preliminary permit for Project No. 4452. 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. 81-18149 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4502-000]

City of Pueblo, Colorado; Application for Preliminary Permit

June 15, 1981.

Take notice that the City of Pueblo (Applicant) filed on April 9, 1980, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for proposed Project No. 4502 to be known as the Pueblo Hydro Project located on the Arkansas River in Pueblo 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. Fred E. Weisbrod, City Manager, City Hall, 1 City Hall Place, Pueblo, Colorado 81003. 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 United States Water and Power Resources Service's Pueblo Dam and would consist of: (1) a new powerhouse with an installed capacity of about 12.3 MW utilizing one of the existing diversion and bypass conduits as the penstock; and (2) other appurtenances.

The Applicant estimates that the average annual energy output would be 37,210,000 kWh. Project energy would be sold to the Public Service Company of Colorado.

Proposed Scope and Cost of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform hydraulic, construction planning, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for a FERC license. Applicant estimates cost of studies under the permit would be \$60,000.

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 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 FERC Project No. 3711 filed on November 10, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file applications 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 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 July 14, 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 in response to this notice of application for preliminary permit for Project No. 4502. 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. 81-18150 Filed 6-17-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-350-000]

Columbia Gas Transmission Corp.; Notice of Application

June 16, 1981.

Take notice that on May 29, 1981, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81-350-000 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 certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that it has undertaken a gas development program in northwestern Pennsylvania and western New York known as Project Penny. It is further submitted that as part of such program various independent producers are conducting drilling operations in Erie and Crawford Counties, Pennsylvania, on lease tracts dedicated to Applicant.

Applicant specifically proposes to construct and operate 1.3 miles of 4-inch, 12.5 miles of 6-inch, 12.9 miles of 8-inch and 27.5 miles of 12-inch transmission pipeline in Erie and Crawford Counties, Pennsylvania. Applicant asserts that the proposed pipeline construction would give it access to approximately 52,300 acres of which approximately 33,000 acres are under lease to Applicant and have been farmed-out to various independent producers and approximately 19,300 acres which are controlled by independent producers. Applicant further asserts that currently 54 successful wells having estimated recoverable reserves of 10,800,000 Mcf have been drilled on the acreage. Applicant estimates that an additional 445 wells having estimated recoverable reserves of 88,000,000 Mcf would ultimately be drilled.

Applicant further proposes to construct and operate a 1,440 horsepower compressor station, the meadville compressor station, in East Fairfield Township, Crawford County, Pennsylvania. It is stated that the

proposed compressor station would be comprised of three reciprocating compressor units two driven by 540 horsepower natural gas-fueled engines and one driven by a 360 horsepower natural gas-fueled engine.

Applicant asserts that the proposed facilities are necessary in order to attach available reserves and transport up to 15,000 dekatherms equivalent of natural gas per day to a new point of exchange with Consolidated Gas Supply Corporation (Consolidated) in Crawford County, Pennsylvania, pursuant to a March 3, 1981, exchange agreement between Applicant and Consolidated.

Applicant estimates the cost of the proposed facilities to be approximately \$10,527,000 which would be financed from the sale of securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 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 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. 81-18151 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-368-000 and ER80-592, et al.]

Detroit Edison Co.; Order Accepting for Filing and Suspending in Part Proposed Rates, Granting Waiver of Notice in Part, Consolidating Dockets, and Establishing Procedures

Issued June 12, 1981.

Pursuant to the Commission's Order No. 84,¹ Detroit Edison Company (Edison) submitted for filing on March 31, 1981, an amendment to the Operating Agreement between Edison, Consumers Power Company (Consumers) and Indiana & Michigan Electric Company (I&M).² Certificates of concurrence were filed by Consumers and I&M on April 13, 1981. With regard to the third party resale of electric power, Order No. 84 requires utilities to cap percentage adders in their rates as applied to purchased power costs (1) at one mill per kWh or less without providing cost support, or (2) at more than one mill per kWh with appropriate cost support. Edison's submittal relative to the third party resale of emergency power provides for (1) a limitation of 1 mill per kWh on the ten percent adder to the purchased cost of emergency power, and (2) the establishment of a 2 mills per kWh demand charge, in addition to the energy charge as revised for emergency service provided among the parties. The filing does not propose to change the charge for self-generated emergency energy.³

Notice of the filing was issued on April 10, 1981, with comments, protests, or petitions to intervene due on or before May 1, 1981. No responses were received.

Discussion

Our analysis indicates that the charges proposed are supportable as applied to Edison and Consumers. Therefore, we shall accept the instant submittal for filing with respect to Edison and Consumers without suspension. However, our review further indicates that the charges as proposed for I&M for third party emergency power have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory,

preferential, or otherwise unlawful. Therefore, with respect to I&M, we shall accept the third party emergency rates for filing and suspend those rates as directed below.

In a number of suspension orders,⁴ we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances are presented here. In view of the nature of the treatment interchange services at issue, and consistent with our other Order No. 84 compliance filings, we shall suspend I&M's proposed third party emergency rates for only one day. A nominal suspension and a refund obligation should adequately protect affected ratepayers while facilitating the availability of third party emergency power.

Edison has requested waiver of the notice requirements so as to permit the currently proposed rates and charges for third party emergency service to become effective on September 1, 1980. We note that Order No. 84 anticipated that limitations on percentage adders which are based on third party purchased power costs would become effective as of September, 1980. Accordingly, we find that good cause exists to waive the notice requirements and we shall permit these rates for Edison and Consumers to become effective on September 1, 1980. As to I&M, we shall suspend the third party emergency rates for one day from September 1, 1980, to become effective on September 2, 1980, subject to refund, pending the outcome of a hearing.

Edison also has requested waiver of the notice requirements and a January 13, 1981 effective date for that portion of the instant submittal regarding the rate for emergency service provided from Edison's system. Waiver of the notice requirements and the earlier effective date are unnecessary since the present rates for emergency service provided by Edison or Consumers from their own

¹ See Order No. 84, Limits for Percentage Adders in Electric Rates Transmission Service, Docket No. RM79-29 issued May 7, 1980. See also Order Nos. 84-A and 84-B issued July 3, 1980, and August 11, 1980, respectively.

² See Attachment A for rate schedule designations.

³ Self-generated emergency energy is priced at the higher of (1) 110 percent of out-of-pocket cost, or (2) 30 mills per kWh if I&M is the supplying party and 110 percent of out-of-pocket cost plus a demand charge of 5 mills per kWh if either Consumers or Edison is the supplying party.

⁴ E.g., *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) [five-month suspension]; *Alabama Power Co.*, Docket Nos. ER80-506, et al. (August 29, 1980) [one-day suspension]; *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) [one-day suspension].

systems were accepted for filing effective January 13, 1981, by Commission letter order dated January 12, 1981, in Docket No. ER79-341. Furthermore, the present rate for emergency service provided by I&M from its system was accepted for filing effective April 15, 1977, by letter dated May 9, 1977, in Docket No. ER77-242. Since those rates are unchanged by the present filing, the portions of the instant submittal regarding the rates for emergency service provided from a supplier's own system will be accepted for filing to become effective June 13, 1981, sixty days after filing. Such effective date will permit the rates for emergency service provided from the supplier's system to remain effective from the previously designated effective dates through June 12, 1981, under the rate schedules filed in Docket Nos. ER77-242 and ER79-341, and after June 12, 1981, under the instant submittal.

We further find that common questions of law and fact exist in this docket and in the consolidated proceeding in *Allegheny Power Systems, et al.*, Docket Nos. ER80-592, *et al.* As a result, we shall consolidate Docket No. ER81-368-000 with the ongoing proceeding for purposes of hearing and decision.

The Commission orders

(A) Edison's request for waiver of the notice requirements is hereby granted in part.

(B) With respect to Edison and Consumers, the submittal of March 31, 1981, is hereby accepted for filing, to become effective as of September 1, 1980, without suspension, with the exception of the rates for emergency service provided from the suppliers' own systems which shall become effective on June 13, 1981, without suspension.

(C) With respect to I&M, the submittal of March 31, 1981, is hereby accepted for filing and suspended for one day, to become effective as of September 2, 1980, subject to refund, pending the outcome of a hearing, with the exception of the rate for emergency service provided from I&M's own system which shall become effective on June 13, 1981, without suspension.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Act, and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held

concerning the justness and reasonableness of I&M's rates and charges for third party resale of emergency power.

(E) Docket No. ER81-368-000 is hereby consolidated with Docket Nos. ER80-592, *et al.*, for purposes of hearing and decision.

(F) The administrative law judge designated to preside in Docket Nos. ER80-592, *et al.*, shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER81-368-000 with the existing proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,
Secretary.

Attachment A

Docket No. ER81-368-000 Rate Schedule Designations

Designation and Description

Detroit Edison Co.

(1) Supplement No. 19 to Rate Schedule FPC No. 12—Amendment > No. 19

Consumer Power Co.

(2) Supplement No. 19 to Rate Schedule FPC No. 23 (Concurs in (1) above)—Certificate of Concurrence

Indiana & Michigan Electric Co.

(3) Supplement No. 17 to Rate Schedule FPC No. 88 (Concurs in (1) above)—Certificate of Concurrence

[FR Doc. 81-18136 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-219-001]

East Tennessee Natural Gas Co; Amendment to Application

June 16, 1981.

Take notice that on June 1, 1981, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, file in Docket No. CP81-219-001 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to delete the requested sales to Orange and Rockland Utilities, Inc. (Orange and Rockland) and to certain unnamed purchasers, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application it requested authorization to sell on an interruptible basis up to 50,000 Mcf of natural gas per day to Orange and

Rockland and 50,000 Mcf per day to Public Service Electric and Gas Company of Newark, New Jersey (Public Service). It is submitted that such sales would occur during the period June 1, 1981, through October 31, 1981, and during the period April 1, 1982, through October 31, 1982. Applicant further states that it also requested authorization to sell to customers other than Orange and Rockland and Public Service any portion of the 50,000 Mcf of natural gas per day that Orange and Rockland and Public Service were unable to purchase or which transporting pipelines were unable to deliver.

Applicant proposes that its application be amended so as to delete such proposed sales to Orange and Rockland and to certain unnamed purchasers. Applicant asserts that the proposed sale to Public Service would be made pursuant to the same terms and conditions set forth in its application.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 7, 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18136 Filed 6-17-81; 8:45 am]

BILLING CODE 6460-85-M

[Docket No. TC81-54-000]

El Paso Natural Gas Co.; Tariff Filing

June 16, 1981.

Take notice that on June 8, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Commission's Regulations under the Natural Gas Act, Fourth Revised Sheet No. 101 to its FERC Gas Tariff, Original Volume No. 1. It is indicated that the tendered tariff sheets, when accepted for filing and permitted to become effective would provide for the combining of the monthly average day

end use profiles for the ASARCO Incorporated ("ASARCO") delivery points in El Paso, Texas, and Hayden, Arizona, to be used in implementing El Paso's Permanent Allocation Plan.

El Paso states that the instant filing combines the monthly average day end use profile for ASARCO's delivery points located in El Paso, Texas, and Hayden, Arizona, so as to provide ASARCO with flexibility in the operations of its smelting works. El Paso asserts that the combining of the end use profiles was the intent of the Gas Sales Agreement dated as of November 1, 1979 and a Letter Agreement dated as of January 1, 1980 between El Paso and ASARCO. El Paso further submits that the Gas Sales Agreement serves to cancel the Gas Sales Contract dated as of October 12, 1962 and the Gas Sales Agreement dated as of January 1, 1968, between the parties, in order to consolidate said documents into one (1) agreement which provides for the sale and delivery of natural gas by El Paso to ASARCO for use in ASARCO's smelting works located in El Paso, Texas, and Hayden, Arizona.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before July 8, 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). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18137 Filed 6-17-81; 6:45 am]
BILLING CODE 6450-85-M

[Docket No. SA81-37-000]

Sun Gas Co.; Application for Staff Adjustment Pursuant to 502(c) of the NGPA

June 18, 1981.

Take notice that on May 7, 1981, Sun Gas Company (Sun) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's

Rules of Practice and Procedure. Sun seeks a waiver of § 271.805(a) of the Commission's Regulations.

Specifically, Sun states that it filed on July 31, 1979, an application for an NGPA section 108 stripper well natural gas determination for the S.J. Neal Well No. 1 (Well No. 1), located in the Carthage Field, Panola County, Texas. The determination became final on March 2, 1981. Sun recently discovered that during three 90-day production periods between April 1979 and June 1980, the Well No. 1 produced over an average of 60 Mcf per production day, which would disqualify the well from stripper well status. Sun states that it has filed a notice of disqualification with the appropriate parties.

Sun further states that on February 17, 1981, a new compressor was installed as an enhanced recovery technique. Sun's application states that Sun is filing a new qualifying 90-day production period for an NGPA section 108 determination with the Texas Railroad Commission (RRC) in order to protect its application for an enhanced recovery technique.

In addition to its filing with the RRC for requalification of its stripper well, Sun requests an adjustment from § 271.805(a) of the Commission's regulations so as to allow it to receive continuous qualification as a stripper well from July 31, 1979 to April 29, 1981, despite the three disqualifying 90-day periods. Section 271.805(a) requires notice of disqualification by the operator and any purchaser and terminates the right of any seller to continue to collect the NGPA section 108 maximum lawful price. Sun states in support of its application that the increases in production were only temporary and were due to certain engineering and state-required tests performed on the well.

In particular, Sun states that the Well No. 1 is connected to a single compression along with two other wells. With respect to the April 1979 increase in production, Sun states that it resulted from engineering tests performed in order to evaluate the benefits to be gained by adding additional compression. With respect to the April 1980 increase in production, Sun states that it resulted from the performance of a state-required test (Form G-10 Report of the RRC) which required the shut-in of the other two wells connected to the compressor. The additional compression applied to Well No. 1 as a result of the shut-in of the other two wells resulted, according to Sun, in the increase in production. Sun believes the increases in production constitute temporary disqualification and subsequent requalification of a legitimate stripper

well. Sun therefore requests a waiver of § 271.805(a) of the Commission's regulation in order to relieve it from what Sun considers the existing inequity of requiring the disqualification of the Well No. 1 from stripper well status.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 Fed. Reg. 18961, March 30, 1979) as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before July 6, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18138 Filed 6-17-81; 6:45 am]
BILLING CODE 6450-85-M

[Docket Nos. CP81-347-000 and CP74-208-001]

Honeoye Storage Corp.; Notice of Application and Petition To Amend

June 18, 1981.

Take notice that on May 22, 1981, Honeoye Storage Corporation (Applicant), c/o Energy Storage Ventures, 110 Tremont Street, Boston, Massachusetts 02108, filed in Docket No. CP81-347-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of a maximum of 75,000 Mcf of natural gas annually on behalf of National Fuel Gas Distribution Corporation (National) and in Docket No. CP74-208-001 a petition to amend the order issued February 7, 1975,¹ respecting the interim provisions of natural gas service for the benefit of certain farm-residential and commercial consumers, all as more fully set forth in the application and petition to amend which are on file with the Commission and open to public inspection.

Applicant proposes to transport up to 75,000 Mcf of natural gas annually for National from Applicant's existing interconnection with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), adjacent to Tennessee's existing 24-inch pipeline in Ontario County, New York, to eleven existing National meter and regulating stations located in the area of the Honeoye gas field, Honeoye, New York. It is stated that these National meter and regulating stations serve various

¹This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

customer distribution lines in existence at the time of the field conversion to a gas storage facility and that these distribution lines now owned by National are not interconnected with any other supply sources nor are they within economic pipeline distance of other National distribution lines in the area. Applicant states that gas delivered to National under the transportation agreement would meet existing service requirements of National's customers which, prior to assumption of gas service responsibility by National and prior to conversion of the Honeoye gas field for National gas storage service, purchased natural gas under gas lease provisions from the former operator of the Honeoye gas field. Moreover, it is stated that limited expansion of natural gas service by National to new customers in the area of the Honeoye gas field would be permitted.

Applicant states that by order issued February 7, 1975, it was authorized to purchase and construct necessary facilities to operate an underground gas storage facility. It was stated that the Honeoye gas field was nearly depleted and that gas from the field was being used to supply 32 farm-residential customers and six commercial customers near the towns of Honeoye and Bristol, New York. The application stated that the service to these customers would probably be phased out due to uneconomic production conditions if field conversion did not occur and that gas service to existing customers would be phased out over a two-year period as customers converted to other fuels or found another gas supplier. Applicant states that on October 7, 1974, it signed an agreement with National under which National agreed to assume all responsibility for service to the existing customers upon completion of field conversion to storage service and on November 1, 1975, gas production from the field was terminated. Applicant asserts that when National assumed the gas service responsibility Applicant advanced gas to National to meet gas service requirements of the existing field customers in anticipation of identifying a long-term method by which National could make available from its system supply sufficient quantities of natural gas to meet the requirements. Applicant states that through March 31, 1980, Applicant advanced 208,649 Mcf of gas.

Applicant asserts that National has now agreed to purchase from Applicant for \$200,000 quantities of natural gas sufficient to repay gas advanced by Applicant during the period November

19, 1975, through March 31, 1980, and that the February 7, 1975, order should reflect this gas purchase arrangement. Applicant asserts that it would not charge National for transportation of the first 55,000 Mcf per year and that National would contract with Tennessee for it to deliver up to 75,000 Mcf of natural gas per year to Applicant. Applicant asserts it would reimburse National for transportation charges paid to Tennessee for up to 55,000 Mcf annually transported by Tennessee for National.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before July 6, 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. 81-18152 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-39-001]

Houston Pipe Line Co.; Filing of Extension Report

June 18, 1981.

Take notice that on May 11, 1981, Houston Pipe Line Company (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. ST79-39-001 an extension report pursuant to § 284.126(c) of the Commission's Regulations giving notice of Applicant's intention to extend its transportation agreement with El Paso Natural Gas Company (El Paso) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement with El Paso and that service commenced on August 14, 1979. Applicant now proposes to extend such agreement for a term of two years commencing August 14, 1981.

Applicant asserts that under the terms of its agreement with El Paso, Applicant would transport natural gas on behalf of El Paso from a point or points located on Applicant's pipeline facilities in Live Oak County, Texas, to a point of delivery on the pipeline facilities of Oasis Pipe Line Company located near Katy, Waller County, Texas.

Applicant estimates that the total and maximum daily quantities of natural gas to be transported under such agreement would be up to 73 trillion Btu and up to 50 billion Btu, respectively.

Applicant states that the rates to be charged for such services would be 6.0 cents per million Btu on deliveries at the receipt point plus 10.0 cents per million Btu on deliveries at the delivery point.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 6, 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). 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 a 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.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18153 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-05-M

[Docket No. ST79-22-001]

Louisiana Intrastate Gas Corp.; Filing of Extension Report

June 16, 1981.

Take notice that on May 12, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST79-22-001 an extension report pursuant to § 284.148(c) of the Commission's Regulations giving notice of Applicant's intention to extend its sale of natural gas to Texas Gas Transmission Corporation (Texas Gas) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a contract for the sale and purchase of gas with Texas Gas and commenced selling gas to Texas Gas on August 12, 1979, for a primary term of two years. Applicant now proposes to extend such sale for a term of two years.

Applicant asserts that the total and average daily quantities of gas to be sold during the term of the gas sale agreement is estimated to be 36.5 trillion Btu and 50 billion Btu, respectively.

Applicant states that the rate to be charged Texas Gas for such sale would be equal to the sum of:

(a) Applicant's actual weighted average acquisition cost of natural gas calculated at least five days before the first day of the billing period for which the weighted average acquisition cost would be charged for deliveries made during that billing period.

(b) An adjustment to reflect any difference between Applicant's weighted average acquisition cost of natural gas used for billing purposes for the most recent billing period and the actual weighted average acquisition cost experienced during that same billing period for which actual data becomes available and for which the actual weighted average acquisition costs of natural gas have not yet been recovered.

(c) 20 cents per million Btu being an amount to recover Applicant's costs of gathering, treating, processing, transporting, and delivering the natural gas including an opportunity to earn a reasonable profit thereon.

(d) An amount sufficient to offset any increase in Applicant's weighted

average acquisition cost of natural gas caused by the acquisition of gas under existing contracts for purposes of this sale which is in excess of the quantities Applicant would otherwise have acquired and at a price which exceeds Applicant's weighted average acquisition cost of gas.

(e) Reimbursement of the cost per million Btu paid by Applicant to any third party for transportation to and delivery of the gas sold to Texas Gas.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 6, 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). 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 a 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.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18154 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-05-M

[Docket No. CP81-349-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

June 16, 1981.

Take notice that on May 28, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-349-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale on a limited term and best-efforts basis of natural gas to United Gas Pipe Line Company (United) for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to United on a limited term and best-efforts basis up to 100,000 Mcf of natural gas per day for a term ending October 31, 1983, pursuant to a gas sales agreement dated April 30, 1981.

It is stated that Applicant would deliver or cause to be delivered natural gas to United at any one or any combination of the following delivery points: (1) the existing points of

interconnection between Trunkline Gas Company (Trunkline) and United at Allo and Gasalle Parish, Louisiana, and Centerville in St. Mary Parish, Louisiana, and (2) the existing point of interconnection between Michigan Wisconsin Pipe Line Company (Mich Wis) and United at Patterson in St. Mary Parish, Louisiana.

It is stated that United would pay Applicant for gas delivered at a price which would be the higher of the currently effective Section 102 price of the Natural Gas Policy Act of 1978 or Applicant's effective Zone 1, commodity rate under Rate Schedule CD-1 of its FERC Gas Tariff, Third Revised Volume No. 1. Applicant states that the proposed sale would be contingent upon Applicant's ability to meet its existing general system volume requirements. In instances when Applicant cannot provide total requested deliveries to its off system sales customers due to the volume demand of its general system requirements then Applicant would apply any excess volumes in a *pro-rata* manner subject to pipeline operational consideration to those off-system customers.

Applicant states that its customers would receive direct benefits from refunds attributable to off-system sales revenues accomplished by the revenue treatment proposed herein.

Applicant asserts that its currently effective rates are the result of a settlement agreement in Docket No. RP80-88 which provides for a Sales Refund Obligation (SRO) in the event the actual sales volumes experienced while the settlement rates are in effect exceed the sales level upon which the settlement rates were designed. It is submitted that Section III of the Stipulation and Agreement in Docket No. RP80-88 requires that Applicant refund to its customers the fixed cost component of its commodity rate of any actual sales volumes in excess of the settlement sales volume level to the extent such revenues are not needed to cover any increase in the actual SRO cost of service over the settlement SRO cost of service. It is further asserted that under the proposed revenue treatment, Applicant would refund, by direct credit to Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies, all off-system sales revenues attributable to that portion of the sales rate in excess of the currently effective Zone 1 commodity rate.

Applicant states that it has made significant investments in the facilities which connect new supplies to its system since its rate settlement in

Docket No. RP80-88 which new supplies make it possible for Applicant to make the sales as proposed herein. It is asserted that the proposed revenue treatment would provide Applicant, if necessary, the opportunity to recover the cost of service related to those facilities through the revenues generated from those sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 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. 81-18155 Filed 6-17-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP78-380-002]

Northwest Pipeline Corp.; Petition To Amend

June 16, 1981.

Take notice that on May 21, 1981, Northwest Pipeline Corporation (Petitioner), 315 East Second South, Salt

Lake City, Utah 84111, filed in Docket No. CP78-380-002 a petition to amend the order issued December 21, 1978, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of up to 2,000 Mcf of natural gas per day by Petitioner for the account of Southwest Gas Corporation (Southwest) from wells connected to Petitioner's San Juan gathering system, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued December 21, 1978, it was authorized to transport up to 2,000 Mcf of natural gas per day for the account of Southwest. It is further stated that at the present time after gathering such volumes, Petitioner redelivers thermally equivalent volumes to Southwest at a point of interconnection between El Paso Natural Gas Company and Petitioner in LaPlata County, Colorado. Petitioner submits that for providing such service it charges Southwest its San Juan Area gathering rate as set forth on Sheet No. 2 of Petitioner's FERC Gas Tariff, Original Volume No. 2.

It is asserted that on September 29, 1980, Petitioner and Southwest amended their transportation agreement so as to add additional acreage to the area covered by the agreement. Petitioner further submits that Southwest expects to acquire gas from wells located on this specific acreage and possibly on other as yet undefined acreage in the San Juan Field.

The blanket authority requested herein would, it is stated, permit the timely connection of volumes of natural gas which become available to Southwest in the San Juan field.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 6, 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.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18156 Filed 6-17-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ST79-37-001]

Oasis Pipe Line Co.; Filing of Extension Report

June 16, 1981.

Take notice that on May 11, 1981, Oasis Pipe Line Company (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. ST79-37-001 and extension report pursuant to Section 284.128(c) of the Commission's Regulations giving notice of Applicant's intention to extend its transportation agreement with El Paso Natural Gas Company (El Paso) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement with El Paso and that service commenced on August 14, 1979. Applicant now proposes to extend such agreement for a term of two years commencing August 14, 1981.

Applicant asserts that under the terms of its agreement with El Paso Applicant would transport volumes of natural gas for El Paso from a point located on the pipeline facilities of Applicant near Katy, Waller County, Texas, to a point located at the interconnect of the pipeline facilities of Applicant and El Paso near the Mobil Waha Plant, Pecos County, Texas.

Applicant estimates that the total and maximum daily quantities of natural gas to be transported under such agreement would be up to 73 trillion Btu and up to 50 billion Btu, respectively.

Applicant states that the rate to be charged El Paso for such transportation service would be 12.39 cents per million Btu.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 6, 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). 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 a 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.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18157 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-342-000] -

**Panhandle Eastern Pipe Line Co.;
Application**

June 16, 1981.

Take notice that on May 19, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-342-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a change in service to its existing customers, Missouri Power and Light Company (Missouri Power) and Missouri Edison Company (Missouri Edison), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been informed of Missouri Power's desire to have its contract demand reduced by 2,000 Mcf per day from May through September. Applicant further states that Missouri Edison has indicated its desire to have its contract demand increased by 2,000 Mcf per day from May through September. It is submitted that Applicant has entered into separate gas sales contracts with Missouri Power and Missouri Edison both dated May 1, 1981, replacing the existing September 15, 1970, contracts with Missouri Power and Missouri Edison. It is further submitted that other than the aforementioned changes in contract demand the May 1, 1981, contracts make no additional changes to the September 15, 1970, contracts. Applicant proposes to transfer 2,000 Mcf of contract demand between Missouri Power and Missouri Edison.

Applicant asserts that the requested change in service would result in a more even matching of the contract demand and present and future market requirements of Missouri Power and Missouri Edison. Applicant further asserts that the requested change would not result in any increase in peak day or annual entitlement nor adversely affect its ability to meet the requirements of its other customers.

Any person desiring to be heard or to make any protest with reference to said

application should on or before July 6, 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. 81-18156 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-388-005]

**Tennessee Gas Pipeline Co., a Division
of Tenneco Inc.; Amendment to
Application**

June 16, 1981.

Take notice that on May 29, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-388-005 an amendment to its application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act as amended so as to reflect its intention to continue transporting natural gas for Orange and Rockland Utilities, Inc. (Orange and Rockland) throughout the period ending

on the 90th day following the effective date in the final rule in Docket No. RM81-19, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application it requested authorization to transport up to 50,000 Mcf of natural gas per day for Orange and Rockland. It is further stated that such gas was purchased from East Tennessee Natural Gas Company (East Tennessee) by Orange and Rockland for use in its electric generating stations to displace fuel oil.

It is submitted that Orange and Rockland has arranged to continue purchasing up to 50,000 Mcf of gas per day from East Tennessee for the periods June 1, 1981, through October 31, 1982. It is further submitted that on May 28, 1981, Applicant, East Tennessee and Orange and Rockland amended their agreement so as to extend the term of the transportation service to include the period ending on the 90th day following the effective date in the final rule in Docket No. RM81-19.

Applicant asserts that pursuant to such agreement if transportation service could commence on June 1, 1981, it would transport a peak day volume of up to 50,000 Mcf.

Applicant states that the gas to be transported would be surplus to its customer market requirements during the extended term of the proposed service.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 7, 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18139 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-343-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

June 16, 1981.

Take notice that on May 19, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-343-000 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 certain pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 7.5 miles of 16-inch and 3.9 miles of 12-inch line originating in the South Timbalier area, offshore Louisiana, and extending to an existing sub-sea valve on the jointly-owned Project 37 line in South Timbalier Block 37, offshore Louisiana.

Applicant asserts that the proposed facilities would make available approximately 109,000,000 Mcf of reserves having a maximum day deliverability of 76,800 Mcf per day.

Applicant states that it has entered into gas purchase and sales agreements with Mobile Oil Exploration and Producing Southeast, Inc. (Mobil) and Union Oil Company of California for their respective 50 percent interests in South Tambalier Block 53 and with Kerr-McGee Corporation for its 50-percent interest in South Timbalier Block 50. Applicant further states that it has tendered a gas purchase and sales agreement to Mobil regarding its interest in South Timbalier Block 50 but it has not yet been executed.

Applicant estimates the cost of the proposed facilities to be approximately \$13,200,000 which would be financed initially with funds on hand, funds generated internally, borrowings under revolving credit agreements or short-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 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. 81-16140 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. C181-352-000, et al.]

Terra Resources, Inc. et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates

June 16, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 30, 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). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the 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 on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. ³	Pressure base
C181-352-000 (C182-152), B, May 21, 1981.	Terra Resources, Inc., P.O. Box 2329, Tulsa, Oklahoma 74101.	Florida Gas Transmission Company, Jones Creek Field, Wharton County, Texas.	(1)	
C181-353-000, A, May 21, 1981.	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Sea Robin Pipeline Company, Blocks 112 and 113, South Marsh Island Area, Offshore Louisiana.	(2)	15,025
C181-354-000 (C168-1386), B, May 26, 1981.	Terra Resources, Inc., P.O. Box 2329, Tulsa, Oklahoma 74101.	United Gas Pipe Line Company Maxie-Pistol Ridge Field, Pearl River Co., MS.	(3)	
C181-355-000, A, May 22, 1981.	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Oklahoma 74004.	Transcontinental Gas Pipe Line Corporation, Ship Shoal Block 28 Field, Offshore Louisiana.	(4)	15,025

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. ³	Pressure base
C181-356-000, A, May 22, 1981	Aminol Development Inc., 2800 North Loop West, P.O. Box 94193, Houston, Texas 77018.	Michigan Wisconsin Pipeline Company, Block A-273, East Addition, High Island Area, South Extension, Offshore Texas.	(*)	14.65
C181-357-000, A, May 26, 1981	Mesa Petroleum Co., One Mesa Square, P.O. Box 2009, Amarillo, Texas 79189.	Columbia Gas Transmission Corporation, South Pass Area, Blocks 57/58, Offshore Louisiana.	(*)	15.025
C181-358-000, A, May 26, 1981	General American Oil Company of Texas, Meadows Building, Dallas, Texas 75206.	Tennessee Gas Pipeline Company, South Marsh Island Block 265, Offshore Louisiana.	(*)	15.025
C181-359-000, B, May 26, 1981	Apollo Oil Company, Box 1737, Hobbs, N.M. 88240.	Phillips Petroleum Company, Eumont Yates 7-Rivers Queen, NE/4 section 32-305-36E, Lea County, New Mexico.	(*)	
C181-360-000 (C181-1535), B, May 26, 1981	Conoco Inc., P.O. Box 2107, Houston, Texas 77001.	Cities Service Gas Company, S. E. Eureka Field, Grant and Alfalfa Counties, Oklahoma.	(*)	
C181-361-360-000, A, May 27, 1981	Aminol USA, Inc., Golden Center One, 2800 North Loop West, P.O. Box 94193, Houston, Texas 77018.	Texas Eastern Transmission Corporation, Block 294, East Cameron Area, South Addition, Offshore Louisiana.	(*)	15.025
C181-362-000, A, May 28, 1981	Chevron U.S.A., Inc., P.O. Box 7309, San Francisco, CA 94120.	Natural Gas Pipeline Company of America, Brazos Block A-17, Offshore Texas.	(*)	14.65
C181-363-000, A, May 28, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Tennessee Gas Pipeline Company, South Timbalier, Block 50, Offshore Louisiana.	(1*)	15.025
C181-364-000, A, June 1, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Southern Natural Gas Company, East Cameron Block 240 Field, Offshore Louisiana.	(*)	15.025
C181-365-000, A, June 1, 1981	McMoran-Freeport Oil Company, P.O. Box 6800, Metairie, Louisiana 70009.	El Paso Natural Gas Company, Brown-Basset Field, Terrell County, Texas.	(1*)	14.65
C181-366-000, A, June 1, 1981	Louisiana Land Offshore Exploration Company, Inc., 225 Barrone Street, P.O. Box 60350, New Orleans, Louisiana 70160.	United Gas Pipe Line Company, Block A-351, High Island Area, Offshore Texas.	(*)	14.65
C181-367-000, A, June 1, 1981	Aminol USA, Inc., Golden Center One, 2800 North Loop West, P.O. Box 94193, Houston, Texas 77018.	Texas Eastern Transmission Corporation, Block 522, West Cameron Area, South Addition, Offshore Louisiana.	(*)	15.025
C181-368-000, E, May 29, 1981 ¹⁵	Getty Oil Company (Succ. in Interest to Getty Reserve Oil, Inc.), P.O. Box 1404, Houston, Texas 77001.	Northern Natural Gas Company, Hansford Area Ochiltree County, Texas.	(1*)	14.65
C181-369-000, A, June 1, 1981	Tenneco Oil Company, P.O. Box 77001 Houston, Texas 77001.	Tennessee Gas Pipeline Company, Main Pass Area, South Addition, Blocks 311 and 312, Offshore Louisiana.	(1*)	15.025
C181-3 70-000 (C180-124), B, June 2, 1981.	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Trunkline Gas Company, South Timbalier, Blocks 179 and 187, Offshore Louisiana.	(1*)	

¹ Zimmerman-Nohavitzka gas Unit No. 1, well ceased producing in November, 1979. A first recompletion attempt was made in May, 1980, to restore the well to production, which attempt was unsuccessful. Well was then sold for salvage.² Applicant is filing under Gas Purchase Contract dated April 6, 1981.³ Subject well was plugged and abandoned 12-20-76, the lease being held by communalization for an extended term, lapsing in October, 1978. Terra Resources, Inc. no longer owns this lease.⁴ Applicant is filing under Gas Purchase Agreement dated November 14, 1958 as amended.⁵ Applicant agrees to accept a certificate for the sale proposed herein conditioned upon the maximum lawful price under Section 104 of the Natural Gas Policy Act.⁶ Applicant is filing under Gas Purchase and Sales Agreement dated March 1, 1981.⁷ Purchaser is currently receiving gas from gas well without a contract. The contract that they have in their possession is a Casinghead Contract which is null and void. We contend we have the right to seek another purchase and Phillips Petroleum Company should abandon this well and meter run for the property.⁸ There were no gas deliveries under Contract No. 4652 during the 12-month period prior to February 21, 1977. All leases previously dedicated by Conoco had either been sold or released to the landowners. There were no known physically recoverable reserves underlying those leases released to the landowners. No further exploration or development of any of the properties is contemplated by Conoco.⁹ Applicant is filing under Gas Purchase Contract dated April 10, 1981.¹⁰ Applicant is willing to accept the applicable price and the escalations thereto and is concurrently filing herewith an initial billing statement (Schedule 9507) to cover collection of the price provided by Section 102(b) of the NGPA.¹¹ Not used.¹² Applicant is filing under Gas Purchase Contract dated May 18, 1981.¹³ Effective August 1, 1980, Getty Reserve Oil, Inc. assigned all of its oil, gas and mineral properties, assets and rights to Getty Oil Company.¹⁴ Applicant is filing under Gas Purchase Contract dated July 1, 1980.¹⁵ Applicant is filing under Gas Purchase and Sales Agreement dated May 21, 1981.¹⁶ Production from the leases dedicated under the Certificate in Docket No. C180-124 has ceased because of depletion of the reservoir, and the leases have subsequently expired.

Filing code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 81-18141 Filed 6-17-81; 8:45 am]

BILLING CODE 8450-85-M

[Docket ST79-82-001]

Texas Gas Transmission Corp.; Filing of Extension Report

June 15, 1981.

Take notice that on May 13, 1981, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. ST79-82-001 an extension report pursuant to § 284.106(c) of the Commission's Regulations giving notice of Applicant's intention to extend its transportation agreement with Louisiana Intrastate Gas Corporation (LIG) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement with LIG dated May 16, 1979, and now proposes

to extend such agreement for a term of two years.

Applicant asserts that under the terms of its agreement with LIG, LIG would deliver or cause to be delivered up to 300,000 Mcf of natural gas per day at 15.025 psia to Applicant. It is submitted that annually a total of 109,500,000 Mcf of natural gas could be delivered and redelivered between Applicant and LIG.

Applicant states that no rate is being charged by either party except for those volumes of natural gas received by Applicant at the receipt point located in Section 9, Township 13 South, Range 3 West, Cameron Parish, Louisiana, and redelivered to LIG at the LIG delivery points. Applicant also states that LIG would pay Applicant the presently legal effective rates for such service which is set forth in Applicant's Rate Schedule T/SL, such rate being 7.65 cents per Mcf of gas transported.

Any person desiring to be heard or to

make any protest with reference to said extension report should on or before July 6, 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). 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 a 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.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18142 Filed 6-17-81; 8:45 am]

BILLING CODE 8450-85-M

[Docket No. CP81-292-000]

**Transcontinental Gas Pipe Line Corp.,
Gasdel Pipeline System Incorporated;
Application**

June 16, 1981.

Take notice that on April 16, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Gasdel Pipeline System Incorporated (Gasdel), 80 Park Plaza, Newark, New Jersey 07101, filed in docket No. CP81-292-000 a joint 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 certain pipeline and appurtenant facilities in the offshore Louisiana area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they or their affiliates have the right to purchase gas to be produced from reserves in Block 235, South Marsh Island area, offshore Louisiana (SMI 235). In order to attach this new source of gas supply, Applicants propose to construct jointly, as co-owners, a pipeline lateral consisting of approximately 8.16 miles of 16-inch pipeline which would connect Transco Exploration Company's planned production platform in SMI 235 to Transco's Central Louisiana Gathering System at a subsea tie-in in Block 71, Vermilion area, offshore Louisiana. Applicants further propose to construct metering, regulating and other appurtenant facilities at the SMI 235 production platform.

Applicants submit that Gasdel is a recently organized company engaged in the ownership, construction, and operation of pipeline laterals and appurtenant facilities which would connect producing properties of its parent company, Energy Development Corporation (EDC), with delivery points on the transmission systems of other interstate pipeline companies. Applicants also submit that Gasdel would also be engaged in the transportation in interstate commerce of natural gas through these facilities on behalf of an affiliated company, Public Service and Electric Gas Company (PSE&G), which would be purchasing the natural gas from EDC. Applicants state that Gasdel intends to soon file with the Commission an application requesting authority to transport PSE&G's gas through the subject facilities. It is further submitted that PSE&G is a distribution-company customer of Transco, EDC is a wholly-

owned subsidiary of PSE&G, and Gasdel is a wholly-owned subsidiary of EDC.

It is asserted that Transco would own 85 percent and Gasdel would own 15 percent of the proposed facilities based on their or their affiliates' rights to purchase the subject gas. It is also asserted that Gasdel would not purchase any gas.

Applicants state that the proposed facilities would be constructed by Transco and would have a maximum capability of 140,000 Mcf of natural gas per day. It is further stated that employees of Transco would operate and manage the proposed facilities.

Applicants estimate the cost of such facilities to be \$8,238,000 which would be financed initially through revolving credit arrangements, short-term loans or available funds with permanent financing to be undertaken as a part of Applicants' respective overall long-term financing programs at later dates.

SMI, it is asserted, has estimated proven reserves of 12,700,000 Mcf.

Applicants state that Gasdel has not yet been found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act. Applicants request, therefore, that the Commission find that Gasdel is such a "natural-gas company" in connection with issuing a certificate hereunder.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR. Doc. 81-18143 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-345-000]

Western Slope Gas Co.; Application

June 16, 1981.

Take notice that on May 14, 1981, Western Slope Gas Company (Applicant), P.O. Box 840, Denver, Colorado 80201, filed in Docket No. CP81-345-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 284.222 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport, sell, and assign natural gas in interstate commerce as if Applicant were an intrastate pipeline as defined in Subparts C, D, and E of Part 284 of the Commission's Regulations under the NGPA as well as § 284.203 thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it received 53,485,636 Mcf of natural gas within or at the boundary of Colorado from Colorado Interstate Gas Company and Northwest Pipeline Corporation during the 12-month period ending June 1980. It is asserted that during the same period Applicant received 70,807,953 Mcf of natural gas from all sources during the same period. It is also submitted that all of Applicant's existing operations are conducted in Colorado and that Applicant currently holds an exemption pursuant to Section 1(c) of the Natural Gas Act.

Applicant asserts that it would comply with the conditions set forth in § 284.222(e) of the Commission's Regulations.

Applicant elects to base its rates upon the methodology described in § 284.123(b)(1)(i)(A) of the Commission's Regulations. It is asserted that there are four component charges of Applicant's proposed rate structure: demand charge, commodity charge, customer charge and facility charge.

Any person desiring to be heard or to make any protest with reference to said

application should on or before July 6, 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. 81-18144 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59052; TSH-FRL-1855-6]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section

5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the Federal Register. This notice announces receipt of applications for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny these applications by July 10, 1981. Persons should submit written comments on the applications no later than July 6, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Kathleen Ehrensberger, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-335, 401 M Street SW., Washington, DC 20460, (202-755-1150).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the initial inventory on June 1, 1979. Notices of availability of the inventory were published in the Federal Register on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from

some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the Federal Register a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the Federal Register.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the Federal Register of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) Federal Register notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before July 6, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59052]". Comments received may be

seen at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: June 12, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM-81-13

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. July 10, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polymeric sulfonated azo dye.

Use. Claimed confidential business information. Generic use: the submitter states that the new substance will be used as a dye.

Production Estimates. The manufacturer states that 100 grams of the new substance will be manufactured for test marketing purposes to continue through December 1981.

Physical/Chemical Properties

Appearance—Solid, magenta color
Melting point—Undetermined

Toxicity Data. No data were submitted. The manufacturer claims that although no toxicological hazards are anticipated, toxicological tests have been requested and results will be submitted to EPA.

Exposure. The submitter states that one worker will be exposed to the new substance while dissolving the 100 grams in water at less than 1 percent concentration. Protective gloves and goggles will be worn to protect against exposure.

The manufacturer claims that the new substance will compose less 0.01 percent of the final article, that ultimate article user cannot be exposed to the dye.

Environmental Release/Disposal. No data were submitted. The submitter states that the only quantity of the dye which will reach the environment will come from rinsing out laboratory flasks used for mixing and containers used for shipping.

(TM-81-14)

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. July 10, 1981.

Manufacturer's identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: polymeric sulfonated azo dye.

Use. Claimed confidential business information. Generic use: the submitter states the new substance will be used as a dye.

Production Estimates. The manufacturer states that 100 grams of the new substance will be manufactured for test marketing purposes to continue through December 1981.

Physical/Chemical Properties
Appearance—Solid, yellow color
melting point—Undetermined

Toxicity Data. No data were submitted. The manufacturer claims that although no toxicological hazards are anticipated, toxicological tests have been requested and results will be submitted to EPA.

Exposure. The submitter states that one worker will be exposed to the new substance while dissolving the 100 grams in water at less than 1 percent concentration. Protective gloves and goggles will be worn to protect against exposure.

The manufacturer claims that the new substance will compose less than 0.01 percent of the final article, that ultimate article user cannot be exposed to the dye.

Environmental Release/Disposal. No data were submitted. The submitter states that the only quantity of the dye which will reach the environment will come from rinsing out laboratory flasks used for mixing and containers used for shipping.

[FR Doc. 81-18080 Filed 6-17-81; 6:45 am]

BILLING CODE 6560-31-M

[OPTS-51267; TSH-FRL-1855-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces

receipt of five PMN's and provides a summary of each.

DATE: Written comments by July 7, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51267]" and the specific PMN number, should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, DC 20460, (202-436-2610)

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-223	Carrie Berlin	(202-426-8816)	E-223
81-225, 81-226	Kathleen Ehrensberger	(202-755-1150)	E-335
81-227, 81-228	Jane Thompson	(202-755-6660)	E-529C

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on PMN's received by the EPA:

PMN 81-223

Close of Review Period. August 6, 1981.

Importer's Identity. Union Carbide Corporation, Carbon Products Division, P.O. Box 849, Greenville, SC 29602.

Specific Chemical Identity. Butanenitrile, 3-hydroxy-2-methylene.

Use. The importer states that the new substance will be used as a copolymer in the production of polyacrylonitrile.

Import Estimates

	(kg/yr)
1st year	300
2d year	960
3d year	1,500

Physical/Chemical Properties

Flash point, °F—211
Specific gravity at 25°C—980
Solubility in water at 25°C—Miscible
Boiling point, °C, 3 mm Hg—83-87

Vapor pressure, °C, mm Hg:

88°—10
105°—20
145°—100
205°—760

Octanol water partition coefficient (log P_{oct}) estimated—0.72

Toxicity Data

Oral toxicity, LD₅₀ (rat)—0.467 ml/kg.

Skin toxicity, LD₅₀ (rabbit)—0.504 mg/kg.

Uncovered skin irritation (rabbit)—Nonirritating.

Eye irritation (rabbit)—Severely irritating, undiluted; moderately irritating, diluted.

Inhalation (rat), substantially saturated vapor at 25°C, 6 hr—Killed 0 of 6

In-vitro mutagenicity:

Sister chromatid exchange test—Negative.

Unscheduled DNA synthesis—Positive.

Chinese hamster ovary—Negative.

Ames test—Positive.

Exposure. The importer states that an average of four workers processing and disposing of the new substances could have periodic inhalation, skin, and eye exposure, 20 to 25 da/yr, during processing, quality control, and materials handling. There will be no exposure to consumers.

Environmental Release/Disposal. The importer states that none of the new chemical will be released into the air, land, and water during processing operations. Disposal of any contaminated clothing, cans, off-specification material, and waste materials used to contain spills will be by incineration.

PMN 81-225

Close of Review Period. August 6, 1981.

Manufacturer's Identity. Morton Chemical, Division of Morton Norwich Products, 2 North Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Polymer of acrylic acid, butyl acrylate, glycidyl methacrylate, 2-hydroxyethyl acrylate, and vinylidene chloride.

Use. The manufacturer states that the PMN substance will be used in an industrial use as laminating adhesive.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100,000	300,000
2d year	200,000	700,000
3d year	450,000	1,400,000

Physical/Chemical Properties

Solids content—46%.

pH—2

Viscosity at 25°C—50 cps.

Density (water = 1)—1.20

Residual monomer—0.1% maximum.

Odor—Slight, characteristic.

Appearance—Off-white, opaque liquid.

Toxicity Data. No data were submitted on the polymer.

Exposure. The manufacturer states that six manufacturing workers will have skin exposure to the new chemical for 0.1 hr/da, 120 da/yr, during sampling, quality control, and filtering. At two sites not controlled by the submitter, 152 workers processing and disposing of the chemical could have skin exposure for 1 hr/da, 20 to 35 da/yr. Exposure levels for manufacturing and processing workers will average 0 to 1 mg/m³ and peak at 1 to 10 mg/m³.

Environmental Release/Disposal. The manufacturer states that at the three sites, less than 60 kg/yr of the new substance will be released into the air and water and from 2,100 to 21,000 kg/yr into the land by approved landfilling operations after pH adjustment.

PMN 81-226

Close of Review Period. August 6, 1981.

Manufacturer's Identity. Morton Chemical, Division of Morton Norwich Products, 2 North Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Polymer of acrylic acid, acrylonitrile, butylacrylate, 2-hydroxyethyl acrylate, and vinylidene chloride.

Use. The manufacturer states that the PMN substance will be used in an industrial use as laminating adhesive.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	20,000	70,000
2d year	100,000	350,000
3d year	200,000	700,000

Physical/Chemical Properties

Solids content—46%.

pH—2

Viscosity at 25°C—50 cps.

Density (water = 1)—1.27

Residual monomer—0.1% maximum.

Odor—Slight, characteristic.

Appearance—Off-white, opaque liquid.

Toxicity Data. No data were submitted on the polymer.

Exposure. The manufacturer states that six manufacturing workers will have skin exposure to the new chemical for 0.1 hr/da, 120 da/yr, during sampling, quality control, and filtering. At two sites not controlled by the submitter, 32 workers manufacturing and disposing of the new substance could have skin exposure for 1 hr/da, 20 to 100 da/yr. Exposure levels for manufacturing workers will average 0 to 1 mg/m³ and peak at 1 to 10 mg/m³.

Environmental Release/Disposal. The manufacturer states that at the three

sites less than 60 kg/yr of the new substance will be released into the air and water and from 2,100 to 21,000 kg/yr into the land by approved landfilling operations after pH adjustment.

PMN 81-227

Close of Review Period. August 6, 1981.

Importer's Identity. American Hoechst Corporation, 202-206 North, Somerville, NJ 08876.

Specific Chemical Identity. 1,1,2,2-Tetrahydroperfluoro alkyl (C₈—C₁₄) acrylate.

Use. The importer states that the PMN substance will be used in an industrial use as a textile soil and oil repellent.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Environmental Test Data.

Chemical oxygen demand (COD)

(dichromate method)—1,110 mg₀/g.

Fish toxicity LC₅₀ (gold fish)—> 100 mg/l.

Bacteria toxicity in treatment plant—2,500 mg/l.

Toxicity Data

Oral toxicity LD₅₀(rats)—> 5,000 mg/kg.

Exposure. The importer states that at a site not controlled by the importer, one processing worker will have skin exposure to the new chemical for less than 1 hr/da during the transfer of the liquid substance from drums to vats.

Environmental Release/Disposal. The importer states that 20 to 200 kg/yr of the new substance will be released into the land and water; only residue from drums will require disposal.

PMN 81-228

Close of Review Period. August 6, 1981.

Importer's Identity. American Hoechst Corporation, 202-206 North, Somerville, NJ 08876.

Specific Chemical Identity. Ethylthiosulfuric acid, 2-(((1,1,2,2-tetrahydroperfluorooctyl)oxy)carbonyl) amino-, sodium salt.

Use. Claimed confidential business information.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1981	600	1,000
1982	1,500	3,000
1983	2,000	4,000

Physical/Chemical Properties. No data were submitted.

Environmental Test Data

COD (dichromate method)—1,110

MgO₂g.
Fish toxicity LC₅₀ (gold fish)—>100 mg/l.

Bacteria toxicity in treatment plant—2,500 mg/l.

Toxicity Data

Oral toxicity LD₅₀ (rats)—>5,000 mg/kg.

Exposure. The importer states that a site controlled by others one processing worker will have skin exposure to the new chemical for less than 1 hr/da during the transfer of the liquid substance from drums into vats.

Environmental Release/Disposal. The importer states that less than 20 kg/yr of the new substance will be released into the land and water; only residue from drums will require disposal.

Dated: June 12, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-18079 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51269; TSH-FRL-1855-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the *Federal Register* certain information about each PMN within 5 working days after receipt. This notice announces receipt of six PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-240—July 12, 1981.

PMN 81-242, 81-245, 81-246—July 17, 1981.

PMN 81-247, 81-248—July 18, 1981.

ADDRESS: Written comments, identified by the document control number [OPTS-51269] and the specific PMN number should be sent to: Document Control

Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-240	Carrie Berlin	(202-426-8616)	E-221
81-242, 81-248	Mary Cushmac	(202-382-2277)	E-229
81-245, 81-247	Robert Jones	(202-426-2601)	E-208
81-246	George Bagley	(202-426-2601)	E-210

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-240

Close of Review Period. August 11, 1981.

Manufacturer's Identity. Givaudan Corporation, 125 Delawanna Avenue, Clifton, NJ 07014.

Specific Chemical Identity. N,N'-Bis[2-ethylhexyloxycarbonylphenyl]formamidine.

Use. The manufacturer states that the PMN substance will be used as industrial ultraviolet absorber.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	500	5,000
2d year	3,000	8,000
3d year	3,000	10,000

Physical/Chemical Properties.

Appearance—Off-white solid.

Molecular weight—508.7

Melting point—82-83° C.

Purity—98% minimum.

Solubilities:

Toluene—>30 percent.

Xylene—>30 percent.

Toxicity Data. Claimed confidential business information.

Exposure. The manufacturer states that two processing workers will have skin exposure for 8 hr/da, 20 da/yr, at a peak concentration greater than 100 ppm during the recrystallization of the new substance from methanol and during sampling for quality-assurance analyses.

Environmental Release/Disposal. The manufacturer states that less than 30 kg/yr of the new substance will be released into the environment. Waste disposal

will be by incineration or to a publicly owned treatment works (POTW).

PMN 81-242

Close of Review Period. August 16, 1981.

Importer's Identity. Sumitomo Corporation of America, 345 Park Avenue, New York, NY 10022.

Specific Chemical Identity. Sodium 2,2,3,3-tetrafluoropropionate.

Use. The importer states that the PMN substance will be used in a site-limited, industrial use as a captive intermediate.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties. Molecular weight—weight 168. Appearance—White crystalline. Solubility—Soluble in water; hardly soluble in nonpolar organic solvents.

Environmental Test Data. Fish toxicity in young carp (48-hr TLM) is greater than 100 ppm. Additional data on other aquatic species, plants, animals, and environmental fate are available for inspection at the agency.

Toxicity Data.

Acute oral toxicity LD₅₀:

(male mice)—9,200 mg/kg.

(female mice)—9,800 mg/kg.

(male rats)—10,100 mg/kg.

(female rats)—8,500 mg/kg.

Semi/chronic oral toxicity, noneffect level (female rats)—100 ppm at dietary level.

Acute dermal toxicity, noneffect level (male rabbits)—>2,000 mg/kg.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

PMN 81-245

Close of Review Period. August 16, 1981.

Manufacturer's Identity. Celanese Plastics & Specialties Company, 26 Main Street, Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: carbocyclic sulfonic acid salt.

Use. Claimed confidential business information. Generic use information provided: industrial use as a component.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Percent nonvolatile—37

Viscosity (Gardner-Holdt)—A₈

Color (Gardner)—3 maximum.

Acid value—228-238

Density—894

Solubilities at 25°C:

Water—Soluble.

Acetone—Insoluble.

Xylene—Insoluble.

Butanol—Soluble.

Isopropanol—Soluble.
Butyl acetate—Insoluble.
Ethylene glycol monomethyl ether—Soluble.

Toxicity Data. No data were submitted.

Exposure. The submitter states that at 2 sites, 12 manufacturing and processing workers will have skin exposure to the new substance for 4 to 8 hr/da, 75 to 96 da/yr, during pail or drum filling, cleaning, and transferring operations. At a site not controlled by the submitter, nine workers using the chemical could have accidental or incidental skin exposure for 8 hr/da, 75 da/yr, during transferring, sampling, and cleaning operations.

Environmental Release/Disposal. The manufacturer states that at two sites, less than 20 kg/yr of the new substance will be released into the land. At a site not controlled by the submitter, disposal of up to 1,000 kg/yr of waste material will be by landfill or incineration.

PMN 81-246

Close of Review Period. August 16, 1981.

Manufacturer's Identity. Spencer Kellogg Division of Textron Inc., 120 Delaware Avenue, Buffalo, NY 14240.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: hydroxyl terminated saturated polyester.

Use. Claimed confidential business information. Generic use information provided: Dispersive use that will release more than 50 but less than 5,000 kg/yr into the environment with potential skin exposure to chemical industry employees.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Flash point (Seta C.C.)—129°F.

Weight per gallon—9.01 lbs.

Specific gravity 25/25°C—1.08

Viscosity at 25°C (Gardner-Holdt)—Z5 +1

Acid value (solids)—7.35

Nonvolatile—85%.

Solvent—Methyl amyl ketone.

Toxicity Data. No data were submitted.

Exposure. The submitter states that four manufacturing workers could have skin exposure to the new chemical for 8 hr/da, 38 da/yr, during sampling, analyzing, and filling containers with the product.

Environmental Release/Disposal. No data were submitted. The manufacturer states that there will be release of the new chemical substance to the environment as an industrial loss to a permitted secure landfill or an incineration facility.

PMN 81-247

Close of Review Period. August 17, 1981.

Manufacturer's Identity. Thiokol Corporation, Specialty Chemicals Division, P.O. Box 8296, Trenton, NJ 08650.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polyurethane-acrylate blocked.

Use. Claimed confidential business information. Generic use information provided: Abrasion-resistant industrial coating.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	0	230,000
2d year	0	450,000
3d year	0	700,000

Physical/Chemical Properties.

Appearance—Clear, yellow viscous liquid.

Vapor pressure at room temperature—Nil.

Density at 25°C—1.10

Solubilities:

Water—Insoluble.

Toluene—Partially soluble.

Acetone—Very soluble.

Methylene Chloride—Very soluble.

Toxicity Data.

Acute oral toxicity LD₅₀ (rat)—> 5.0 gm/kg.

Primary skin irritation (albino rabbits)—Not a primary irritant (Index = .08).

Primary eye irritation (albino rabbits)—Not a primary eye irritant.

Exposure. The manufacturer states that at 2 sites, 14 workers manufacturing, processing, and disposing of the new substance will have skin exposure for 0.1 to 3 hr/da, 10 to 100 da/yr, with an average level of concentration of 0 to 1 ppm for processing workers. Exposure could occur during sampling, cleaning, blending, and packaging operations.

Environmental Release/Disposal. The submitter states that 1,000 to 10,000 kg/yr of the chemical will be released into the land. Disposal will be by on-site deep well injection for liquids, on-site landfill for nonhazardous solids, and off-site contract hauler and contract landfill for hazardous solids. At a site not controlled by the submitter, less than 10 kg/yr will be released into the land of a landfill after incineration or polymerization.

PMN 81-248

Close of Review Period. August 17, 1981.

Manufacturer's Identity. 3M, Office of Product Performance, 3M Center, Building 220-3W, St. Paul, MN 55144.

Specific Chemical Identity. Poly (methyl vinyl ether/mono methyl maleate).

Use. Coatings.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	100	150
2d year	150	200
3d year	200	250

Physical/Chemical Properties.

Molecular weight—63,000.

Toxicity Data.

Acute oral LD₅₀ (albino rats)—> 5,000 mg/kg.

Acute eye irritation (albino rabbits)—Moderately irritating.

Primary skin irritation (female albino rabbits)—Mildly irritating.

Ames *Salmonella* microsome assay, with and without metabolic activation—Nonmutagenic.

Exposure. The submitter states that six workers manufacturing processing, and disposing of the new substance could have skin exposure for 1 to 8 hr/da, 8 da/yr, at average and peak concentrations of 1 to 10 ppm.

Environmental Release/Disposal. The manufacturer states that at two sites, less than 60 kg/yr of the new substance will be released into the air, land, and water. Solutions, recovered spills, unused raw materials, and waste final product will be incinerated; scraps, waste substrate, and empty raw material containers will be sanitary landfilled.

Dated: June 12, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-18081 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-31-M

[PH-FRL1857-5; OPP-30053]

Pesticide Registration; Notice of the Possible Effects of Pending Litigation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice explains how companies receiving registration for certain pesticide products may be affected by pending litigation against EPA.

FOR FURTHER INFORMATION CONTACT: Marcia E. Mulkey, Environmental Protection Agency, Pesticides Division, Office of General Counsel (A-132), Rm.

W535B, 401 M St., S.W., Washington, D.C. 20460, (202-426-9448).

SUPPLEMENTARY INFORMATION: On June 10, 1981, the U.S. District Court for the Southern District of New York issued an order vacating the preliminary injunction in the case entitled *Union Carbide Agricultural Products Co., Inc., v. Gorsuch*, 76 Civ. 2913 (S.D.N.Y.); See 832 F. 2d 1014 (2d Cir. 1980) *rev'g* 481 F. Supp. 195 (S.D.N.Y. 1979).

The result of the Court's June 10 order is that EPA is now able to issue certain registrations of pesticide products based in part on EPA's consideration of the data submitted by any plaintiffs in the litigation, without the plaintiff's consent, as authorized by section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA), 7 U.S.C. 136a. The injunction had barred EPA's consideration of this data unless the data submitter had consented. The injunction had also barred disclosure of the data to members of the public as provided for in section 10 of FIFRA.

The plaintiffs in the litigation are:

Abbott Laboratories
Ciba-Geigy Corporation
E.I. du pont de Nemours & Co.
FMC Corporation
Rhone-Poulenc, Inc.
Rohm and Haas Company
Sandoz, Inc.
Stauffer Chemical Company
Union Carbide Agricultural Products Company, Inc.
Uniroyal, Inc.
The Upjohn Company
Velsicol Chemical Corporation

The plaintiffs have informed EPA that they will continue to contend that the statute is unconstitutional, and therefore that EPA's use of the data in making registration decisions is unlawful unless they have consented to such use. They have further informed EPA that if they ultimately prevail on this point in the litigation they will seek cancellation of registrations EPA has issued on that basis, and perhaps other relief. Anyone who obtains a registration based on any of the plaintiffs' data while this litigation is pending should take these facts into account.

Dated: June 15, 1981.

James M. Conlon,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-18298 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date; Correction to TV Cut-Off List A-29

Released: June 11, 1981.

On the Public Notice released June 4, 1981, captioned *TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date* (Mimeo No. 001274, Report No. A-29), the application of Thomas Television, Inc. to modify the facilities of WATR-TV, Waterbury, Connecticut, Channel 20 (EMPCT-810519KE) was incorrectly described as an application to reduce ERP Vis. to 239 kW. Notice is hereby given that the purpose of that application is to increase ERP Vis. to 2388 kW.

Federal Communication Commission.

William J. Tricarico,
Secretary.

[FR Doc. 81-18068 Filed 6-17-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. T-3954 and T-3954-1]

Lease Agreement Between the Indiana Port Commission and Mapco Land Corp.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreements Nos. T-3954 and T-3954-1 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. These agreements involve a lease between the Indiana Port Commission and Mapco Land Corporation providing for the construction of storage and shipping facilities for soft coal on approximately 63.55 acres at the Southwind Maritime Centre on the Ohio River near Mt. Vernon, Indiana.

This Finding of No Significant Impact (FONSI) will become final on or before July 7, 1981, unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal

Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,
Acting Secretary.

[FR Doc. 81-8034 Filed 6-17-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-2810-A]

Supplemental Facilities Lease Between Tampa Port Authority and Uiterwyk Cold Storage Corp.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-2810-A will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The agreement is a supplemental facilities lease between Tampa Port Authority (Tampa) and Uiterwyk Cold Storage Corp. (UCS). The lease provides that Tampa will construct 28,000 square feet of additional warehouse space to accommodate increased shipments of fresh fruit and vegetables by UCS.

This Finding of No Significant Impact (FONSI) will become final on or before June 29, 1981, unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,
Acting Secretary.

[FR Doc. 81-8035 Filed 6-17-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1697-R]

L. E. Ball Forwarding Corp.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of L. E. Ball Forwarding Corporation, 88 New Dorp Plaza, Rm. 200, Staten Island, NY 10300 was cancelled effective May 27, 1981.

By letter dated May 12, 1981, L. E. Ball Forwarding Corporation was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 1697-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

L. E. Ball Forwarding Corporation has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(d) dated August 8, 1977:

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1697-R be and is hereby revoked effective May 27, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1697-R issued to L. E. Ball Forwarding Corporation be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon L. E. Ball Forwarding Corporation.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-18119 Filed 6-17-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Arlington Bancorp, Inc.; Formation of Bank Holding Company

Arlington Bancorp, Inc., Arlington Heights, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Suburban National Bank of Arlington Heights, Arlington Heights, Illinois, a *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that

are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18070 Filed 6-17-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens Holding Corp.; Formation of Bank Holding Company

Citizens Holding Corporation, Genoa City, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 81.88 percent of the voting shares of Citizens State Bank, Genoa City, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18071 Filed 6-17-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial Bancshares, Inc.; Formation of Bank Holding Company

Commercial Bancshares, Inc., Tulsa, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Commercial Bank, Tulsa, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 11, 1981. Any

comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18072 Filed 6-17-81; 8:45 am]

BILLING CODE 6210-01-M

East-Tex Bancorp, Inc.; Formation of Bank Holding Company

East-Tex Bancorp, Inc., Trinity, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of The First National Bank of Trinity, Trinity, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The Application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 11, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18073 Filed 6-17-81; 8:45 am]

BILLING CODE 6210-01-M

Mauston Bancorp, Inc.; Formation of Bank Holding Company

Mauston Bancorp, Inc., Mauston, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Bank of Mauston Mauston, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18074 Filed 6-17-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare Program; Supplemental Health Insurance Panel—Meeting

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Supplemental Health Insurance Panel and sets forth the tentative agenda for that meeting. Interested members of the public may attend.

DATE: June 26, 1981; 11:00 a.m. to 1:00 p.m.

ADDRESS: Health Care Financing Administration, Room 1-M-2 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207.

FOR FURTHER INFORMATION, CONTACT: Robert A. Silva, Director, Medigap Operations Staff, Bureau of Program Operations, Health Care Financing Administration, Department of Health and Human Services, Room 555 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, 301-594-9412.

SUPPLEMENTARY INFORMATION: The Supplemental Health Insurance Panel consists of the Secretary of HHS (or designee) who chairs the Panel and four State Commissioners or Superintendents of Insurance. The Secretary's authority to chair the Panel has been delegated to the Director, Bureau of Program Operations, Health Care Financing Administration. The Panel is provided for under section 1882 of the Social Security Act (42 U.S.C. 1395ss), and

reviews State programs for regulating Medicare supplemental insurance policies to determine whether or not those programs meet or exceed standards specified in Federal statute.

The tentative agenda of the meeting of the Panel on June 26, 1981 is a review of State programs. Among the States which, at the time of preparation of this notice, have submitted laws or regulations for the Panel's review are Alaska, Florida, Georgia, Illinois, New Hampshire, Oregon, and Vermont.

(Sec. 1882 of the Social Security Act (42 U.S.C. 1395ss))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance; Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: June 9, 1981.

Tera S. Younger,

Chairperson, Supplemental Health Insurance Panel.

[FR Doc. 81-18123 Filed 6-17-81; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Approval of Outer Continental Shelf Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams, approved on the dates indicated, are available for information in the Alaska Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic area represented.

Outer Continental Shelf Protraction Diagrams

Description	Approval date
NO 1-1	Dec. 17, 1980.
NP 1-3	Feb. 25, 1981.
NP 1-4	Feb. 25, 1981.
NP 1-5	Feb. 25, 1981.
NP 1-6	Apr. 30, 1981.
NP 1-7	Feb. 25, 1981.

2. Copies of these diagrams are for sale at two dollars (\$2.00) per sheet by the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 620 East 10th Avenue, Anchorage, Alaska. Checks or Money Orders should be

made payable to the Bureau of Land Management.

Robert J. Brock,

Acting Manager, Alaska Outer Continental Shelf Office.

[FR Doc. 81-18041 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

Montana; Proposed Modification of District Office Boundaries

AGENCY: U.S. Department of Interior, Bureau of Land Management.

ACTION: Notice of Proposed Boundary Change.

SUMMARY: Notice is hereby given that the Bureau of Land Management is proposing a partial realignment of the boundary between the Lewistown and Miles City Districts involving part of the Northern Cheyenne Indian Reservation and adjacent to the Crow Indian Reservation in Big Horn County, Montana.

The following described lands are proposed for transfer from the Lewistown District to the Miles City District:

Principal Meridian

- T. 1 N., R. 38 E.,
Secs. 1 to 4, inclusive, Secs. 9 to 16, inclusive, Secs. 21 to 28, inclusive, and Secs. 33 to 36, inclusive.
- T. 1 S., R. 38 E.,
Secs. 1 and 2, Secs. 11 to 14, inclusive, Secs. 23 to 26, inclusive, and Secs. 35 and 36.
- T. 2 S., R. 38 E.,
Secs. 1 and 2, Secs. 11 to 14, inclusive, Secs. 23 to 26, inclusive, and Secs. 35 and 36.
- T. 3 S., R. 38 E.,
Secs. 1 to 2, Secs. 11 to 14, inclusive, Secs. 23 to 26, inclusive, and Secs. 35 and 36.
- T. 4 S., R. 38 E.,
Secs. 1 and 2, Secs. 11 to 14, inclusive, Secs. 23 to 26, inclusive, and Secs. 35 and 36.
- T. 5 S., R. 38 E.,
Secs. 1 and 2, Secs. 11 to 14, inclusive, Secs. 23 to 26, inclusive, and Secs. 35 and 36.
- T. 1 N., R. 39 E.,
Secs. 19 to 21, inclusive, and Secs. 28 to 33, inclusive.
- T. 1 S., R. 39 E.,
Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, and Secs. 28 to 33, inclusive.
- T. 2 S., R. 39 E.,
Secs. 4 to 36, inclusive.
- T. 3 S., R. 39 E.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 39 E.,
Secs. 1 to 36, inclusive.
- T. 5 S., R. 39 E.,
Secs. 1 to 36, inclusive.
- T. 2 S., R. 40 E.,
Secs. 7 to 36, inclusive.
- T. 3 S., R. 40 E.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 40 E.,
Secs. 1 to 36, inclusive.
- T. 5 S., R. 40 E.,
Secs. 1 to 36, inclusive.

The reasons for the proposed boundary adjustment are as follows:

1. The management of federally owned coal in Montana's portion of the Powder River Coal Region will be with one district, the Miles City District.
2. There will be better coordination with the Northern Cheyenne Indian Reservation. The proposed change would place the entire reservation in the Miles City District and facilitate BLM's efforts to fulfill the consistency requirements of the Planning Regulations, 43 CFR 1601.5-4(a)(5) in the case of the Northern Cheyenne Indians.
3. Grazing Management of the 1,280 acres of federal surface estate involved within the boundary of the Lewistown District is already being administered by the Miles City District.
4. The placement of the above-described area into the Miles City District will consolidate BLM's management as intended by the 1976 District realignment for Montana.

The proposed boundary adjustment should enable the Bureau to better coordinate the management of the public lands with Big Horn County and the Northern Cheyenne Indian Reservation and provide improved service to the general public. Additional public involvement on this action will consist of letters to the tribal officials of both tribes and to the county governments involved; a News Release to appropriate contacts in the area and a specific copy of this Notice to the Montana Department of State Lands.

DATE: Comments must be received on or before August 19, 1981.

ADDRESS: Comments should be addressed to Michael J. Penfold, State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Ernest L. Kemmis, Chief, Division of Planning and Environmental Coordination, (406) 657-6632, FTS 8-585-6632.

Dated: June 9, 1981.

Michael J. Penfold,
State Director.

[FR Doc. 81-18045 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

Salem District Advisory Council; Meeting

Notice is hereby given, in accordance with Pub. L. 94-597 and 43 CFR Part 1780, that a meeting of the Bureau of Land Management's Salem District Advisory Council will be held on July 15, 1981, at 9:00 a.m. at Bureau of Land Management, Salem District Office, 1717 Fabry Road S.E., Salem, Oregon.

The agenda will include:

A review of public comments and recommendations regarding issues and alternatives to be considered in the preparation of the draft Eastside Planning Area Timber Management Environmental Impact Statement.

Providing advice to the Salem District Manager to be considered in preparation of the draft EIS.

The meeting is open to the public. Interested persons may make oral statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at P.O. Box 3227, Salem, Oregon 97302, prior to July 10, 1981. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Kenneth W. Jonsen,
Acting District Manager.

June 10, 1981.

[FR Doc. 81-18046 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

Alabama; Amendment of Notice of Coal Lease Offering by Sealed Bid, Southern Appalachian Federal Coal Production Region

June 10, 1981.

This amends the Notice which appeared on page 28956 of the Federal Register, Vol. 46, No. 103, on Friday, May 29, 1981. Coal Offered: Rock Springs Church Tract, ES 27072.

The legal description is amended to include T. 17 S., R. 9 W., Sec. 36, E $\frac{1}{2}$ NW $\frac{1}{4}$. The acreage shown in the Notice is correct.

Roger L. Hildebeidel,
Eastern States Director.

[FR Doc. 81-18115 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

Exchange of Public Lands in Beaverhead County, Montana

This Notice of Realty Action involves an exchange of Bureau of Land Management-administered lands in Montana (M-45179).

Certain public lands in Beaverhead County have been examined and found suitable for exchange with Carol Raffety of Glen, Montana. This exchange is authorized under authority of Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

The private lands to be exchanged are as follows:

Principal Meridian Montana—Beaverhead County

T5S, R8W

Section 3: That portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ south of the Big Hole River

(approximately 8 acres)—8 acres

SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ —280 acres

Section 4: SE $\frac{1}{4}$ SE $\frac{1}{4}$ —40 acres

Section 10: NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ —280 acres

The Above described private lands comprise approximately 608 acres.

An equal value portion of public lands will be exchanged for the private lands. The public lands are described as follows:

Principal Meridian Montana—Beaverhead County

T5S, R8W

Section 1: E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ —160 acres

Section 2: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ —200 acres

Section 11: N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,

SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ —200 acres

Section 14: NW $\frac{1}{4}$ NW $\frac{1}{4}$ —40 acres

The above described lands comprise approximately 600 acres.

Through the proposed exchange, the BLM would acquire about one-half mile of shoreline on the Big Hole River and several parcels just south of the river which have high recreation values. In return, several parcels of public land which are difficult to manage and have high agriculture potential would be transferred to private ownership. The proposed exchange constitutes a land tenure adjustment which will improve the manageability of public lands and make lands available for agricultural production.

The terms and conditions applicable to the exchange are:

1. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All mineral rights will be transferred.

3. The transfer of the lands will be subject to valid, existing rights.

4. Oil and gas lease #M-32486 remains in effect until terminated by operation of existing laws.

This exchange is consistent with the Bureau's planning and has been discussed with local officials.

Detailed information concerning the exchange, including the land report and environmental assessment, is available for review at the Dillon Resource Area Office, Dillon, Montana, and the Butte District Office, 106 N. Parkmont, Industrial Park, Butte, Montana.

For a period of 45 days from the date of the last publication of this notice, interested parties may submit comments to the Secretary of the Interior, LLM (320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior.

Dated: June 12, 1981.

Gerald L. Quinn,

Acting District Manager, Butte District.

[FR Doc. 81-18111 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 7633]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

June 10, 1981.

1. On December 27, 1968 [FR, Vol. 33, No. 251, page 19855], the public lands described in the notice, aggregating approximately 5,516.52 acres, were classified for multiple-use management and segregated from all forms of appropriation including the general mining but not the mineral leasing laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under paragraph 1 is hereby terminated. The lands described as the Rio Grande Gorge Recreation Area—Santa Fe Planning Unit (1-72) are now within the designation of the Rio Grande Gorge Wild and Scenic River pursuant to Public Law 90-542 and remain withdrawn for that designated area.

3. At 8:00 a.m. on July 13, 1981, the public lands described under La Cienega Planning Unit 1-33 of said notice shall be open to operation of the public land laws including location under the general mining laws, subject to valid existing rights and the requirements of applicable law. The lands affected are:

New Mexico Principal Meridian

T. 16 N., R. 8 E.,

Sec. 17, lots 2 and 3.

The area described contains 63.52 acres.

Inquiries concerning these lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-18114 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 7333]

New Mexico; Notice of Termination of Classification of Public Lands for Multiple Use Management

June 11, 1981.

1. On January 1, 1969 [FR, Vol. 34, No. 1, page 18] the public lands described in the notice, aggregating approximately 31,841.69 acres in Rio Arriba County, New Mexico, were classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, and 25 U.S.C. sec. 334). The lands remained open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classifications referred to under paragraph 1 above are hereby terminated. At 8:00 a.m. on July 13, 1981, the lands described in said notice of January 1, 1969 will be open to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning these lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-18113 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 7333-A]

New Mexico; Termination of Classification of Public Lands for Transfer Out of Federal Ownership

June 11, 1981.

1. Notice of Classification for New Mexico 7333-A, published at pages 18-19 of the Federal Register on January 1, 1969 (Vol. 34, No.1) classified certain lands pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) for transfer out of Federal ownership by State grants and indemnity selections (43 U.S.C. 851, 852), exchanges under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) and/or public sales under section 2455 of Revised Statutes (43 U.S.C. 1171). The publication segregated the lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which the lands are classified.

The classification has been reviewed under section 204(1), Federal Land Policy and Management Act of 1976 (90

Stat. 2754). It has been determined that the intent of the classification is no longer necessary. The classification, therefore, is hereby terminated. The lands affected are:

New Mexico Principal Meridian

T. 27 N., R. 3 E.,

Sec. 23, N $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 26 N., R. 4 E.,

Sec. 10, NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 27 N., R. 4 E.,

Sec. 15, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 19, lot 2 and SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 21, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ and

NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

2. At 8:00 a.m., on July 13, 1981, the public lands affected by this order shall be open to operation of the public land laws including location under the general mining laws, subject to valid existing rights and the requirements of applicable law.

Inquiries concerning these lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-18112 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

[W-0220465]

Wyoming; Termination of Classification

June 9, 1981.

Wyoming Classification Order, Recreation and Public Purposes No. 8 dated September 7, 1962 classified Lot 39 in Section 18, T. 52 N., R. 104 W. 6th P.M., Wyoming for Recreation and Public Purposes and segregated the land from all appropriations under the public land laws, including locations under the mining laws. Because of an inadvertent trespass Lot 39 was resurveyed and is now Lots 49 and 50. In order to dispose of Lot 49 and clear the trespass, the Recreation and Public Purposes classification is hereby removed from the following described land, pursuant to 43 CFR Part 2400:

Sixth Principal Meridian, Wyoming

T. 52 N., R. 104 W.

Sec. 18, Lot 49.

The area described contains 0.4 of an acre in Park County, Wyoming.

Effective 10 a.m. June 30, 1981 the segregative effect imposed by the classification will be lifted on the above described land and the land restored to the operation of the public land laws

generally, including location under the mining laws.

Maxwell T. Lieurance,
State Director.

[FR Doc. 81-18116 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permits Issued for the Month of March and April

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235-1903) or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

Petuxent Wildlife Res.	0310	03-27-81
Cornell U./Peregrine	0395	03-03-81
Nichols, Holly A.	0506	03-04-81
Tollestrup, Kristine	0507	03-05-81
National Park Service	0700	03-26-81
Reg. Dir. # 1	1229	03-09-81
Regional Director #4	1412	03-24-81
Lippolt, Earl	3340	03-13-81
Oregon State Univ.	3549	03-27-81
U. of Michigan	3576	03-09-81
Kans City Zool Grdn	4807	03-04-81
Nichols Cactus Nurser	7141	03-23-81
Moore, David Lee	7169	03-02-81
San Antonio Zoo	7176	03-29-81
George Cardon Inc. Cir	7214	03-02-81
Rivers, David W.	7254	03-11-81
Vinicky, Jan	7273	03-11-81
Abbey Garden/Clemens	7301	03-24-81
Zool. Soc. of Can	7369	03-12-81
Finch Kingdom Jr. Avic	7382	03-04-81
New York Zool Park	7402	03-01-81
Schmitt, Roman Peter	7468	03-20-81
Schmitt, Roman Peter	7468	03-20-81
Nichols, Thomas D.	7515	03-01-81
LSU/Zwank Forestry	7526	03-25-81
Milwaukee County Zoo	7581	03-26-81
Washington Park Zoo	7572	03-28-81
Dallas Zoo & Aquarium	7613	03-26-81
Nugent, Charles C.	7619	03-25-81
Minot Pk. Dist.	7657	03-03-81
San Antonio Zool. Grdn.	7677	03-27-81
Petuxent Wildlife Res.	7680	03-30-81
Jackson Zool. Pk.	7660	03-27-81
Central Fl Zool. Pk.	7693	03-31-81
Temple Univ.	7706	03-11-81
Denver Wildlife Res.	3818	03-30-81
Alaska Area Dir.	4046	03-17-81
Mo. Coop. WRIJ	4108	03-02-81
Southwest Fisheries	4481	03-08-81
Smithsonian Inst.	4748	03-22-81

Philosian, Richard	6582	03-22-81
New York Univ	7118	03-17-81
Moore, David Lee	7169	03-07-81
Cornell Metcalf & Eddy	7190	03-01-81
Reg. Dir. #6	7263	03-01-81
New York Zool. Soc.	7279	03-16-81
San Diego Zool. Grdn.	7330	03-01-81
Jardin Zool. Puerto R.	7338	03-24-81
Rare Feline Breeding St.	7491	03-17-81
Everglades Nat. Pk.	7585	03-03-81
Oklahoma City Zoo	7617	03-02-81
San Diego Zoo. Garden	7644	03-02-81
The Peregrine Fund	7777	03-10-81
Kansas City Zool. Grdn.	7789	03-30-81
TN Wildlife Resources	7678	03-09-81
United Peregrine Soc.	7690	03-28-81
Memphis Zoo & Aquarium	7691	03-09-81
Samford Univ.	7696	03-02-81
Broin, Mrs. Jan	7699	03-30-81

Dated: June 12, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-18091 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Dr. Peter Robinson,
University of Colorado Museum,
Boulder, CO.

The applicant requests a permit to import unfertile or hatched eggs and eggshells of tuatara (*Shpenodon punctatum*) from New Zealand and Galapagos tortoise (*Geochelone elephantopus*) unfertile or hatched eggs or eggshells from the Charles Darwin Research Station, Galapago Islands, for scientific research.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8028. Interested persons may comment on this application on or before July 20, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 10, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-18093 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Virgin Islands National Park, St. Thomas, Virgin Islands.

The applicant requests a permit to relocate leatherback sea turtle (*Dermochelys coriacea*) nests which might otherwise be washed away on St. John Island, for the purpose of enhancement of survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8074. Interested persons may comment on this application on or before July 20, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 11, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 81-18094 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-55-M

Issuance of Permit for Marine Mammals

On April 8, 1981 a notice was published in the Federal Register (46 FR 21095), that an application had been filed with the Fish and Wildlife Service by Point Defiance Zoo and Aquarium for a permit to take four sea otters (*Enhydra lutris*) for the purpose of public display.

Notice is hereby given that on June 11, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued permit PRT 2-7607, to the Point Defiance Zoo and Aquarium to take four sea otters subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: June 12, 1981.

Larry LaRochelle

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-18092 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-55-M

Water and Power Resources Service**Interim Water Service Contracts; Intent to Enter into Interim Water Service Contracts**

The Regional Director of the Southwest Region, Water and Power Resources Service (Water and Power), Department of the Interior, intends to enter into an interim irrigation water service contract with the New Mexico Interstate Stream Commission and possibly with other contracting entities when such water is termed surplus to the needs of the San Juan-Chama Project, Colorado-New Mexico. Contracts of this type can be entered into upon short notice to meet emergency or temporary demands for water. They are written under the authority of the Reclamation Project Act of August 4, 1939 (53 Stat. 1187), and permit deliveries for irrigation, for municipal and industrial (M&I) water service, and other miscellaneous uses. However, they may not exceed 1 year in duration and are limited to not more than 10,000 acre-feet per irrigation contract or 500 acre-feet per M&I contract unless additional approval is received from the Commissioner of Water and Power Resources and the Department of the Interior. All interim contracts will specify quantities, rates, and other conditions in compliance with Reclamation law and Water and Power policy.

The Regional Director, Amarillo, Texas, is delegated the authority to execute such contracts. For the water year 1981, it appears that the San Juan-Chama Project, Colorado-New Mexico, will have water surplus to its contract demand; therefore, additional water will be available for eligible contracting entities.

The New Mexico Interstate Stream Commission has expressed the desire to contract for up to 2,000 acre-feet of project water to be used for an emergency irrigation water supply to prevent crop losses in New Mexico. In recent years, the charge for such irrigation water has been \$4.70 to \$6 per acre-foot while the M&I charge is approximately \$30 per acre-foot. These charges represent both a share of the capital cost and a share of the operation, maintenance, and replacement (OM&R) costs prorated per acre-foot of water received.

All meetings scheduled by Water and Power with potential contractors for the purpose of discussing terms and conditions of the proposed contracts shall be open to the general public as observers. Advance notice of the meetings shall be furnished to those

parties having previously furnished a written request for such notice at least 1 week prior to the meeting.

The public is invited to submit written comments on the form of the proposed contracts not later than 30 days after the completed contract drafts are declared to be available to the public. The opportunity for the public to observe or participate in the contract negotiations depends upon the response to this notice. Unless significant interest is evidenced in the negotiations, the availability of the contract for public review and comment and other related events will not be publicized through the **Federal Register** or other media.

Written comments and requests for information should be directed to Mr. William E. Berg, Jr., Repayment and Economics Branch, Water and Power Resources Service, 714 South Tyler, Suite 201, Amarillo, Texas 79101, telephone (806) 378-5430. All written correspondence made available in response to public requests will be governed by the Freedom of Information Act, as amended.

Dated: May 15, 1981.

Clifford L. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-16314 Filed 6-17-81; 10:15 am]

BILLING CODE 4310-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81-56]

Intent To Pay Senior Executive Service Performance Awards

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to pay Senior Executive Service performance awards.

SUMMARY: The National Aeronautics and Space Administration will give performance awards to career members of the Senior Executive Service (SES) as authorized under 5 U.S.C. 5384. The awards will be paid no earlier than July 2, 1981.

ADDRESS: Executive Personnel Management Program, NPD-32, NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Philip D. Waller, telephone 202-755-8825.

A. M. Lovelace,
Acting Administrator.

[FR Doc. 81-16043 Filed 6-17-81; 8:46 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**Humanities Panel: Meeting**

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that the following meeting of the Humanities panel will be held at 806 15th Street, NW., Washington, DC 20506:

Date: July 8, 1981.

Time: 1:00 p.m. to 5:30 p.m.

Room: 1134

Program: This meeting will review preliminary proposals for NEH Professions Seminars directorships submitted to the Division of Fellowships and Seminars beginning after January 2, 1982.

Date: July 9-10, 1981.

Time: 9:00 a.m. to 5:30 p.m.

Room: 807

Program: This meeting will review applications submitted for Research Materials Programs: Publications projects Division of Research Programs, for projects beginning after September 1, 1981.

Date: July 10, 1981.

Time: 1:00 p.m. to 5:30 p.m.

Room: 1134

Program: This meeting will review preliminary proposals for NEH Professions Seminars directorships submitted to the Division of Fellowships and Seminars from persons in the field of Law for programs beginning after January 2, 1982.

The proposed meetings are 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. Because the proposed meetings will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings 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 about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 81-18133 Filed 6-17-81; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel: Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington, DC 20506:

Date: July 18, 1981

Time: 9:00 a.m. to 5:30 p.m.

Room: 1023

Program: This meeting will review the applications submitted for the Planning and Assessment Studies Program, Office of Planning and Policy Assessment, for renewal of funding for the Doctorate Record File

Date: July 17, 1981

Time 9:00 a.m. to 5:30 p.m.

Room: 1023

Program: This meeting will review the applications submitted for the Planning and Assessment Studies Program, Office of Planning and Policy Assessment, for renewal of funding for the Higher Education Panel.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on the application 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. Because the proposed meetings will consider information that is likely to disclose,

(1) Trade secrets and commercial and financial information obtained from a person and privileged or confidential;

(2) Information of personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to

Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 81-18134 Filed 6-17-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-25]

Reports, Recommendations, Responses; Availability

• *Aircraft Accident/Incident Reports—Brief Format-Supplemental Issue 1979 (NTSB-BA-81-4).*

• *Railroad Accident Report—Head-end Collision of Amtrak Passenger Train No. 74 and Conrail Train OPSE-7, Dobbs Ferry, New York, November 7, 1980 (NTSB-RAR-81-4).*—As a result of its investigation, the Board on May 18 issued the following "Class II, Priority Action" recommendations to

Federal Railroad Administration: Conduct a safety review of the Metropolitan Region to determine why the actual operation of trains was not in compliance with Conrail rules, and provide the Safety Board a report of the findings. (R-81-52)

Amend 49 CFR 217.9 to require sufficient monitoring to insure that each operating employee is evaluated for compliance with operating rules on a regular basis. (R-81-53)

Consolidated Rail Corporation (Conrail): Establish better procedures for the training and followup by supervisors of operators and dispatchers to insure compliance with the rules. Provide formal training. (R-81-54)

Require that all trains operating on the main line monitor the same channel as designated in the timetable. (R-81-55)

Provide the operators on the Metropolitan Region with the ability to display a train order signal at train order stations as required by the operating rules. (R-81-56)

National Railroad Passenger Corporation (Amtrak): Establish a retrofit schedule to provide skirts at the bottom of seats to prevent leg injuries because of leg entrapment. (R-81-57)

Install an adequate locking device on rotating seats which will prevent undesired rotation in accidents. (R-81-58)

Revise turbotrains to improve cab crashworthiness in a collision. (R-81-59)

Promptly provide for passengers' identification of emergency exists which

includes instructions for proper use. (R-81-60)

• *Class II Safety Recommendations to the Federal Aviation Administration, June 3:*

Issue an airworthiness directive which requires a visual inspection for arc burns before and after each rework operation on titanium alloy fan blades from Pratt & Whitney Aircraft JT9D turbofan engines and requires replacement of arc burn-affected blades. We further recommend that a description of arc burn in titanium be included in the airworthiness directive. (A-81-63)

Issue an air carrier maintenance bulletin urging operators and maintenance personnel to use extreme caution with any electrical equipment in the vicinity of titanium alloy fan blades to minimize the possibility of arc burn. This bulletin should also describe the appearance of arc burn in titanium and point out the nature of damage caused by such burns and the possible consequences of this damage. (A-81-64)

• *Responses from the Federal Aviation Administration:*

A-78-84 through -89 (May 29).—Status of recommendations referenced at 44 FR 12785, Mar. 8, 1979:

A-78-84: A public technical review may be set for late 1981 to solicit comments on operational and certification rule changes to takeoff and accelerate-stop distance requirements for transport category airplanes; review will consider wet runway accountability and mandatory requirements for antiskid systems and factors such as line-up distance, decision speeds, automatic braking systems, reduced thrust, reverse thrust, and screen height.

A-78-85: It is not appropriate to consider the British Civil Aviation Authority's wet runway takeoff requirements for applicability as a U.S. standard.

A-78-86: Advisory Circular (AC) 121-14, Aircraft Simulator and Visual System Evaluation and Approach, was amended Oct. 16, 1978, paragraph 13.b(13) specifying that air carriers program their simulators to include effects of runway contaminants as they affect directional control and stopping distance, including the rejected takeoff phase. Further specific requirements were established in AC 121-14C, Appendix 1, Aug. 29, 1980.

A-78-87: Telegraphic Notice 8430.306, Maximum Deceleration Rejected Takeoffs, was issued Oct. 28, 1978; the recommended maneuver was required to be conducted in a simulator training program on critical runways under the most adverse conditions.

A-78-88: Notice 8430.318, Balanced Field Rejected Takeoffs, was issued July 30, 1979.

A-78-89: Development of data, to be programmed into a simulator and accurately reflect failed tire and contaminated runway effects on aircraft, has taken longer than anticipated. Air Transport Association has completed data evaluation and will discuss conclusions with FAA on June 23, 1981.

A-81-19 and -20 (May 26).—FAA intends to publish an air carrier operations bulletin to

reemphasize provisions and intent of 14 CFR 121.300(c)(1)(ii) and to include unambiguous procedural guidance (A-81-19). FAA concurs in part with A-81-20; whenever a GPWS alarm occurs, the flightcrews' response should be evaluated and debriefed for procedural adequacy, and this training function will be emphasized in the above noted bulletin. FAA does not advocate altering existing air carrier simulator curricula in accord with A-81-20. (Ref. 46 FR 16366, Mar. 12, 1981.)

A-81-21 and -22 (May 26).—FAA will expedite issuance of an airworthiness directive (AD) to require more frequent inspections and replacement whenever any crack or stress craze is found (A-81-21). Supplementary information concerning hazards associated with cracked or crazed cast acrylic windows will be addressed in a follow-on AD (A-81-22). (Ref. 46 FR 18823, Mar. 26, 1981.)

• *Other Recommendation Responses:*

H-80-14, from the National Highway Traffic Safety Administration (May 28).—A 1978 contract with the American Association of Motor Vehicle Administrators included a requirement to develop a problem statement on multiple licensing. In late 1979 some 3,500 interstate truck drivers were randomly selected for a records check in all States and Canadian Provinces; a report will be available in July 1981. A study of multiple licensing among the general driving population is underway, scheduled for completion in October. Serious implementation difficulties exist since State officials are bound by their own State law; it is not now possible for them to conform fully to the one license/one record concept. To assist States in improving their laws, NHTSA has developed a Traffic Laws Commentary, "Driver Licensing Laws Rated." The Council of State Governments' study of State participation in the Driver License Compact is pending publication, and a third publication, "Classified Driver Licensing in the United States," has been distributed to all licensing jurisdictions. (Ref. 45 FR 16363, Mar. 13, 1980.)

H-80-28, from the Secretary of Transportation (April 30).—In reviewing existing and proposed regulations, every effort is being made to ensure that the operating administrations classify and evaluate regulations accurately and fully. (Ref. 45 FR 57608, Aug. 28, 1980.)

M-74-3 and M-74-9, from the U.S. Coast Guard (May 28).—Specific information relating to educational and training means to better inform towboat operators is not under USCG's purview. Training schools and texts lists were provided as a guide for evaluating an alternative response to the recommendations. The Secretary approved (Federal Register, Mar. 16, 1981) the charter for the Towing Safety Advisory Committee, to which M-74-3 and -9 and supporting data will be forwarded for appropriate action. (Ref. 45 FR 27849, Apr. 24, 1980.)

R-79-38 and R-79-91, from the Federal Railroad Administration (June 3).—The Systems Safety Plan is under final review; upon clearance by the Office of Management and Budget for submission to the Congress,

FRA will provide the Board with a copy. FRA will soon issue a proposed rule for revising the State Participation Regulations (49 CFR Part 212). (Ref. 45 FR 83357, Dec. 18, 1980.)

R-80-21, from the Federal Railroad Administration (May 27).—The substantial cost of either replacing maintenance-of-way cars which do not comply with Freight Car Safety Standards or restricting their movement to work trains cannot be justified. Railroads impose restrictions on use of these cars to assure safe operation. Maintenance-of-way cars are limited to slow speeds and local trains. There is not intent to allow maintenance-of-way cars to be used as revenue cars which operate at timetable speeds in free interchange service. (Ref. 45 FR 73832, Nov. 6, 1980.)

R-80-49, from the Association of American Railroads (May 29).—First aid training must not be mandated. With availability of doctors, hospitals and emergency response personnel, the need for employees to apply first aid measures would be extremely limited; a compulsory program covering all employees would not be costbeneficial. (Ref. 46 FR 182, Jan. 2, 1981.)

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.

June 12, 1981.

[FR Doc. 81-10075 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Decay Heat Removal System; Meeting

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting on July 6, 1981 in Room 1046, 1717 H Street, NW., Washington, DC to review Task A-45, "Shutdown Decay Heat Removal Requirements." Notice of this meeting was published June 19.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), 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 Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify

the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Monday, July 6, 1981

1:00 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

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 cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: June 15, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-18124 Filed 6-17-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Fuel; Meeting

The ACRS Subcommittee on Reactor Fuel will hold a meeting on July 7, 1981 in Room 1046 at 1717 H Street, NW., Washington, DC to discuss NRC Fuel Behavior Research Programs. Notice of this meeting was published June 19.

In accordance with the procedures outlined in the Federal Register on October 7, 1980 (45 FR 66535), 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 Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, July 7, 1981

8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

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 cognizant Designated Federal Employee, Mr. Paul Boehmert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 15, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-18126 Filed 6-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumer Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County,

Michigan. The amendment is effective as of its date of issuance.

The amendment extends the surveillance interval for seven surveillance tests for varying periods up to 63 days. The maximum extension represents an increase of less than 15% in the period between surveillance tests.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 26, 1981, (2) Amendment No. 66 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555, and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 12th day of June, 1981.

For the Nuclear Regulatory Commission,

Richard P. Soalder,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-18126 Filed 6-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

McGuire Nuclear Station, Unit 1; Issuance of Facility Operating License NPF-9

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), pursuant to the Initial Decision dated April 18, 1979, and the Supplemental Initial Decision dated May 26, 1981, respectively, of the Atomic

Safety and Licensing Board, and pursuant to Commission Order dated June 11, 1981, has issued Facility Operating License No. NPF-9 to the Duke Power Company for its McGuire Nuclear Station, Unit 1. The license authorizes low power testing and operation at reactor core power levels not in excess of 5 percent of power (170 megawatts thermal) in accordance with the provisions of the license, the Technical Specifications and the Environmental Protection Plan. The McGuire Nuclear Station, Unit 1, is a pressurized water reactor located near Charlotte in Mecklenburg County, North Carolina.

The Initial Decision and the Supplemental Initial Decision are subject to review by the Atomic Safety and Licensing Appeal Board prior to their becoming final. Any decision or action taken by the Atomic Safety and Licensing Appeal Board in connection with the Initial Decision and the Supplemental Initial Decision may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Ch. I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's regulations.

The license is effective as of its date of issuance.

For further details in respect to this action, see (1) Facility Operating License NPF-9 together with Technical Specifications and Environmental Protection Plan; (2) License NPF-9 for Fuel Loading and Zero Power Testing complete with Technical Specifications (NUREG-0759) dated January 23, 1981; (3) Amendment No. 1 to License NPF-9 for Fuel Loading and Zero Power Testing, dated January 28, 1981; (4) Amendment No. 2 to License NPF-9 for Fuel Loading and Zero Power Testing, dated April 2, 1981; (5) the report to the Advisory Committee on Reactor Safeguards, dated April 12, 1978; (6) the Office of Nuclear Reactor Regulation's Safety Evaluation Report, dated March 1978 (NUREG-0422) and Supplements 1 through 5; (7) the Final Safety Analysis Report and Amendments thereto; (8) the Final Environmental Statement, dated May 30, 1974 and supplements thereto; (9) the Floodplain Aspects of the McGuire Nuclear Plant Site, dated September 3, 1980; (10) the Initial Decision, dated April 18, 1979; and the Supplemental Initial Decision, dated May 26, 1981.

Items 1, 2, 3, 4 and 10 are available upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of items 6 and 8 may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. All items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Bethesda, Md., this 12th day of June 1981.

For the Nuclear Regulatory Commission,
Elinor Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-18127 Filed 6-17-81 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Technical Specifications for Operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the facility), located in San Diego County, California. This amendment is effective as of its date of issuance. However, the Technical Specification provisions related to Proposed Change No. 89 are to be implemented within 60 days after the date of issuance of the amendment. The Technical Specification pages associated with Proposed Change No. 89 are identified in the amendment.

The amendment revises the Appendix A Technical Specifications and Bases to reflect (1) revised requirements for the service test of an uninterruptible power supply battery; (2) revised requirements relating to the Control Rod Position Indication System; (3) revised surveillance for the offsite power systems; (4) revision of the definition of the term "Operable" to make it consistent with the Standard Technical Specifications; and (5) addition of the definition of modes of operation to conform closely to the Standard Technical Specifications.

The applications for amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated October 20, 1978, March 31, 1980, April 4, 1980, June 30, 1980, and December 1, 1980, as supported by information submitted by letters dated December 19, 1979, January 9, February 14, and May 16, 1980, in addition to an undated letter received by the Commission on October 9, 1980, (2) Amendment No. 56 to License No. DPR-13, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and the Mission Viejo Branch Library, 24851 Christanta Drive, Mission Viejo, California. A single copy of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 11th day of June, 1981.

For the Nuclear Regulatory Commission,

Richard P. Snaider,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-18126 Filed 6-17-81; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

June 15, 1981.

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 to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

Revisions

- Economics and Statistics Service
Aquaculture Survey
Annually
Farms
Catfish and Trout Producers
Small businesses or organizations
Agricultural research and services: 3,600 responses; 1,284 hours; \$275,000
Federal cost; 3 Forms; not applicable under 3504 (H)
- Off. of Federal Statistical policy and Standard, 202-673-7974

Provides data to estimate catfish and trout inventory, marketing, production and water area in 18 major producing States. Survey results will be USDA's input into the national aquaculture plan. This plan will determine action Federal Government should undertake to further aquaculture development. Estimates also use catfish and trout producers in production and marketing decisions.

Extensions (Burden Change)

- Animal and Plant Health Inspection Service
9 CFR 73—Scabies in Cattle
VS 1-27, 2-24D, 5-2, 5-5, 5-14
On occasion
Farms/businesses or other Institutions
Herd owners and owners of treatment facilities
Small businesses or organizations
Agricultural research and services:
13,295 responses; 4,139 hours; \$216,000
Federal cost; 5 forms; not applicable under 3504 (H)
Charles A. Ellett, 202-395-7340

Regs. setting forth quarantine procedures, means of moving cattle interstate, standards and agreements for specifically approved treatment facilities, and reports. Data used to evaluate the effectiveness and efficiency of the cattle scabies eradication program.

- Animal and Plant Health Inspection Service
Application for Inspection and Certification of Animal Byproducts
VS 16-24
On occasion
Businesses or other institutions
Meat packing establishments
Small businesses or organizations
Agricultural research and services: 15 responses; 8 hours; \$882 Federal cost; 1 form; not applicable under 3504 (H)
Charles A. Ellett, 202-395-7340

VA provides export certification service to the U.S. processors desiring to qualify shipments of certain animal byproducts for export to foreign countries. VS 16-24 Documents requests for certification service and also includes the processor's agreement to reimburse USDA for the service.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

- General Administration
Proposed Louisiana World Exposition (1984) Environmental
Impact statement
Nonrecurrent
Businesses or other institutions
Industries/business. loc. within the proposed expo boundaries
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 75 responses; 38 hours; \$7,500 Federal cost; 1 form; not applicable under 3504 (H)
William T. Adams, 202-395-4814

Results from this survey of potential business dislocations will provide data

to estimate the potential economic impacts associated with the proposed Louisiana World Exposition (1984) for inclusion in the environmental impact statement.

- Bureau of the Census
Housing Unit Coverage Studies/
Duplicate Check 1980, Decennial
Census Evaluation
D-8101
Nonrecurrent
Individuals or households
Occupants of homes inden. as poss.
duplicates in 1980 census
Other advancement and regulation of commerce: 2,000 responses; 340 hours; 1 form; not applicable under 3504 (H)
Off. of Federal Statistical Policy & Standard, 202-673-7974.

The duplicate check followup study will provide national and regional estimates of the rate at which occupied housing units were overenumerated in the 1980 census.

- Bureau of the Census
Permit Availability (Retention Status of Permits for Residential New Construction)
S-143
Nonrecurrent
State or Local Governments
300 building permit issuing offices in PSU'S
Other advancement and regulation of commerce: 300 responses; 25 hours; \$2,500 Federal cost; 1 form; not applicable under 3540 (H)
Off. of Federal Statistical Policy and Standard, 202-673-7974

The S-143 will obtain permit availability data from 300 permit offices identified as potential causes of a significant loss in sample in PSU'S and SMSA'S if permits are not available.

- Economic and Statistical Analysis
Form: BE-21P Identification
Questionnaire Rulemaking: Survey of Foreign Direct Investment in U.S. Business Enterprises Engaged in the Processing, Packaging or BE-21P
Nonrecurrent
Businesses or Other Institutions
Business Enterprises Engaged in the Processing, Packaging,
SIC: 209 514
Small businesses or organizations
Other advancement and regulation of commerce: 4,000 responses; 1,000 hours; \$100,000 Federal cost; 1 form; NPRM under 3504(h)
Off. of Federal Statistical Policy & Standard, 202-673-7974

The purpose of this questionnaire is to determine which U.S. business enterprises engaged in the processing or

wholesale distribution of fish or seafoods was foreign owned at the end of 1980. Those that were foreign owned will be required to complete a statistical questionnaire, to be mailed at a later date, relating to their operations in 1978, 1979, and 1980.

- National Oceanic and Atmospheric Administration

High Seas Salmon Fishery off Alaska
Nonrecurring

Individuals or households
U.S. fishermen who fish for sal. off
Alaska & sell outside

Small businesses or organizations
Other natural resources: 30 responses; 3
hours; \$768,076 Federal cost; 1 form;
NPRM under 3504(h)

William T. Adams, 202-395-4814

Season management for protection
and conservation of chinook salmon off
Alaska. Public harm will occur if
information is not collected while OMB
conducts review.

Revisions

- Bureau of the Census
Annual Survey of Manufacturers
MA-100 (MU) MA-100 (SU) MA-100 (S)
MA-100 (B)

Annually
Businesses or other institutions
Probability sample of domestic
manufacturers

Small businesses or organizations
Other advancement and regulation of
commerce: 79,000 responses; 206,060
hours; \$2,226,000 Federal cost; 1 form;
not applicable under 3504(h)

Off. of Federal Statistical Policy &
Standard, 202-673-7974

This survey is firmly established as an
integral part of the Government's
statistical program. Its results provide a
factual background for decision making
by both the executive and legislative
branches of the Federal Government.
The annual survey's production and
input data are widely used as
benchmarks for other Federal statistical
programs.

- Bureau of the Census
Sheets, Pillowcases, and Towels
(Production, Shipments, Inventories,
and Unfilled Sales Orders)

MQ-23X

Quarterly, annually
Businesses or other institutions
Companies producing sheets,
pillowcases, and towels

Small businesses or organizations
Other advancement and regulation of
commerce: 115 responses; 230 hours;
\$3,315,000 Federal cost; 1 form; not
applicable under 3504(h)

Off. of Federal Statistical Policy &
Standard, 202-673-7974

These data are used extensively by
the companies included in the panel, the
American Textile Manufacturers
Institute, and the Office of Textiles and
Apparel, Department of Commerce, to
measure import penetration, determine
market share, and analyze and forecast
long-term economic growth in the
industry.

Extensions (Burden Change)

- International Trade Administration
Past Participation Statement
ITA 669P

On occasion
Businesses or other institutions
Commercial exporters
SIC: Multiple.

Other advancement and regulation of
commerce: 1 response; 1 hour; 1 form;
not applicable under 3504(h)

William T. Adams, 202-395-4814

This form will be used to establish
export quotas so that a fair and
equitable export quota licensing system
can be established based on past
participation in exports licensing.

Extensions (No Change)

- Bureau of the Census
March 12 Payperiod Employment for
Tax Exempt Organizations

Pension and annuities only
IRS 941 E
Annually

Businesses or other institutions
Tax exempt organizations and pension
and annuities

SIC: All
Small businesses or organizations
Other advancement and regulation of
commerce: 100,000 responses; 10,000
hours; \$736,000 Federal cost; 1 form;
not applicable under 3504(h)

Off. of Federal Statistical Policy &
Standard, 202-673-7974

Tax exempt organizations and
pension and annuities. To expand data
coverage for tax exempt entities, State
and local governments, and to clarify
the status of certain payers of pensions
and annuities to properly measure the
business universe.

- National Oceanic and Atmospheric
Administration

Certificate of Exemption Renewal
Other—see SF83

Individuals or households/businesses or
other institutions retail stores, i.e.
jewelry and handicrafts through the
U.S.

SIC: 594

Small businesses or organizations
Other advancement and regulation of
commerce: 58 responses; 58 hours;
\$536 Federal costs; 1 form; not
applicable under 3504(h)

William T. Adams, 202-395-4814

The information collected is for the
purpose of granting to certain
identifiable members of the public a
license, permit or other privilege to
which they would not otherwise be
entitled under the Endangered Species
Act.

- International Trade Administration
New Product Information Service
ITA-4063P

On occasion

Businesses or other institutions
U.S. manufacturers of new products
SIC: all

Small businesses or organizations
Other advancement and regulation of
commerce: 2,100 responses; 525 hours;
\$20,000 Federal cost; 1 form; not
applicable under 3504(h)

William T. Adams, 202-395-4814

Application is used to enable U.S.
companies to voluntarily participate in
new product information service.
Information is used, first, to determine
whether applicants meet program
participation criteria. In addition, the
form provides vital data on new
products which is used to prepare "new
products USA" listings in commercial
news USA magazine and VOA
broadcasts. Also used for program
evaluation purposes.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V.
Wenderoth—703-697-1195

New

- Department of the Air Force
Community response to Air Force Noise
Nonrecurring

Individuals or households
Individual households

Department of Defense—Military: 650
responses; 435 hours; \$82,000 Federal
cost; 1 form; not applicable under
3504(h)

Edward C. Springer, 202-395-4814

(Air installation compatibility use
zones) testing ability of air installation
compatibility use zones predicted noise
exposure contours. Present noise
indexes (LDN) are based on best
available judgements. Noise contours
are used in land acquisition and
operations planning. Present indexes
will be tested and new methods for
combining noise exposures and
community reactions could result.

Extensions (Burden Change)

- Departmental and Others
Services and/or Supplies Provided by
Civilian Hospitals (INPT.)

DA 1863-1

On occasion

Businesses or other institutions

Hospitals/other institutional providers of medical care
 Small businesses or organizations
 Department of Defense—Military: 700,000 responses; 350,000 hours; \$5,400,000
 Federal costs; 1 form; not applicable under 3504(h)
 Kenneth B. Allen, 202-395-3785

Necessary to collect information to evaluate for civilian health benefits authorized by 10 USC 1071-1086 and to issue checks upon establishment of eligibility and determination that health care received is authorized by statute. Used in compiling statistical information on inpatient and outpatient claims.

Extensions (No Change)

- Department of the Air Force Military Affiliate Rado System (MARS) Member Station
 Questionnaire Transcript
 AFCS132
 On occasion
 Individuals or households
 Citizen amateur radio operators in 50 States and overseas
 Multiple functions; 3,000 responses; 1,500 hours; \$40,527 Federal costs; 1 form; not applicable under 3504(h)
 Edward C. Springer, 202-395-4814

This form is used to provide system managers with sufficient information necessary to make a valid determination regarding individual's application and assignment within the USAF MARS program. Form format is further designed to facilitate data input for computer storage and information retrieval.

Reinstatements

- Departmental and Others
 Research and Development Capability
 Index Scientific and Technological
 Fields of Interest
 DD-1630
 On occasion
 Businesses or other institutions
 Businesses desiring to be on DOD's bidder's mailing list
 Small businesses or organizations
 Department of Defense—Military: 1,200 responses; 600 hours; \$11,664 Federal cost; 1 form; not applicable under 3504(h)
 Kenneth B. Allen, 202-395-3785

Data from business desiring to be on bidder's mailing list of Dept of Defense activities which procure R&D products & services. Aids in determining if a firm has necessary capability to satisfy R&D requirement if such firm should be requested to submit a proposal.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

- Office of Educational Research and Improvement
 General Operating Support Performance Report Form
 ED 865
 Nonrecurring
 Businesses or other institutions
 Recipients of IMS general operating support awards
 SIC: 841
 Small businesses or organizations
 Research and general education aids: 366 responses; 640 hours; \$5,000 Federal cost; 1 form; not applicable under 3504(h)
 Federal Education Data Acquisition Council, 202-426-5030

The date will be used by the staff or IMS and the national museum services board to determine how the funds were spent and to make administrative policy decisions that will assist IMS in serving its constituency and adhering to its legislative mandate.

- Office of Postsecondary Education
 Guarantee agency request for reimbursement for claims paid
 ED 1189
 Weekly, monthly
 Businesses or other institutions
 Guarantee agencies
 SIC: 822
 Higher education: 3,200 responses; 5,600 hours; \$18,000 Federal cost; 4 forms; not applicable under 3504(h)
 Federal education data acquisition council, 202-426-5030

This form is used by the guarantee agency to request reimbursement on claims paid. The ED 1189 is submitted following completion of the ED 1189-1 and 1189-3

- Office of Postsecondary Education
 Guarantee agency report of recoveries on claims paid under Federal reinsurance
 ED 1189-2
 Monthly
 Businesses or other institutions
 Guarantee agencies
 SIC: 822
 Higher education: 600 responses; 1,200 hours; \$72,500 Federal cost; 1 form; not applicable under 3504(h)
 Federal education data acquisition council, 202-426-5030

The guarantee agency completes this form indicating recoveries on claims paid and forwards it with the check to the claims and collections section.

- Office of Postsecondary Education

Financial status and performance reporting for educational opportunity centers

ED 366, ED 366-1

Annually

Businesses or other institutions
 Postsecondary instit., public & private
 agen. & organ.
 SIC: 822 821 824
 Higher education: 32 responses; 128 hours; \$1,795 Federal cost; 2 forms; not applicable under 3504(h)
 Federal education data acquisition council, 202-426-5030

Data collection instrument is needed to comply with Edgar regulations 34 CFR Part 75. The information will be used (A) to assess and monitor project effectiveness, and (B) to determine if the program is meeting the needs of the target populations.

- Office of Postsecondary Education
 Guarantee agency request for reimbursement under agreement for Federal reinsurance
 ED 1189-1
 Monthly, weekly
 Businesses or other institutions
 Guarantee agencies
 SIC: 822
 Higher education: 3,200 responses; 5,600 hours; \$20,200 federal cost; 1 form; not applicable under 3504(h)
 Federal education data acquisition council, 202-426-5030

This form is used by the guarantee agency for reimbursement on death and disability claims prior to December 15, 1968 and for all defaulted and bankruptcy claims.

- Office of Postsecondary Education
 Guarantee agency request for reimbursement on death and disability
 ED 1189-3
 Weekly, monthly
 Businesses or other institutions
 Guarantee agencies
 SIC: 822
 Higher education: 3,200 responses; 5,600 hours; \$20,000 Federal cost; 1 form not applicable under 3504(h)
 Federal education data acquisition council, 202-426-5030

The guarantee agency uses this form to request reimbursement of death and disability claims after and including December 15, 1968.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202-633-9464

New

- Energy Information Administration

Terminal, pipeline, tanker and barge operators, and producer's lease storage identification surveys
EIA-747 A-D
Nonrecurring
Businesses or other institutions
Crude oil/petroleum producers, and other storage facilities
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation: 4,550 responses; 847 hours; \$216,000 Federal cost; 4 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

The forms will be used to collect information for identifying companies to be included in the respondent frame for forms EIA-88, 89, 90 and 170.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

- Office of Assistant Secretary for Health
1982 National Health Interview Survey (NHIS)
Nonrecurring
Individuals or households
Civilian noninst. pop. in York, PA and total U.S. pop.
Health: 42,700 responses; 24,578 hours; \$6,325,000 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

The 1982 NHIS will obtain data on the utilization of health services, the magnitude and distribution of illness and the effects in the U.S. population. This will be accomplished using a set of revised health related questions including supplements on "Health Insurance" and "preventive care."

- National Institutes of Health
Studies of environmental transplacental carcinogenesis (formerly maternal smoking questionnaire)
Nonrecurring
Individuals or households
Cancer patients, parents or older siblings of patients
Administration of justice: 2,400 responses; 900 hours; \$18,000 Federal cost; 4 forms; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

Research subjects will be questioned regarding exposure of their parents to possibly-harmful substances. Parents of respondents will then be questioned to evaluate the accuracy of information provided by research subjects. The starting date will be accuracy of information provided by research subjects. The starting date will be

approximately four weeks after OMB approval. Data collection will end six months later.

- Health Care Financing Administration
Medicaid Quality Control Disposition List
HCFA-321
Monthly
State or local governments
State medicaid agencies
SIC: 919
Health: 636 responses; 4,834 hours; \$102,396 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

The MQC disposition list is management tool used to monitor eligibility reviews, negative case action report, and payment reviews. This report aids in state and Federal review completions. The information collected provides completion rates and status reports on a monthly basis.

- Health Care Financing Administration
Study of unentitled ESRD population
HCFA-291
Nonrecurring
Businesses or other institutions
ESRD treatment facilities
SIC: 808
Health: 300 responses; 75 hours; \$20,000 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

This study is to determine the current size of ESRD patient population not eligible for benefits, their method of treatment and the economic impact on noneligibility on the individual, also data on the cost to the Federal Government if coverage was extended to this population.

Revisions

- Health Care Financing Administration
Request for medicare payment by organizations which qualify to receive payment for paid bills
HCFA-1500 1490-S 1490-U
On occasion
Businesses or other institutions/individuals or households
Medicare beneficiaries
Health: 121,000,000 responses; 15,266,667 hours; \$155,560,000 Federal cost; 2 forms; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

New

- National Highway Traffic Safety Administration
Vehicle Selection Matrix
Annually
State or local governments

Manufacturers of motor vehicle and motor vehicle equipment
Sic: 371
Ground transportation: 67 responses; 134 hours; \$32,195 Federal cost; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202-395-7340
15 U.S.C. 1395, 1397 and 1401 states that research, testing, development, and training necessary to develop and aid in the selection of motor vehicles for compliance tests.
Federal Highway Administration
R&D studies and programs
F 1700.7
On occasion
State or local governments: State highway agencies
Sic: 962
Ground transportation: 46 responses; 11,710 hours; \$990,000 Federal cost; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202-395-7340

This rulemaking revises the regulations needed to implement the section of the law which pertains to Federal-aid funding for Highway R&D (23 USC 307(C)). It also implements the information collection requirements of OMB circular A-102, attachments I and N.

- National Highway Traffic Safety Administration
Statewide Inventory of Pedestrian of Motor Vehicle Accidents
On occasion
State or local governments
State and local governments
Sic: 371
Ground transportation: 200,000 responses; 400,000 hours; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202-395-7340

The standard recommends that all States have a statewide inventory of pedestrian-motor vehicle accidents for use in community planning to insure improved safety.

- National Highway Traffic Safety Administration
Accident Investigation and Reporting
On occasion
State or local governments
State and local governments
Sic: 371
Ground transportation: 18,300 responses; 35,600 hours; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202-395-7340

The standard recommends that all States have a uniform, comprehensive motor vehicle traffic accident investigation program for gathering information on accidents, and each

State maintain a records system by which this information is available for planning, evaluating and furthering highway safety program goals.

• Research and Special Programs Administration

Special Instructions for Cryogenic Liquids

Other—See SF83

Businesses or other institutions

Motor carriers of cryogenic liquids

Sic: 421

Small businesses or organizations

Other transportation: 260 responses; 260 hours; cost; 1 form; not applicable under 3504(h)

Terry Grindstaff, 202-395-7340

To ascertain that drivers know emergency procedures and who to notify in case of accident or container failure. (49 CFR 177.818)

• Research and Special Programs Administration

Flammable cryogenic liquid training records

Biennially

Businesses or other institutions

Mot. car. transp. flam. cryogenic liq. in cargo tanks

Sic: 421

Small businesses or organizations

Other transportation: 50 responses; 1,000 hours; 1 form; not applicable under 3504(h)

Terry Grindstaff, 202-395-7340

To ascertain that drivers of vehicles transporting cryogenic liquids are educated in the regulations pertaining to cryogenic liquids, driver requirements of the motor carrier safety regulations, hazards of cryogenics and emergency procedures. (49 CFR 177.816)

Revisions

• Coast Guard

Application for vessel number CG 3876

On occasion

Individuals or households

Recreational boat owners and certain U.S. territories

Water transportation: 80,000 responses; 142,000 hours; \$20,000 Federal cost; >1 form; not applicable under 3504(h)

Terry Grindstaff, 202-395-7340

46 U.S.C. 1467 and implementing regulations require the establishment of a standard recreational boat numbering system. The Coast Guard is required to provide for numbering for those States which do not have an approved system, including application and display requirements.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

• Internal Revenue Service Tax Forms Simplification Project Testing

TIR 79-108

Nonrecurring

Individuals or households

Individual taxpayers not reporting income or loss from central fiscal operations: 20,000 responses; 17,986 hours; \$2,000,000 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202-395-6880

Pretesting and actual use testing of proposed simplified individual income tax return forms and instructions, among samples of taxpayers, is necessary in order to decide whether to adopt such proposed forms and instructions for nationwide use. Actual use testing will begin in January 1982.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202-287-0747

New

• Reporting Requirements for Importers of Toxic Chemicals¹

On occasion

Businesses or other institutions

Chem. mfrs., formulators, distrbs., wholesalers, and retailer

SIC: Multiple

Small businesses or organizations

Pollution control and abatement: 0 responses; 0 hours; \$244,640 Federal cost; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Industry will notify agency when it imports chemicals or mixtures of chemicals. Required to determine if entry or chemical or mixture of chemicals is in violation of section 5 or 6, a rule or order under section 5 or 6 or an order issued in a civil action under section 5 or 7.

• Reporting Requirements for Exporters of Toxic Chemicals.¹

On occasion

Businesses or other institutions

¹ Over the next several weeks, the Environmental Protection Agency will be requesting clearance for several hundred reporting and recordkeeping requirements that were administered previously without OMB approval. In order to provide a thorough review without unnecessarily disrupting EPA programs, OMB may grant interim approvals for many of these requests, after an initial screening. Interim approvals would be followed by full reviews and final approval or disapproval decisions which would be announced in future editions of the Federal Register.

Chemical manufacturers, distributors, formulators etc.

SIC: Multiple

Small businesses or organizations
Pollution control and abatement: 0 responses; 0 hours; \$20,800 Federal cost; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Section 12(B) of TSCA requires that an exporter notify the administrator if he intends to export to a foreign country a chemical substance or mixture for which data is required under section 4 or 5 (B).

• Publication of Notice of Emergency Permits¹

On occasion

State or local governments

Director of a State UIC program or R.A.

Pollution control and abatement: 46 responses; 92 hours; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Since an emergency permit is issued without the normal part 124 permit issuance procedures and public comment period, there is a need for at least notice of such a permit to be published.

• Notification of New Well¹

Nonrecurring

Businesses or other institutions

Permittees that completed construction of a new well

SIC: Multiple

Small businesses or organizations
Pollution control and abatement: 25 responses; 13 hours; 25 forms; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

The permittee must notify the director of completion of construction of a new well. Since permits are issued prior to construction and contain certain requirements which govern the construction of the well, the director can inspect to determine compliance with the requirements before injection begins.

• Permittee Monitoring and Reporting¹

Quarterly

Businesses or other institutions
Class I, II, III, and IV permittees of underground inj. wells

Small businesses or organizations
Pollution control and abatement: 5,200 responses; 36,000 hours; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

The monitoring and reporting requirement will allow the periodic assessment of the efficiency of the program in terms of whether the permits are being issued on schedule, rate of permit violations, and whether the

programs are performing adequately and protecting underground sources of drinking water.

- **Permittee Abandonment Plan**¹
Nonrecurring
Businesses or other institutions Class I, II, III and V permittees of underground inj. Wells
Small businesses or organizations
Pollution control and abatement: 1,300 responses; 5,200 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

An abandonment plan is to ensure that plugging and abandonment will not allow the movement of fluids either into an underground source of drinking water or from one underground source of drinking water to another.

- **Preparation of Fact Sheet for Reduced Requirements**¹
On occasion
State or local governments
Director of a State UIC program or the R.A.
Pollution control and abatement: 114 responses; 456 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

The fact sheet is to provide a description setting forth the principal facts and the significant legal, methodological and policy questions considered by the director in his determination to reduce requirements.

- **Identification of Other Wells**¹
Other—see SF83
Businesses or other institutions
Permittees of underground injection wells
Small businesses or organizations
Pollution control and abatement: 100 responses; 800 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Before issuing a permit it is necessary for the director to know the location of all known wells within the injection well's area of review which penetrate the injection zone, especially wells which are improperly sealed, completed, or abandoned.

- **State Progress Reports**¹
Nonrecurring
State or local governments
Directors of State UIC program
Pollution control and abatement: 114 responses; 456 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

In conjunction with EPA's statutory duty to oversee State UIC programs the States are required to submit to EPA a progress report describing the States progress in developing a UIC program.

- **Public Hearings on Request for Approval**¹
Nonrecurring
State or local governments
States applying for primary under the safe drinking water
Pollution control and abatement: 46 responses; 1,840 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

This holds the State UIC program open to public scrutiny and the public will have a voice in determining the State's submission to EPA for approval.

- **State Response to Alleged Noncompliance**¹
Nonrecurring
State or local governments
States with an approved UIC program in which the administ
Pollution control and abatement: 1 response; 20 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

If EPA determines that an approved State UIC program is no longer in compliance with the Federal program the State will be informed of such. The State may respond to the alleged noncompliance and show it is in compliance, and thus stop the withdrawal process.

- **Declaration of TSCA Confidential Business Information**¹
On occasion
Businesses or other institutions
Co. Reg. Under Toxics Subs. Control Act subj. to S. II, TSCA
SIC: multiple
Small businesses or organizations
Pollution control and abatement: 210 responses; 210 hours; \$15,204 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Used by companies to declare information collected during TSCA inspections as confidential business information under section 14(C) of the Toxics Substances Control Act (TSCA).

- **Recordkeeping Requirements for Establishments Registered**¹
Under FIFRA
On occasion annually
Businesses or other institutions
Pesticide manufacturers and formulators
SIC: 287
Small businesses or organizations
Pollution control and abatement: 2,500 responses; 5,000 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Producer required to maintain records with respect to types and amounts of pesticides or devices produced and types and amounts distributed.

- **Application for Registration of Pesticide—Producing**¹
Establishments
Nonrecurring
Businesses or other institutions
Pesticide and active ingredient manufacturing businesses
SIC: 281, 287
Small businesses or organizations
Pollution control and abatement: 500 responses; 250 hours; \$40,000 Federal cost; 1 form; not applicable under 3504(b)
Edward H. Clarke, 202-395-7340

FIFRA section 7 requires registration of all pesticide and device producing establishments. Form used to register establishments and data used to develop inspection schedules.

- **Pesticide Applicator Certification Form**¹
8500-17
Biennially, other—see SF13
Individuals or households
Individual purchasers and users of restricted pesticides.
Small businesses or organizations
Pollution control and abatement: 65,000 responses; 16,250 hours; \$63,913 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

This form is used to collect information required to certify commercial and private applicators in Colorado and Nebraska and requires information such as home and address, physical description, etc. of the applicant.

- **RCRA Interim Status Inspection Check List**¹
Annually
Businesses or other institutions
RCRA permittees under section 3007(a)
SIC: All
Small businesses or organizations
Pollution control and abatement: 2,000 responses; 4,000 hours; \$64,090 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Inspection by agency personnel to ensure interim status regulatory compliance.

- **Notification of Assistance Award Action, Non Construction**¹
5700-1A
Annually
State or local governments
State governmental agencies.
SIC: 951, 919
Pollution control and abatement: 57 responses; 43 hours; \$8,865 Federal cost; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

This information collection activity includes such information as the name of the project director, recipient of the grant, the project period, the amount of the former award and the particular action award requested. Purpose of the form is to continue assistance to a State in developing a comprehensive enforcement program.

- Reporting Requirements for Manufacturer's and Processors of Fully Halogenated Chlorofluoroalkanes¹

Annually
Businesses or other institutions

Manufacturers and processors of halogenated chlorofluora

ISC: Multiple

Small businesses or organizations
Pollution control and abatement; 300 responses; 600 hours; \$2,200 Federal cost; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

The reporting requirement is intended to monitor compliance and direct inspections to those facilities which are most likely to be in violation of the chlorofluorocarbon ban rule.

- Identification and Preliminary Assessment forms¹

T2070-2

Nonrecurring

Businesses or other institutions

State and regional EPA personnel

Pollution control and abatement; 3,600 responses; 3,600 hours; \$57,810 Federal cost; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Forms are part of EPA's site tracking system. Used to identify potentially hazardous waste sites and to inventory and assess their contents to determine the potential hazard.

- RCRA Quarterly Non-compliance Reports¹

Quarterly

State or local governments

State EPA's responsible for RCRA subtitle C compliance

Pollution control and abatement; 2,480 responses; 1,240 hours; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

40 CFR 123.7(122.18) requires States to prepare quarterly narrative reports for major permittees listing the name, location, permit number and brief description of each instance of non-compliance for the permittee. Additionally, an annual statistical report is required for non-major permittees. Site Inspection Report¹

T2070-3

Nonrecurring

Businesses or other institutions

State and regional EPA personnel

Pollution control and abatement; 1,800 responses; 14,400 hours; \$230,876 Federal cost; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Form is part of EPA's site tracking system. Used to inspect potentially hazardous waste sites to determine degree of hazard.

- Total Exposure Assessment Methodology (Team) Study¹

Nonrecurring

Individuals or households

Individuals in New Jersey and North Carolina

Pollution control and abatement; 650 responses; 1,300 hours; \$1,587 Federal cost; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

This ICA will provide measurements of individual exposure and body for many toxic substances in air and drinking water. The information will be used by EPA's program offices (air, water and toxic substances) to determine priorities for regulatory action, to correct models on emission estimates, and to relate exposures to sources.

FEDERAL RESERVE SYSTEM

(Agency Clearance Officer—Carolyn B. Doying—202-452-3512)

Revisions

- Report on Selected Deposits in Foreign Branches Held by U.S. Residents

FR 2050

Weekly

Businesses or other institutions

Foreign branches of member banks and edge act corporations

SIC: 602,605

General government; 2,184 responses; 4,914 hours; \$22,997 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202-395-6880

Information is used to monitor the growth of overnight Eurodollar deposits, which form a component of the monetary aggregates.

Extensions (No Change)

- Quarterly Report on Foreign Branch Assets and Liabilities

FR 2502S

Quarterly

Businesses or other institutions fgn br. of mbr banks, edge act corp., & nonmbr. banks, etc.

SIC: 602,605

General government; 1,280 responses; 4,480 hours; \$30,225 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Report collects information on the geographical distribution of assets and liabilities from the same respondents that file the FR 2502 report. These data provide information on branch activities, including their lending to less-developed countries. This report, which is a supplement to the FR 2502 report is used for supervisory, regulatory, and monetary policy purposes.

INTERNATIONAL COMMUNICATION AGENCY

Agency Clearance Officer—Mary Jane Winnett—202-523-4308

New

- Voice of America English-Teaching Broadcasts to the PRC

IAP-16

Nonrecurring

Individuals or households

Professional teachers of English as a foreign language, with foreign information and exchange activities; 0 responses; 0 hours; \$9,500 Federal cost; 1 form; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

Study will assess the appropriateness of VOA English-teaching (ET) broadcasts to the PRC in the context of China's modernizing educational system. Findings from a survey of 64 English-teaching experts with PRC experience will be analyzed with the intention of providing conclusions and recommendations for current and planned VOA ET programs.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202-357-7811

New

- Indicators of Scientific Research Instrumentation in Academic Institutions—a Feasibility Study

NSF 0006

Nonrecurring

Businesses or other institutions

College personnel, science & Eng. dpt. chair, & researchers

SIC: 822

General science and basic research; 840 responses; 1,620 hours; \$248,220 Federal cost; 3 forms; not applicable under 3504(h)

Federal Education Data Acquisition Council, 202-426-5030

This study will assess the feasibility of developing measures of the current stock, utilization and requirements for scientific research instrumentation in

doctorate-granting institutions and independent medical schools. The development of such indicators is requisite to assess in the status of and need for equipment in science and engineering fields.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202-632-7737

Revisions

- Annuitant's Report of Income BRI 49-160

Annually biennially
Individuals or households
Disability annuitants below the age of 60

Federal employee retirement and disability: 78,300 responses; 6,525 hours; \$23,740 Federal cost; 1 form; not applicable under 3504(H)
Robert Veeder, 202-395-4814

Title 5, U.S.C., section 8337(D) requires that a disability annuitant restored to earning capacity before reaching age 60 loses his/her annuity. This form is used by disability annuitants under age 60 to report their income annually to the Office of Personnel Management. This is both a reminder and a means for them to comply.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

Extensions (No Change)

- Report of Offering Made in Reliance Upon Rule 146

On Occasion
Businesses or other institutions
Issuers of securities in exempt transactions

Other advancement and regulation of commerce; 5,000 responses; 2,500 hours; 1 form; not applicable under 3504(H)

Robert Veeder, 202-395-4814

Form is to gather basic, empirical information on the use of certain transactions from the registration provisions of the provisions of the Securities Act. It is also used as an aid in the detection of possible abuses of the rule.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2146

NEW

- Affidavit of Loyalty 21-4133

On occasion
Individuals or households
Claimant's who apply for burial allowance or for accrued

Income security for veterans; 100 responses; 8 hours; \$32 Federal cost; 1 form; not applicable under 3504(H)
Robert Neal, 202-395-6880

This form is for use by claimants residing in a foreign country who in the territory of or under the military control of an enemy of the United States or of its allies. The form is necessary for those claimants who file an application for burial allowance or for accrued amounts due a beneficiary at time of death of veteran.

- Water and Sanitary Assessment Information

FL 26-617
On occasion
State or local governments
County or city authorities
SIC: 494 495

Veterans housing; 1,300 responses; 216 hours; \$5,488 Federal cost; 1 form; not applicable under 3504(H)
Robert Neal, 202-395-6880

This form letter is used by the VA regional office in Atlanta to request data from county or city Authorities in order to obtain balances due for water or sewer services or sanitary assessments against VA owned properties. It enables VA realty specialists to authorize payment for any outstanding bills prior to a property being sold. (38 U.S.C. 1820)

- Agreement for Paying Delinquent Loan Payments

26-6392
On occasion
Individuals or Households
Obligor

Veterans housing; 960 responses; 80 hours; \$2,006 Federal cost; 1 form; not applicable under 3504(H)
Robert Neal, 202-395-6880

This form is used in servicing VA portfolio home loans which are in arrears. It is an effective servicing method since it requires the obligor to express his or her plans for bringing the mortgage loan current and to sign a copy of the statement which if approved by VA, is then returned to the obligor (38 U.S.C. 1820(A)(2)).

- Request For Identifying Information Re: Veteran's Loan

Records
FL 26-626
On occasion
Individuals or households
Correspondents

Veterans Housing; 2,400 responses; 200 hours; \$2,928 Federal cost; 1 form; not applicable under 3504(H)
Robert Neal, 202-395-6880

This form letter is used to notify a correspondent that additional information is needed in order to

identify and associate their previous correspondence with the correct veteran's loan application or records (38 U.S.C. 3003)

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81-18165 Filed 6-17-81; 6:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Filed No. 1-6442]

American Agronomics Corp.; Application To Withdraw From Listing and Registration

June 11, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex") and the Pacific Stock Exchange, Incorporated ("PSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of American Agronomics Corporation (the "Company") is listed and registered on the Amex and the PSE. Pursuant to a Registration Statement on Form 8-A which became effective on March 10, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the multiple listing of the common stock on Amex, PSE and the NYSE, and believes that the multiple listing would fragment the market for its common stock.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and the PSE and shall have no effect upon the continued listing of such stock on the NYSE. The Amex and the PSE have posed no objection to this matter.

Any interested person may, on or before July 2, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The

Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-18098 Filed 6-17-81; 8:45 am]
BILLING CODE 8010-01-M

[File No. SR-Amex-81-7; Release No. 17854]

American Stock Exchange, Inc.; Filing of Amendment To Proposed Rule Change

June 10, 1981.

The American Stock Exchange, Inc. ("Amex") submitted on June 8, 1981, an amendment to a proposed rule change under Rule 19b-4. The proposed rule change would amend Article V, Section 1(b)(1) of its Constitution and Disciplinary Rule 1, 2, and 3 to permit disciplinary panel hearing officers to qualify as panel chairmen in appropriate cases, and to authorize all exchange members to serve as disciplinary panel members and panel chairmen.¹ The amendment to the proposed rule change indicates that the Amex membership has approved the Constitutional amendment and that no further action by the Board of Governors or the membership is required.

In order to assist the Commission to determine whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before July 9, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-81-7.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission

and any person, other than those which 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 Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-18099 Filed 6-17-81; 8:45 am]
BILLING CODE 8010-01-M

[812-4865]

Dreyfus Cash Reserves, Inc.; Filing of Application for an Order Granting Exemption

Notice is hereby given that Dreyfus Cash Reserves, Inc. ("Applicant"), 600 Madison Avenue, New York, New York 10022, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on April 17, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its portfolio securities using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it filed a registration statement on form N-1 under the Securities Act of 1933 with the Commission on April 1, 1981. Applicant represents that it is a "money market" fund designed as an investment vehicle for investors who desire to place assets in money market instruments where the primary considerations are safety, liquidity and, to the extent consistent with the foregoing, a high income return.

According to the application, Applicant's portfolio may be invested in a variety of the following instruments: securities issued or guaranteed by the United States government or any of its agencies or instrumentalities; certificates of deposit, including those issued by domestic banks; bankers' acceptances; and commercial paper. Applicant states that all its investments will consist of obligations maturing

within one year from the date of acquisition and the average weighted maturity of all its investments on a dollar-weighted basis will be 120 days or less.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that experience indicates that two qualities are helpful in attracting investment: (1) Stability of principal and (2) steady flow of investment income. Applicant maintains that by utilizing high quality money market instruments of short maturities combined with a stable net asset value, it can provide these features to investors. The Applicant states that its board of directors has determined in good faith in light of the characteristics of Applicant, that the amortized cost method of valuing portfolio securities is

¹ Notice of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 17729, April 17, 1981) and by publication in the Federal Register (46 FR 23360, April 24, 1981). At the time of such publication, the proposed rule change had not yet been voted upon by the regular members of the Amex.

appropriate and preferable for the Applicant and reflects fair value of such securities. Accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly consents to the imposition of the following conditions in any order granting the relief it requests:

1. In supervising the Applicant's operations and delegating special responsibilities involving portfolio management to the Applicant's investment adviser, the Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Applicant's investment objectives, to stabilize the net asset value per share of the Applicant, as computed for the purpose of distribution, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the amortized cost price per share, and maintenance of records of such review.¹

(b) In the event such deviation from

the \$1.00 amortized cost price per share exceeds $\frac{1}{2}$ of 1 percent, the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from the \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: Redemption of shares in kind; the sale of portfolio securities prior to maturity to realize capital gains or losses, or to shorten the average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.²

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements if any, to those United States dollar-denominated instruments which the board of directors determines present minimal credit risk and which are of high quality as determined by any

¹ To fulfill this condition, the Applicant will use actual quotations or estimate of market value reflecting current market conditions selected by its board of directors in the exercise of its discretion to be appropriate indicators of value. The quotations or estimates utilized may include, *inter alia*, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

² In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than July 6, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-18100 Filed 6-17-81; 8:45 a.m.]

BILLING CODE 8010-01-M

[File Nos. 22-10620, 2-68606]

Eastern Air Lines, Inc.; Application and Opportunity for Hearing

June 11, 1981.

Notice is hereby given that Eastern Air Lines, Inc. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by

the Commission that the trusteeship of Chemical Bank (the "Bank") under two indentures which are to be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under one of the two indentures.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing, thereon, that trusteeship under the qualified indenture and such other indenture is not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. It filed a Registration Statement on June 4, 1981 concerning \$42,500,000 principal amount of —% Second Equipment Certificates Series A, due January 1, 1998 and \$47,500,000 principal amount of —% Secured Equipment Certificates, Series B, due July 1, 1997 (collectively the "Secured Equipment Certificates").

2. Each series of Secured Equipment Certificates will be issued pursuant to a separate trust indenture to be qualified under the Act between the Company and a trustee. The Company desires to appoint the "Bank" as Trustee under each of the proposed indentures.

3. The proceeds from the sale of the two series of Secured Equipment Certificates will be used to provide financing for between 60% and 65% of the purchase price of eight aircraft to be purchased by Chemical Bank as trustee and leased to the Company. The balance of the purchase price will be provided by the Company or independent equity investors. The principal of, premium (if any) and interest on each series will be payable out of rentals owed by the Company on the related aircraft.

4. Pending delivery of each aircraft,

the Bank will hold the proceeds (and any permitted investments thereof) in segregated accounts as security for the series of Secured Equipment Certificates issued with respect to such aircraft. In addition, each series of Secured Equipment Certificates will be secured by a security interest in the related aircraft and the right of the Bank to receive rentals on the aircraft payable by the Company. Should the Bank have occasion to proceed against the security under one of the indentures, such action would not affect the security, or the use of any security, under the other indenture.

5. The differences in the provisions of the indentures are not likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under one of the two indentures.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules and Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than July 6, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest or in the interest of investors, unless a hearing is ordered by the Commission.

For the Commission by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-18101 Filed 6-17-81; 9:45 am]

BILLING CODE 8010-01-M

[Release No. 11812; 812-4744]

Equitable Life Assurance Society of the United States and Separate Account A of The Equitable Life Assurance Society of the United States; Filing of Application for an Order Approving Certain Offers of Exchange

June 11, 1981.

Notice is hereby given that The Equitable Life Assurance Society of the United States ("Equitable"), a mutual life insurance company established under the laws of the State of New York, and Separate Account A of The Equitable Life Assurance Society of the United States ("Separate Account A"), 1285 Avenue of the Americas, New York, N.Y. 10019, a separate account registered under the Investment Company Act of 1940 ("Act") as an open-end management investment company (collectively "Applicants"), filed an application on October 6, 1980, and an amendment thereto on May 12, 1981, pursuant to Section 6(c) of the Act for an order of exemption from Sections 2(a) (32), 2(a) (35), 22(c), 27(c)(1) and 27(d) of the Act and Rule 22c-1 under the Act, to the extent necessary, to permit the transactions described below, and pursuant to Section 11 of the Act, for an order approving certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Introduction

The Applicants intend to issue a new series of group deferred variable annuity contracts ("new Contracts") that provide for a contingent deferred withdrawal charge ("withdrawal charge") to be imposed against the participant's contract value in the event of certain surrenders. The new Contracts are designed exclusively to fund certain types of tax-favored retirement plans. Under the terms of the new Contracts, a participant may allocate all or a portion of his or her contributions to either Separate Account A or Equitable's general account. Allocations to Separate Account A will be invested primarily in equity securities and allocations to Equitable's general account will be credited with interest at rates determined by Equitable and guaranteed never to decline below a certain minimum.

The new Contracts will be available to new participants as well as to those who are already participants under certain presently outstanding deferred annuity contracts offered by Equitable ("old Contracts"). The old Contracts that

are outstanding will continue in effect, and Equitable will continue to receive periodic contributions thereunder. Once the new Contracts are offered, however, participants under the old Contracts will be permitted to convert to the new Contracts.

A participant to whom the exchange privilege will be made available has several choices: (a) Forego the new Contract and remain under the outstanding Contract; (b) continue under the outstanding Contract and participate under the new Contract, making future contributions under both; (c) discontinue contributions under the outstanding Contract (which will remain in effect as a paid-up deferred annuity) and become a participant under the new Contract with respect to future contributions; or (d) exercise the exchange privilege and apply all or a portion of the current values under the outstanding Contracts to the new Contract.

Equitable has begun marketing a new fixed account contract funded only through Equitable's general account ("fixed-only Contract"). These fixed-only Contracts are substantially the same as the new Contracts, except that there are currently no Separate Account Accumulation or annuity benefit provisions included and the withdrawal provisions of the fixed-only Contracts are more restrictive than those proposed for the new Contracts. Once Equitable is able to market the new Contracts, the fixed-only Contracts will no longer be offered and those then outstanding will be amended by endorsement or otherwise as permitted by state law to conform in all respects to the new Contracts.

Withdrawal Charge

All participants under the new Contracts will be subject to all provisions of the new Contracts, including the withdrawal charge which will be assessed as follows:

(1) Withdrawals of converted monies are subject to a charge equal to 2 percent of the amount withdrawn, with a maximum limitation on all such charges of \$200;

(2) Withdrawals of contributions made and appreciation thereon under new Contracts purchased by persons other than converting participants will be subject to a charge of 6 percent of the amount withdrawn;

(3) Withdrawal of new contributions made under new Contracts purchased by converting participants, but not appreciation thereon or appreciation on amounts converted, will be subject to a charge of 6 percent of the amount withdrawn;

(4) The aggregate of charges shall not exceed the sum of 2% of the first \$10,000 of monies converted to the new Contract during the current Participation Year and the nine completed Participation Years immediately preceding withdrawal, plus 8% of contributions made under the new Contract during the current Participation Year and the nine completed Participation Years immediately preceding the withdrawal; and

(5) For purposes of calculating the withdrawal charge on partial withdrawals, it is assumed that a participant first withdraws amounts which were converted to the new Contract, secondly, withdraws new contributions and thirdly withdraws other amounts held under the new Contract.

Any portion of the withdrawal charge imposed with respect to converted monies is to cover expenses which Equitable will incur in connection with the exchange offer. All other amounts derived from the withdrawal charge will be used to cover sales expenses. No withdrawal charge will be assessed in the event of a withdrawal used by certain participants for certain purposes enumerated in the new Contracts.

Applicants foresee that, under the foregoing circumstances and based on actuarial assumptions and models, the withdrawal charge will fall short of covering sales and conversion expenses. However, Applicants do not believe that any portion of the asset charge can be properly deemed to be a "sales load" within the meaning of the Act. Applicants emphasize, in this connection, that each individual participant will be able to avoid any withdrawal charge whatsoever by persisting under a new Contract until annuitization or until the occurrence of one of the other waiver circumstances enumerated in the Contracts. Consequently, whether or not a withdrawal charge will be imposed on a given participant will be the result of a decision made not by Applicants but by that participant and that participant alone. Applicants state that, notwithstanding the foregoing, since the language of rule 12b-1 under the Act applies to "any" registered open-end management investment company, Applicants have decided to follow the procedures set forth in Rule 12b-1, giving cognizance to the insurance nature of the new Contracts and pending further clarification of the legal questions involved.

Further, Equitable will impose an annual administrative charge with respect to the new Contracts equal to the lesser of 2% of a participant's

contract value or \$30. Equitable will also impose an annual asset charge on the Account equal to 1.75% (.15% investment advisory fee, .35% financial accounting, .35% mortality risk for minimum death benefit and annuity rate guarantee, and .90% expenses and expense risk).

Applicants represent that the administrative charges under the new Contracts are reasonable, in amounts not exceeding anticipated administrative expenses, and not properly chargeable to sales or promotional activities within the meaning of the Act.

Section 2(a)(35)

Section 2(a)(35) defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants state that because of the timing of the proposed withdrawal charge, that charge may not be encompassed by the definition of sales load in Section 2(a)(35). Applicants maintain, however, that, like a traditional front-end sales load, the withdrawal charge is designed to cover only expenses associated with the offer and sale of units, including commissions paid to sales personnel, promotional expenses and sales administration expenses. Applicants assert that altering the timing of the charge for sales expenses provides participants under the new Contracts with certain benefits that would not be available if a traditional front-end sales load were imposed. Therefore, because the withdrawal charge is the functional equivalent of a sales load and provides participants under the new Contracts with certain benefits, Applicants request an exemption from Section 2(a)(35), to the extent deemed necessary, to permit the imposition of the proposed withdrawal charge.

Sections 2(a)(32) and 27(c)(1)

Section 2(a)(32) defines a "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive "approximately his proportionate share" of the issuer's current net assets, or the cash equivalent thereof. Section 27(c)(1) provides that no issuer of a periodic payment plan certificate shall sell such certificate unless the certificate is a

"redeemable security." Applicants assert that although Section 2(a)(32) does not specifically contemplate the imposition of a sales charge at the time of redemption, such a charge is not necessarily inconsistent with the definition of a redeemable security. Applicants further assert that Congress did not intend that such a charge should be viewed as inconsistent with the concept of "proportionate share" under Sections 2(a)(32) and 27(c)(1). Applicants also submit that, since a participant would incur no withdrawal charge if he or she continued with the new Contract for retirement purposes, the withdrawal charge would be consistent with the maintenance of retirement plans in accordance with Congressionally declared national policy. On these grounds, Applicants request an exemption from Sections 2(a)(32) and 27(c)(1), to the extent deemed necessary, to permit the imposition of a withdrawal charge under the new Contracts that provide for a withdrawal right.

Section 22(c) and Rule 22c-1

Rule 22c-1, in relevant part, prohibits a registered investment company which issues a redeemable security from redeeming such security except at a price based on the current net asset value of such security which is next computed after receipt of the tender of such security. Applicants state that, for the reasons set forth above in connection with Sections 2(a)(32) and 27(c)(1), the imposition of the withdrawal charge is not inconsistent with that aspect of Rule 22c-1 which requires redemption to be at a price based on the current net asset value. Regarding the timing requirement of Rule 22c-1, Applicants state that, consistent with their current procedures, they will determine the value of any units redeemed on behalf of a participant on the basis of current net asset value which is next computed after receipt of the withdrawal request. Applicants believe that the withdrawal charge is wholly consistent with the policy and purposes of Rule 22c-1. However, in order to avoid any question regarding complete compliance with the Act, Applicants request an exemption from Section 22(c) and Rule 22c-1, to the extent deemed necessary, to permit the deduction of the withdrawal charge from the value of a participant's individual account upon withdrawal.

Section 27(d)

Section 27(d) of the Act requires that a holder of a periodic payment plan certificate who redeems the certificate within eighteen months of issuance

receive (1) the value of his or her account and (2) an amount equal to the excess paid for sales expenses which is over 15% of the purchase payments made by the certificate holder. Applicants state that the first requirement under Section 27(d) is addressed above in connection with Sections 2(a)(32) and 27(c)(1). As to the second requirement under Section 27(d), Applicants assert that, during the eighteen-month period addressed in Section 27(d), the maximum rate for the withdrawal charge for sales expenses would be 8% of purchase payments as compared with the maximum rate of 15% of purchase payments under the Section. Further, Applicants state that the withdrawal charge is consistent with the purpose of Section 27(d) as evidenced in the legislative history of that Section. Therefore, Applicants request an exemption from Section 27(d), to the extent deemed necessary, to permit imposition of the proposed withdrawal charge.

Recovery of Conversion Expenses

As indicated above, a portion of Applicants' proposed withdrawal charge is designed to cover conversion expenses rather than sales expenses. Applicants believe that the portion of the withdrawal charge which covers conversion expenses may raise some of the same questions under the Act as are raised by that portion of the withdrawal charge which is designed to recover sales expenses. Therefore, to the extent applicable, Applicants request exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1) and 27(d) of the Act and Rule 22c-1 thereunder, for the reasons set forth above in connection with those Sections to the extent necessary to permit the imposition of the withdrawal charge on monies converted from certain of Equitable's outstanding contracts to cover conversion expenses.

Section 11

Section 11 of the Act provides, in relevant part, that the terms of an offer made to an interestholder in an open-end investment company to exchange his or her interests in the same or another open-end investment company must be approved by the Commission if the exchange is to be made on a basis other than the relative net asset value of the interests to be exchanged. Applicants assert that if a participant under Equitable's outstanding contracts exercises the exchange privilege described above, the exchange will be on the basis of the relative net asset value, since no deduction will be made upon conversion of monies to the new Contracts. However, Applicants believe

that the imposition of the charge on amounts converted from a separate account, albeit on a deferred and contingent basis, may cause the exchange offer to be deemed to be on a basis other than "relative net asset value." Therefore, Applicants request approval, to the extent deemed necessary, pursuant to Section 11, of any conversion to Separate Account A under the new Contracts of monies held in a separate account under an old Contract. Further, Applicants point out that, as described above, a participant under an old Contract can convert monies held thereunder to a fixed-only Contract which is funded solely through Equitable's general account. Where this occurs and the fixed-only Contract becomes a new Contract by endorsement, monies which were initially held in a separate account under the old Contract may be allocated to Separate Account A under the new Contract. Applicants believe that the applicability of Section 11 in this unique set of facts is uncertain. Therefore, Applicants also request approval of this aspect of the exchange offer to the extent that Section 11 may be deemed applicable.

Section 6(c)

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons, security or transaction, or any class or classes of persons, securities or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 6, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and

regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 6, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-18102 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11813; 812-4811]

Heizer Corp.; Filing of Application for an Order Permitting Certain Proposed Transactions

June 12, 1981.

Notice is hereby given that Heizer Corporation ("Applicant"), 20 North Wacker Drive, Chicago, Illinois 60606, filed an application on January 16, 1981, for an order pursuant to Section 8(c) of the Investment Company Act of 1940 ("Act") to permit Applicant under Section 57(a)(4) of the Act and Rule 17d-1 thereunder, to provide for its officers and employees a Simplified Employee Pension Plan qualified under Section 408(k) of the Internal Revenue Code of 1954 ("Code"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, applicant is a business development company within the meaning of Section 2(a) (48) (A) and (B) of the Act, and has elected to become subject to the provisions of Section 55 through 65 of the Act.

Applicant represents that on April 11, 1980, it established a Simplified Employee Pension Plan ("Plan"), under Section 408(k) of the Code. Applicant states that the Plan is a Model Plan set forth on Internal Revenue Service Form 5305-SEP (August 1979) ("IRS Form"). Applicant states that under the terms of Section 408(k) of the Code and the instructions to the IRS Form, Applicant is permitted to make discretionary contributions to the Individual Retirement Accounts of Individual Retirement Annuities ("IRA's) selected and established by each eligible employee so long as the IRA chosen by the employee is either a model IRA

executed on a IRS form or a master or prototype IRA upon which a favorable opinion letter has been issued by the Internal Revenue Service ("IRS").

Applicant further represents that for purposes of the Plan, all its employees who are at least 25 years of age and who have worked for Applicant in no less than three of the immediately preceding five calendar years must be eligible to participate. As permitted by Section 408(k) (3) (B) of the Code, Applicant's employees covered under certain collective bargaining agreements are excluded from the Plan. Applicant, however, presently has no such employees. Applicant states that while it is not required to make any contributions pursuant to the Plan in any given year, if contributions are made, they must be made on behalf of all eligible employees whether or not such employees are still employed by Applicant at the time the contributions are made.

Applicant also represents that Applicant's Board of Directors determines, in its sole discretion, whether contributions are to be made pursuant to the Plan for any given calendar year, and if so, the percentage of compensation to be contributed. Applicant states that, as provided by Section 408(k) of the Code, contributions to any eligible employee's IRA may not exceed the lesser of \$7,500 or 15 percent of such employee's total compensation for the calendar year for which the contribution is made, and all such contributions must represent the same percentage of each eligible employee's total compensation (excluding compensation in excess of \$100,000 and any contribution made to the Plan). Applicant further states that in no case may contributions discriminate in favor of any officer of Applicant, ten percent shareholder of Applicant, self-employed individual or highly compensated employee of Applicant. Applicant also states that once Applicant's Board of Directors has determined to make a contribution, each eligible employee is notified in writing of the determination and the contribution is sent to the fiduciary chosen by the employee. Once made, contributions vest immediately, and Applicant has no control over or rights to the employee's IRA or the funds which Applicant has contributed thereto. Applicant represents that for 1979 and 1980, it contributed the maximum deductible amounts permitted by the Code to each eligible employee's IRA and expects to do likewise in future years, although there is no assurance that such contributions, if any, will be made.

Applicant represents that the Plan is subject to the fiduciary duty requirements and self-dealing prohibitions of the Employee Retirement Income Security Act of 1974 ("ERISA") and to simplified reporting and disclosure requirements under both ERISA and the Code. Applicant also represents that the Plan is the only pension plan currently maintained by it for its employees.

Section 57(a)(4) of the Act and Rule 17d-1 thereunder provide that it shall be unlawful for any officer or employee of a business development company, acting as principal, knowingly to participate in or to effect any transaction in which such business development company, or a company controlled by such business development company is a joint and several participant unless an application regarding such arrangement has been filed with the Commission and an order permitting such arrangement has been granted by the Commission. In passing upon such application, the Commission is to consider whether the participation of such registered investment company is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants. Applicant states that its maintenance of the Plan and the participation in the Plan by its employees could be deemed to constitute a joint enterprise or other joint arrangement. Accordingly, Applicant requests exemption under Section 57(a)(4) and rule 17d-1 thereunder to permit Applicant to maintain its Plan and continue making contributions to it.

In support of the Plan, Applicant states that Rule 17d-1(d)(2) provides an exemption for pension plans qualified under Section 401 of the Code. Applicant submits that the same legal, factual and policy considerations underlying the Commission's decision to exempt by rule all plans qualified under Section 401 of the Code are equally applicable to plans established under Section 408(k) of the Code, which was enacted in 1978 after Rule 17d-1(d)(2) was adopted by the Commission. Applicant states that Section 408(k) of the Code was enacted to provide small businesses, such as Applicant, with a less burdensome and expensive alternative to the establishment of a plan qualified under Section 401 of the Code.

Applicant further submits that the Plan is consistent with the provisions, policies and purposes of the Act insofar as (1) the amounts which may be

contributed to an eligible employee's IRA for any calendar year are limited by Section 408(k) of the Code and the terms of the Plan to the lesser of \$7,500 or 15 percent of each eligible employee's total compensation; (2) all employees must be treated on a non-discriminatory basis; (3) contributions become fully vested immediately; (4) neither the IRA's of the participating employees nor Applicant's contributions thereto, once made, are under Applicant's control; and (5) the Plan is subject to the reporting and disclosure requirements of the Code and ERISA and to the fiduciary requirements and self-dealing prohibitions of ERISA. Applicant also submits that its maintenance of, and participation in, the Plan are not less advantageous to Applicant and its shareholders than to any of its participating employees because the Plan enables Applicant to provide tax deductible pension benefits to employees which enhance Applicant's ability to attract and retain qualified employees.

Section 6(c) provides that the Commission, buy order upon application, may exempt any transaction from the provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than July 7, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for his request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon Applicant at its address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any

notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

By the Commission,
George A. Fitzsimmons,
Secretary.
[FR Doc. 81-18103 Filed 6-17-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22085; 70-6611]

Middle South Utilities, Inc. and Middle South Services, Inc.; Proposal To Increase Authorized Level of Service Company Bank Borrowings, Extend Maturities of Such Borrowings and Change the Uses of Such Borrowings

June 11, 1981.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Middle South Services, Inc. ("Services"), 225 Baronne Street, New Orleans, Louisiana 70112, a subsidiary service company of Middle South, have filed a declaration with this Commission pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(2) promulgated thereunder.

By an order dated March 14, 1980 (HCAR No. 21477) Services was authorized to enter into a line of credit with First National Bank of Commerce of New Orleans ("Bank") under which Services may borrow up to \$30,000,000 outstanding at any one time through December 31, 1981. All borrowings pursuant to such authorization have been for the purpose of repaying outstanding short-term borrowings and financing development of a standard design for future coal-fired electric generating stations for the Middle South system. Services now proposes to amend its line of credit arrangement to increase the maximum amount of borrowings to \$50,000,000, to extend the maturity of the borrowings through December 31, 1982 and to expand the permitted purposes for which borrowings may be made. The new uses for bank borrowings are to provide interim financing for renovation and expansion of Services' computer center and to retire outstanding long-term loans from Middle South aggregating \$6,826,000.

The borrowings will be evidenced by a master promissory note which will bear interest, payable quarterly, at a rate of 102 percent of the prime rate of The Chase Manhattan Bank (N.A.) in effect from time to time. Services will pay a commitment fee of 1/2 of 1 percent

per annum on the average daily unused portion of the line of credit. Based on a prime rate of 20 percent, the effective cost of the proposed borrowings would be 20.40 percent. Services' obligations under the amended line of credit will be guaranteed by Middle South.

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 July 6, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants 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.

George A. Fitzsimmons,
Secretary.
[FR Doc. 81-18104 Filed 6-17-81; 8:45 am]
BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 11, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Enterra Corporation
Common Stock, \$1 Par Value (File No. 7-5946)
Mexico Fund Incorporated
Common Stock, \$1 Par Value (File No. 7-5947)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 2, 1981 written

data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-18105 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17852; File No. SR-MSRB-81-8]

Municipal Securities Rulemaking Board; Self-Regulatory Organizations; Proposed Rule Changes

Proposed rule changes by Municipal Securities Rulemaking Board, relating to pricing to call. Comments requested on or before July 9, 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 May 23, 1981, the Municipal Securities Rulemaking Board 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 organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The Municipal Securities Rulemaking Board (the "Board") is filing herewith an interpretation (hereafter referred to as the "proposed rule change") setting forth the general criteria to be used in selecting the appropriate call feature for yield or dollar price computations pursuant to certain of the requirements of Board rules G-12 and G-15. The text of the proposed rule change is contained in the "Notice Concerning Pricing to Call" on file at the offices of the Commission and the Board; the details of the Notice are summarized below.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

A. Self-Regulatory Organization's statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

(a) Board rules G-12, concerning uniform practice, and G-15, concerning customer confirmations, both require that, in the case of a transaction in callable securities effected on the basis of a yield price, the dollar price of such transaction must be calculated to the lowest of price to premium call, price to par option, or price to maturity. Further, as of October 1, 1981, rule G-15 will require that, in the case of a transaction in callable securities effected on the basis of a dollar price, the confirmation of such transaction must set forth, in addition to such dollar price, the lowest of the yield to premium call, yield to par option, or yield to maturity. The Board adopted these provisions because it believes that customers should be provided with information concerning the minimum assured yield which they can reasonably expect to realize on their investments. Since municipal securities have a number of different call features, there may be confusion about which call feature should be used for purposes of these comparative calculations. The proposed rule change is intended to provide guidance concerning the selection of the particular call feature which should be used.

The proposed rule change sets forth the following guidelines for the selection of the appropriate call feature for calculation purposes:

(1) "Catastrophe" call features should not be used. These calls, which are usually exercised only in the event of destruction of the financed project, are extremely unlikely to occur, and are beyond the control of the issuer.*

(2) "Sinking fund" or other "in part" call features should not be used. These call features empower the issuer (or, in some cases, require the issuer) to call portions of the issue at specified times. The specific securities to be redeemed are typically chosen at random, with certificate numbers selected by lot. While these calls are more likely to be exercised than "catastrophe" calls, their random nature and the limited number of securities called at a given time under these provisions make it inappropriate, in the Board's view, to use these call features for calculation purposes.

* This interpretation was previously issued by the Board in a notice dated November 28, 1977.

(3) "In whole" call features should be used, except if there is a restriction on the funds which may be used to call securities. An "in whole" call, under which an issuer may elect to redeem an entire issue or an entire issue or an entire maturity of an issue, is the call feature most likely to affect an investor's holding of municipal securities. For example, in the event that an issue of securities were advance refunded to a call date, the "in whole" call feature would be that used for purposes of the refunding. The Board believes that, since the "in whole" call feature is the one most likely to affect an investor's holding, it should be used for price calculation purposes.

Certain bond indentures place some restriction on the source of the funds to be used (typically a provision that the call feature may not be exercised from the proceeds of a refunding issue), such that the call feature would operate, in practical effect, as an "in part" call. An "in whole" call feature of this type should not be used for price calculation purposes.

(4) In circumstances in which a premium "in whole" call date and price other than the first premium call date and price produces the lowest dollar price or yield, the former call date should be used for calculation purposes. "In whole" call features frequently permit the issuer to exercise the call option on a series of call dates at steadily-declining premiums. In almost all cases the first of the premium call dates and prices should be used, since it would produce the lowest result; in those rare circumstances in which one of the intermediate call dates and prices produces the lowest result, however, the Board believes that the intermediate date and price should be used.

(b) The Board has adopted the proposed rule changes pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which authorizes and directs the Board to adopt rules which are

designed * * * to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, * * * and, in general, to protect investors and the public interest * * *

The Board believes that the proposed rule change promotes uniformity in compliance with the pricing to call requirements of rules G-12 and G-15. Coordination and cooperation between persons clearing, settling, and facilitating transactions in municipal securities are significantly enhanced by clarifying which of the many call

provisions applicable to municipal securities are appropriate for use in the computation of dollar price. In addition, the Board believes that the proposed rule change promotes investor protection by clarifying the manner in which the yield on customer transactions is to be derived.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board believes that the proposed rule change will not have any impact on competition, inasmuch as the proposed rule change merely clarifies the manner in which municipal securities brokers and municipal securities dealers are to comply with an existing requirement of Board rules, and applies equally to all such municipal securities brokers and dealers.

The Board notes that upon adoption of the provisions of rules G-12 and G-15 to which this interpretation relates the Board considered whether any burden on competition might result. The Board concluded that insofar as the proposed rule changes would be applicable to all municipal securities brokers and municipal securities dealers equally, no significant burden on competition would result.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants or Others

The Board neither solicited nor received comments on the proposed rule change from members, participants, or others. The Board has from time to time received inquiries from industry members concerning the application of the "pricing to call" requirements of rules G-12 and G-15 to particular issues of municipal securities.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The foregoing rule changes have become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act rule 19b-4. At any time within 60 days of the filing of such proposed rule changes, the Commission may summarily abrogate such rule changes 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 changes 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 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 July 9, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 10, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-18100 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17853; File No. SR-MSRB-81-10]

Municipal Securities Rulemaking Board; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by Municipal Securities Rulemaking Board relating to uniform practice. Comments requested on or before July 9, 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 June 2, 1981, the Municipal Securities Rulemaking Board 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

(a) The Municipal Securities Rulemaking Board ("Board") is filing herewith amendments to rule G-12 relating to uniform practices (hereafter

referred to as the "proposed rule change") as follows:

G-12 Uniform Practice

(a) Scope and Notice
(i) All transactions in municipal securities between any broker, dealer or municipal securities dealer and any other broker, dealer, or municipal securities dealer shall be subject to the provisions of this rule, [except to the extent that such transactions are compared, cleared and settled through the facilities of a clearing agency registered with the Commission, in which event the rules of such clearing agency shall apply.] *provided, however, that a transaction submitted to a registered clearing agency for comparison shall be exempt from the provisions of section (c) and, to the extent such transaction is compared by the clearing agency, section (d) of this rule, and a transaction which is settled or cleared through the facilities of a registered clearing agency by a means which does not involve the physical delivery of securities shall be exempt from the provisions of section (e) of this rule.*

(ii) through (iii) No change.
(b) through (c) No change.
(d) Comparison and Verification of Confirmations; Unrecognized Transactions.

(i) through (vi) No change.
(vii) *In the event a party has submitted a transaction for comparison through the facilities of a registered clearing agency but such transaction fails to compare, the submitting party shall, within one business day after final notification of the failure to compare is received from the clearing agency, initiate the procedures required by paragraph (iii) of this section.*
[[vii]] through [[viii]] renumbered as (viii) through (ix). No substantive change.

(e) Delivery of Securities. The following provisions shall, unless otherwise agreed upon by the parties, govern the delivery of securities:

(i) Place and Time of Delivery. Delivery shall be made at the office of the purchaser, or its designated agent, between the hours established by rule or practice in the community in which such office is located. If the parties so agree, book entry or other delivery through the facilities of a registered clearing agency [or delivery by other means which do not involve the physical delivery of securities] will constitute good delivery for purposes of this rule.

*Italics indicate new language; [brackets] indicate deletions.

(ii) No change.

(iii) Partial Delivery. The purchaser shall not be required to accept a partial delivery with respect to a single trade in a single security. For purposes of this paragraph, a "single security" shall mean a security of the same issuer having the same maturity date, coupon rate and price. *The provisions of this paragraph shall not apply to deliveries made pursuant to balance orders or other similar instructions issued by a registered clearing agency.*

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Rule G-12 sets forth uniform practices to be followed by all municipal securities brokers and municipal securities dealers including procedures relating to the clearance and settlement of municipal securities transactions. Presently, rule G-12 excludes from its application transactions which are "compared, cleared and settled through the facilities of a clearing agency registered with the Commission." The Board has concluded that, as clearing agencies become active in the processing of municipal securities transactions, certain amendments to rule G-12 are appropriate. Accordingly, the proposed rule change, first, revises the language of rule G-12(a)(i) to clarify that the exclusion from the rule for trades processed through a registered clearing agency applies only to those functions actually performed by the clearing agency. Second, the proposed rule change adds a new paragraph to rule G-12(d) to provide a verification procedure in the event of a failure by the clearing agency to compare the transaction. Third, the proposed rule change amends paragraphs (e)(i) and (e)(iii) of the rule to clarify that use of current envelope delivery services constitutes good delivery and, since dealers may elect whether to use netting procedures, to exempt deliveries on balance orders resulting from use of a netting system from the prohibition against partial deliveries.

(2) The Board has adopted the proposed rule change pursuant to Section 15B(b)(2)(C) of the Act which establishes the Board's general authority.

to foster cooperation and coordination with persons engaged in regulating, clearing, settling a processing information with

respect to, and facilitating transactions in municipal securities * * *

The proposed rule change also will facilitate implementation of automated clearing systems consistent with the objectives of Section 17A of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board believes that the proposed rule change will not impose any burden on competition since the amendments provide technical adjustments to coordinate the standards and requirements of the Board's settlement and clearance rules with procedures normally used by registered clearing agencies.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants or Others

The Board neither solicited nor received comments on the proposed rule change. Certain aspects of the proposed rule change were discussed previously with members of the Commission staff and representatives of the National Securities Clearing Corporation.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before July 23, 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 July 9, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 10, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-38107 Filed 6-17-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11811; 812-4700]

Ohio National Life Insurance Co., et al.; Filing of Application for an Order Granting Exemptions

June 10, 1981.

Notice is hereby given that The Ohio National Life Insurance Company ("Ohio National"), a mutual life insurance company organized under the laws of Ohio, Ohio National Variable Interest Account ("VIA"), a separate account of Ohio National registered as a unit investment trust under the Investment Company Act of 1940 ("Act"), and The O.N. Equity Sales Company ("Sales Company"), 237 William Howard Taft Road, Cincinnati, Ohio 45219, a wholly-owned subsidiary of Ohio National registered as a broker-dealer under the Securities Exchange Act of 1934 (hereinafter referred to as "Applicants"), filed an application on July 11, 1980 and an amendment thereto on May 14, 1981 pursuant to Section 6(c) of the Act for an order of the Commission granting exemptions from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c-1 thereunder to the extent set forth below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Background

Ohio National writes life, accident and health insurance and annuities in 39 states and the District of Columbia. On April 24, 1980 Ohio National established VIA as a separate account pursuant to Section 3907.15 of the Ohio Revised Code for the purpose of funding variable interest annuity contracts ("Contracts"). The assets of VIA are invested in shares of O.N. Market Yield Fund, Inc. ("Fund"), a non-diversified open-end management

investment company registered under the Act. The Fund's investment objective is to obtain maximum current income consistent with liquidity and the preservation of capital by investing in high quality money market instruments.

The Contracts funded through VIA are flexible purchase payment variable interest annuity contracts designed to be sold to individuals for use in retirement plans which may or may not qualify for special tax treatment under the Internal Revenue Code. They provide for the accumulation of the contract value on a variable basis and the payment of annuity benefits on a variable or fixed basis. The contracts will be sold by Ohio National life insurance agents who are also registered representatives of Sales Company or other registered broker-dealers.

Although purchase payments may be made from time to time at the discretion of the purchasers, each purchase payment must be at least \$25, and no more than \$10,000 may be paid within any contract year without the consent of Ohio National. Each purchase payment, less an amount for any applicable premium or similar tax and a charge of \$1 per payment to defray the custodial and administrative services connected with receipt of purchase payments and crediting of accumulation units is allocated to VIA for investment in shares of the Fund.

No sales charge deduction is made from contract purchase payments. However, a contingent deferred sales charge is assessed when a Contract is surrendered or a partial withdrawal of the accumulation value is made to cover expenses relating to the sale of the Contracts, including compensation to sales personnel, costs of sales literature and prospectuses, and other expenses related to sales activity. Such charge equals 5% of the amount being surrendered and will not exceed the lesser of (a) 5% of the total purchase payments made during the 96 months immediately preceding the surrender or partial withdrawal, or (b) 5% of the accumulation value of the Contract being surrendered or withdrawn. After the first contract anniversary, a partial withdrawal of not more than 7% of the accumulation value of the Contract may be made once each contract year without the imposition of the contingent deferred sales charge.

Prior to the annuity commencement date, Ohio National will deduct an annual contract administration charge of \$25 to reimburse it for administrative expenses relating to the maintenance of the Contract. Such charge will be deducted from the accumulation value of the Contract on each contract

anniversary and upon surrender on any other date. In addition, prior to the annuity commencement date, Ohio National guarantees that the accumulation value of a contract (1) will never diminish because of the investment performance of the fund and (2) will not be affected by any excess of sales and administrative expenses over the deductions provided therefor. Ohio National also guarantees to pay a death benefit in event of the annuitant's death prior to the annuity commencement date. After the annuity commencement date, Ohio National guarantees that annuity payments will not be affected by adverse mortality experience or excess expenses and that annuity payments after the first such payment will never diminish because of a reduction in the value of Fund shares.

For assuming these risks, Ohio National, in determining the accumulation unit value and the annuity unit value, makes a deduction at the end of each valuation period equal to 1.5% of the contract value on an annual basis. Such deduction may be decreased by Ohio National at any time and may be increased not more frequently than annually to not more than 2% on an annual basis. If the deduction is insufficient to cover the actual risk undertakings, the loss will fall on Ohio National; conversely, if the deduction proves more than sufficient, the excess will be a gain to Ohio National. Further, Ohio National has undertaken to establish a reserve relating to its investment guarantee. The minimum amount of such reserve is equal to the "2% Maximum Reserve Class" of the "Mandatory Securities Valuation Reserve" prescribed by the National Association of Insurance Commissioners established over a period of time by allocating the 0.2% risk charge to such reserve.

Ohio National has executed an agreement with Hartford National Bank and Trust Company, Hartford, Connecticut ("Custodian"), pursuant to which the Fund shares and other assets credited to VIA will be held in the latter's custody. The Custodian will be responsible for maintaining appropriate records with respect to all transactions in Fund shares relative to VIA. The agreement also requires the Custodian to have at all times an aggregate capital surplus and undivided profit of not less than \$2 million and prohibits resignation by the Custodian until (a) a successor custodian bank having the qualifications enumerated in Section 26(a) of the Act shall have agreed to serve as custodian, or (b) VIA has been completely liquidated and the proceeds of such

liquidation properly distributed. Subject to these conditions the agreement of custodianship may be terminated by either party upon sixty days' written notice.

Section 2(a)(35)

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issued taxes, or "administrative expenses or fees which are not properly chargeable to sales or promotional activities." Applicants submit that the proposed contingent deferred sales charge is consistent with the intent of the definition of "sales load" contained in the Act.

The contingent deferred sales charge would be paid to Sales Company to reimburse it solely for expenses related to the sale of the Contracts, which Applicants maintain fit squarely within the Section 2(a)(35) definition of "sales load," but for the timing of the imposition of the charge. Applicants assert that deferring such sales charge and making it contingent upon the occurrence of an event which might never happen permits the contract owner to have the benefit of that part of his purchase payment which would otherwise have been deducted as a sales load, and, possibly, to escape imposition of the charge completely and accordingly the requested exemption from the provisions of Section 2(a)(35) should be granted.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act, in pertinent part, defines a redeemable security as any security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances and recover certain front-end sales charges. Applicants submit that the imposition of the contingent deferred sales charge does not violate Section 2(a)(32) or Section 27(d).

Applicants assert that both Sections 2(a)(32) and 27(d) contemplate the assessment of a front-end sales load to be deducted from gross purchase payments. Applicants maintain that with a contingent deferred sales charge, the net amount invested equals the gross purchase payments (less the \$1 charge and any applicable premium tax) and

that deferring the imposition of the sales charge does not prevent the contract owner from receiving as his proportionate share or the value of his account the amount he would otherwise receive on surrender or redemption. The contingent deferred sales charge, Applicants contend, is merely deducted at the time of redemption in determining the proportionate share or account value, rather than being deducted from purchase payments. Applicants maintain that the contingent deferred sales charge alters the timing of the imposition of the sales charge and makes it contingent on the occurrence of an event which might never occur. Notwithstanding, Applicants have requested an exemption from the provisions of Sections 2(a)(32) and 27(d) to the extent necessary to implement the proposed transactions.

Section 22(c) and Rule 22c-1

Section 22(c) and Rule 22c-1 thereunder prohibit a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. Applicants submit that the contingent deferred sales charge is not violative of Section 22(c) or Rule 22c-1 thereunder. Applicants assert that the value at which a surrender or partial withdrawal is effected will be based on the current net asset value and that the contingent deferred sales charge will merely be deducted at such time in arriving at the amount to be paid to the contract owner upon surrender or in determining the remaining accumulated value under the Contract in the case of a partial withdrawal. However, Applicants have requested an exemption from the provisions of Section 22(c) and Rule 22c-1 to the extent necessary to permit Applicants to offer the proposed Contracts with a contingent deferred sales charge.

Section 27(c)(1)

Section 27(c)(1) of the Act, for purposes here relevant, prohibits restrictions on the redemption of periodic payment plan certificates. Applicants believe that the assessment on a contingent deferred sales charge upon certain surrenders or withdrawals, which will be fully disclosed in the prospectus, should not be construed as such a restriction on redemption. The Contracts, Applicants assert, are clearly redeemable securities, whether the sales charge is imposed on purchase payments at the time of purchase, or whether such charge is deferred and made contingent upon an event which

may or may not materialize. However, Applicants have requested an exemption from the provisions of Section 27(c)(1) to the extent necessary or appropriate to permit Applicants to offer the Contracts on the terms proposed.

Sections 26(a) and 27(c)(2)

Sections 26(a) and 27(c)(2), as here pertinent, provide that a registered unit investment trust and any depositor and underwriter for the trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments other than the sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing provisions specified in Section 26(a) of the Act. Applicants submit that the proposed contingent deferred sales load is consistent with the limitations contained in Section 27(c)(2) and 26(a).

Applicants contend that Section 27(c)(2) excepts deductions for sales load from the requirement that the proceeds be deposited with a custodian and that offering such charge and making it contingent upon an event which may never occur does not change the basic nature of the charge as a sales charge to which the Section 27(c)(2) exception should apply. However, Applicants have requested an exemption from the operation of the provisions of Sections 27(c)(2) and 26(a) to the extent necessary or appropriate to permit Applicants to offer the Contracts on the terms proposed.

In addition, exemptions are also requested from such Sections because of the nature of the custodianship arrangements. As noted above, the agreement of custodianship requires the Custodian to assume certain duties. The agreement, however, does not create a trust with respect to the assets of VIA because Ohio National, as a life insurance company, must retain ownership and control of the disposition of its property. Accordingly, an exemption is requested from the foregoing provisions to the extent necessary to make the requirement of a trust inapplicable.

Although a trust will not be created with respect to the assets of VIA, Applicants assert that under the agreement of custodianship, such assets will be in the possession of the Custodian, will be deposited for safekeeping in a vault or other depository maintained by the Custodian, and will be physically segregated and held separate from the property of any other person until distribution.

Applicants maintain that in all its dealings with persons having rights

under the Contracts participating in VIA, Ohio National will operate as a regulated insurance company subject to the extensive authority and jurisdiction of the various state regulators, insurance laws and regulations of the jurisdictions in which it is licensed to operate. Finally, Applicants assert that the assets and surplus of Ohio National provide ample assurance of its financial ability to meet its obligations under such Contracts.

Applicants consent to the requested foregoing exemptions being made subject to the following conditions: (1) That the charges to contract owners for administrative services and the payment out of the assets of VIA with respect to Ohio National's investment guarantee shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of other sums and charges out of the assets of VIA shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of such other sums and charges out of such assets (other than charges for sales load, administrative services, and Ohio National's investment guarantee), and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c)

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes thereof, from any provision of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the reasons and upon the facts set forth above, Applicants assert that the exemptions requested in the application are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 6, 1981, at 5:30 p.m., submit to the

Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued as of course following July 8, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-16106 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11816; 812-4873]

**Precious Metals Holdings, Inc., et al;
Filing of Application for an Order**

June 12, 1981.

Notice is hereby given that Precious Metals Holdings, Inc. (the "Fund"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, diversified, management investment company; Harbor Capital Management company, Inc., the investment adviser to the Fund ("Harbor"); and Frederick G. P. Thorne, Jack M. Barbour, Frans J. C. Cronje, Theodore C. Haffenreffer, Jr., John E. Lawrence, Georges J. Muller, Joseph W. Powell, Jr. and A. R. O. Williams, 60 State Street, Boston, Massachusetts 02109, directors of the fund who are defendants in a shareholder derivative action ("Defendant Fund Directors"), filed an application on May 8, 1981, pursuant to Section 17(d) of the Act and Rule 17d-1 promulgated thereunder for an Order of the Commission permitting participation in the settlement of the pending shareholder derivative action described below by the fund; the Defendant Fund Directors; Harbor; Alan

S. Fields, Lawrence J. Marks, Malcolm Pirnie, III, Richard A. Spindler; and Cyrus A. Ansary, Joseph L. Castle, George F. Ellis, Jr., Stewart A. Gardner, Stephen Hartwell, Omer L. Hirst, James R. Kleeblatt, Peter J. Knop, Merle Thorpe, Jr., Wentz Corporation and Development Planning Corporation (collectively, the "Shareholders Group"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Fund is a Delaware corporation and has its principal place of business at 60 State Street, Boston, Massachusetts. Applicants state that the principal investment objective of the Fund is to seek long-term capital appreciation and protection of the purchasing power of the shareholders' capital. The generation of current income is only a secondary objective.

Applicants state that pursuant to such objective it is the Fund's policy to invest not less than 80% of its net assets in securities of companies engaged in (or receiving at least 50% of their revenues from other companies engaged in) mining, processing or dealing in gold or other precious metals and minerals. Applicants state that the Fund also has a subsidiary which is authorized to invest directly in gold bullion and other precious metals. The By-Laws of the Fund provide for the indemnification of its directors under certain circumstances. The Fund's shares are traded on the over-the-counter market and are listed on the American and Pacific Stock Exchanges.

Applicants state that, prior to November 9, 1979, the Fund's investment adviser was Phoenix Investment Counsel of Boston, Inc. ("Phoenix"). In 1979 Phoenix sold certain of its assets and business relating to the provision of investment advice and certain management services on behalf of private accounts and the Fund to Harbor. The purchase and sale to Harbor was effected only after approval by the shareholders of the Fund of an investment advisory contract with Harbor.

Applicants state that Harbor was incorporated in Massachusetts on August 9, 1979, with offices at 60 State Street, Boston, Massachusetts, 02109; and is registered as an investment adviser under Federal and certain state laws. Applicants state that the directors of Harbor are Alan S. Fields, Lawrence J. Marks, Malcolm Pirnie, III, Richard A. Spindler, E. William Hansen and Frederick G. P. Thorne, President and principal executive officer.

Applicants state that the prospectus, dated February 19, 1974, for the Fund's initial offering of its stock stated that the Fund intended to submit to its shareholders within six months a proposal that it become an open-end investment company. Said prospectus also stated that if that proposal was not approved by the Fund's shareholders at said meeting, the proposal would be resubmitted at each subsequent annual meeting of the shareholders until approved. The proposal that the Fund become an open-end investment company has been submitted to the shareholders each year but has never been approved.

Applicants state that on April 25, 1980, certain shareholders formed The Precious Metals Holdings, Inc. Shareholders Group and designated representatives to act on the Group's behalf to take whatever course of action was deemed necessary to achieve a change in the subclassification of the Fund to an open-end investment company, including nominating a slate of candidates for election as directors of the Fund and soliciting proxies with respect to such slate and with respect to the open-end proposal. On July 8, 1980, the Board of Directors of the Fund announced that it would recommend to the Fund's shareholders that they vote against the proposal to open-end the Fund. On September 8, 1980, three shareholders, individually and on behalf of the Shareholders Group, filed a shareholder derivative action in United States District Court for the District of Columbia against the officers and certain directors of the Fund entitled *Stephen Hartwell, et al. v. Frederick G. P. Thorne, et al.* In this action (hereinafter referred to as the "Litigation") the plaintiffs seek to enjoin the effect of the vote of the Fund's shareholders at the annual meeting held on October 10, 1980, and further seek, among other relief, (1) an order declaring that the 1980 proxy statement and letters to shareholders disseminated by the defendants to Fund shareholders violates Section 20(a) of the Act, Section 14(a) of the Securities Exchange Act of 1934, and the rules and regulations of the Commission thereunder, and (2) reimbursement from each non-Fund defendant for alleged waste of corporate assets.

Applicants state that the parties to the Litigation have entered into a settlement agreement. As part of that settlement agreement, the Fund will pay \$100,000 to the Shareholders Group to defray a portion of their expenses of bringing the shareholder derivative action described above, and Harbor will pay to the Fund

\$50,000. The reasonable attorneys' fees incurred by those directors and officers of the Fund who were named as defendants in the Litigation will be paid by the Fund, provided that independent legal counsel gives a written opinion that indemnification for such expenses is proper in the circumstances because each of the directors and officers has met the applicable standards of conduct required by the Fund's By-Laws, and required by Federal and State law. Applicants state that the present directors of the Fund have agreed to vote to increase the number of directors from nine to eleven, to elect Messrs. Stephen Hartwell and James R. Kleebblatt, members of the Shareholders Group, as directors of the Fund, and to exercise their best efforts to cause the election of each of Messrs. Hartwell and Kleebblatt, as a director at the 1981 annual meeting, and thereafter as long as each shall desire to serve in such capacity and satisfactorily carry out his duties as a director. Among other provisions of the settlement agreement, the Fund will provide its shareholders in connection with the Fund's 1981 meeting of shareholders material prepared by the Shareholders Group concerning whether the subclassification of the Fund should be changed to that of an open-end investment company. In addition, the Shareholders Group has agreed not to oppose any effort of the Fund directors to change the frequency with which the question of whether the Fund should become an open-end investment company is presented to shareholders, provided that such presentation is made not less frequently than biennially.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together provide, among other things, that it shall be unlawful for any affiliated person or principal underwriter for any registered investment company or any affiliated person of such a person or principal underwriter, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such joint enterprise, joint arrangement or profit sharing plan has been granted by an Order of the Commission. In passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the

provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Applicants submit that the Fund's participation in the settlement of the Litigation under the terms outlined above is consistent with the provisions, policies and purposes of the Act. Applicants argue that consummation of the proposed settlement will be advantageous to the Fund because it will free its management from having to devote a substantial amount of time and effort to defending protracted litigation. Insofar as the financial payments are concerned, Applicants state that the Fund will be paying an amount substantially less than the legal fees which would be incurred by the Fund if the Litigation were to proceed through discovery proceedings, let alone a trial and appeals thereafter. The amount being paid to the Shareholders Group represents only a portion of the Shareholders Group's legal fees to date. As a result of Harbor's payment of \$50,000 to the Fund, the Fund's contribution to the settlement, exclusive of indemnification of the Defendant Fund Directors' legal fees, will be no greater than that of Harbor, which is not a defendant in the Litigation. Applicants note that the legal fees of the Defendant Fund Directors will be paid by the Fund only upon receipt of a written opinion of independent legal counsel that indemnification of such expenses is proper in the circumstances present here.

Furthermore, Applicants submit that the terms of the settlement agreement outlined above are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that, as a result of the quantity of material to be sent to them, the shareholders and other interested members of the public, will receive an extraordinarily thorough presentation of all facets of the issue which precipitated the Litigation, i.e. whether the subclassification of the Fund should be changed from closed-end to open-end. Applicants have agreed that any Commission order entered on this application may be conditioned upon the District Court's approval of the settlement agreement. Accordingly, Applicants argue that all the criteria of Rule 17d-1 for granting their application are met.

Notice is further given that any interested person may, not later than July 8, 1981, at 5:30 p.m., submit to the

Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-18109 Filed 6-17-81; 9:45 am]
BILLING CODE 8010-01-M

[Release No. 34-17855; File No. S7-886]

Regulation of Specialists

AGENCY: Securities and Exchange Commission.

ACTION: Proposed order.

SUMMARY: The Commission proposes to issue an order which would modify the current exemptions from a Commission rule requiring national securities exchanges to have rules regulating their specialists. Under the proposed order, the Boston, Cincinnati, Midwest, Pacific, and Philadelphia Stock Exchanges, on and after October 1, 1981, would be subject to the provisions of that rule with respect to any security which is listed on any such exchange and which is not listed on either the American or New York Stock Exchange.

DATE: Comments should be submitted by August 1, 1981.

ADDRESSES: Persons wishing to submit written views, data and arguments should file six copies thereof with

George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-886 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Michael A. Cline, Division of Market Regulation, Securities and Exchange Commission, Room 358, 500 North Capitol Street, Washington, D.C. 20549 (202) 272-2402.

SUPPLEMENTARY INFORMATION: Rule 11b-1 [17 CFR 240.11b-1], adopted by the Commission in November 1964,¹ pursuant to Section 11(b) of the Securities Exchange Act of 1934 ("Act"),² is the Commission's primary rule governing specialists on national securities exchanges. Rule 11b-1 generally provides that a national securities exchange may permit a member to register as a specialist and act as a dealer if the rules of the exchange include: (i) adequate minimum capital requirements; (ii) an "affirmative" obligation that a specialist engage in a course of dealings for his own account to assist in the maintenance, insofar as practicable, of a fair and orderly market;³ (iii) a "negative" obligation that restricts a specialist's dealings so far as practicable to those reasonably necessary to maintain a fair and orderly market; (iv) provisions stating the responsibilities of a specialist acting as broker in securities in which he is registered; and (v) procedures to provide for effective and systematic surveillance of specialists' trading activities.

Paragraph (b) of the rule authorizes the Commission, after appropriate notice and opportunity for a hearing and upon finding that a specialist has effected dealer transactions in one or more of his specialty securities which were not part of a course of dealings necessary to permit such specialist to maintain a fair and orderly market and

which were not effected in a manner consistent with his negative obligations under the exchange's rules, to order the exchange to cancel or suspend a specialist's registration in such securities.⁴

Background

Rule 11b-1 was adopted in 1964 after a thorough study of the specialist systems of the New York Stock Exchange, Inc. ("NYSE") and the American Stock Exchange, Inc. ("Amex") by the Commission's *Special Study of Securities Markets*.⁵ As noted in the release proposing Rule 11b-1,⁶ while the Special Study did not indicate a need "for any broad and drastic change in the [specialist] system," it found that there was need for "a number of important, specific improvements in specialist practices and in regulatory concepts and methods * * *." The Special Study determined that the rules and policies of the NYSE and Amex with respect to the dealer and brokerage functions of specialists and the combination of these functions, and their specialist surveillance systems, were inadequate and made specific recommendations designed to address these problems.⁷ As a result, the Commission adopted Rule 11b-1 requiring national securities exchanges, as a precondition of permitting their members to register as specialists, to have in place certain rules regarding specialist conduct and financial responsibility. Following the adoption of Rule 11b-1, the NYSE and Amex modified and expanded their rules and policies regarding the conduct of specialists. These initiatives were designed to form an integrated regulatory program governing specialists.

In adopting Rule 11b-1, the Commission specifically exempted certain exchanges (and their specialists) from its operation,⁸ based on the limited volume of transactions on those exchanges and the fact that the

Commission had not made any studies of the structure of their specialist systems.¹⁰

Discussion

Since the adoption of Rule 11b-1 in 1964, the Commission, through its review of exchange rule proposals and its regular exchange inspections, has acquired considerably more experience with and knowledge of the regional exchanges' structure and operations. Accordingly, the Commission believes that it is appropriate at this time to reconsider the regional exchanges' exemption from Rule 11b-1. In this connection, the Commission is considering whether to issue an order to modify the current regional exchange exemption to provide that the regional exchanges, on and after October 1, 1981, would be subject to the provisions of Rule 11b-1 with respect to any security listed on one or more regional exchanges and which is not listed also either on the Amex or NYSE ("regional listing").

The proposed order is based upon the Commission's preliminary belief that, because regional exchanges provide the primary exchange markets for their regional listings, they are in a position analogous to that of the NYSE or Amex with respect to securities listed on those exchanges. Since the quality of the markets in these regional listings is affected significantly by the performance of the specialists on the regional exchanges, it appears appropriate that the regional exchanges have in place obligations and procedures which are designed to assure fair and orderly markets in those securities. Accordingly, the Commission hereby is proposing that Rule 11b-1 apply to the regional exchanges with respect to trading in regional listings.

The Commission notes that, for the most part, the rules of the regional exchanges regarding the regulation of specialists already comply with the provisions of Rule 11b-1. However, in order to permit any regional exchange whose rules do not include the provisions required by Rule 11b-1 sufficient time to take any action necessary to comply with the rule, the Commission proposes to delay the effective date of the order until October 1, 1981.

¹⁰ Exchanges exempted from the rule which are currently registered with the Commission as national securities exchanges are the Boston, Cincinnati, Midwest, Pacific and Philadelphia Stock Exchanges (the "regional exchanges"). These exemptions do not, however, cover the options programs of the Pacific and Philadelphia Stock Exchanges. See note 1 *supra*.

¹ Securities Exchange Act Release No. 7465 (November 23, 1964), 29 FR 15662. The Commission recently adopted certain technical amendments to the rule. These amendments deleted certain duplicative filing requirements and clarified that the rule was applicable to options specialists on all national securities exchanges. Securities Exchange Act Release No. 17574 (February 25, 1981), 46 FR 15134.

² 15 U.S.C. 78k(b), as amended by Pub. L. No. 94-29 (June 4, 1975).

³ Exchange rules also must provide that a finding by the exchange of any substantial or continued failure by a specialist to engage in such a course of dealings will result in the suspension or cancellation of the specialist's registration in one or more securities.

⁴ If, however, the exchange has suspended or cancelled a specialist's registration, the Commission may not impose a further sanction under this rule unless it finds substantial or continued misconduct by the specialist.

⁵ Securities and Exchange Commission, *Report of Special Study of Securities Markets*, H.R. Doc. No. 95, 88th Cong., 1st Sess., (1963) ("Special Study"), Part 2, at pp. 57-171.

⁶ Securities Exchange Act Release No. 7432 (October 6, 1964), 29 FR 13777.

⁷ See Special Study, Part 2, at p. 167.

⁸ These problems and recommendations are summarized in the Special Study, Part 2, at pp. 167-71.

⁹ Paragraph (d) of the rule provides a procedure whereby any national securities exchange may apply for an exemption from the provisions of the rule pursuant to Section 11(c) of the Act.

The Securities and Exchange Commission proposes to issue the proposed order pursuant to its authority under the Securities Exchange Act of 1934 [15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94-29 (June 4, 1975)] and particularly Sections 2, 3, 6, 10, 11, 11A, 15, and 23 thereof [15 U.S.C. §§ 78b, 78c, 78f, 78j, 78k, 78k-1, 78o, 78w].

Interested persons are invited to submit written presentations of views, data and arguments concerning the proposed order. Persons wishing to make such submissions should file six copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, by August 1, 1981. All submissions should refer to File No. S7-886, and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C. 20549.

By the Commission,
George A. Fitzsimmons,
Secretary.

June 11, 1981.

(FR Doc. 81-10027 Filed 6-17-81; 8:45 am)

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-81-049]

Memorandum of Understanding Between the United States Coast Guard and the American Bureau of Shipping Concerning Plan Approval and Inspection Activities for New Vessel Construction

On June 9, 1981, the Coast Guard and the American Bureau of Shipping signed a Memorandum of Understanding providing for Coast Guard acceptance of ABS plan review and inspection of certain item on vessels under construction which are to be classed by ABS and certificated by the Coast Guard. The MOU becomes effective August 1, 1981, and the agreement in full reads as follows:

A. D. Utara,
Commander, U.S. Coast Guard, Executive
Secretary, Marine Safety Council.

Dated: June 15, 1981.

I. Purpose

The purpose of this memorandum is to set forth basic guidelines for cooperation in plan review and inspection of vessels under construction which will be classed by the American Bureau of Shipping and certificated by the Coast Guard. The provisions of this

memorandum are not intended to alter existing delegations or arrangements not addressed herein. Navigation and Inspection Circulars 2-72 and 4-73 will be superseded by another Circular implementing this memorandum.

II. United States Coast Guard

The United States Coast Guard has statutory authority, under the laws governing marine inspection, to regulate in order to promote the safety of life and property at sea and to protect the marine environment.

III. American Bureau of Shipping

The American Bureau of Shipping is a classification society which provides voluntary classification services for ships and other marine vehicles and structures, and which is authorized by law to perform various functions in cooperation with, and on behalf of, the United States Coast Guard.

IV. USCG Acceptance of ABS Approvals and Inspections

A. General

Plan review and inspection functions detailed in Attachment (1) and performed by full time employees of the American Bureau of Shipping may be accepted by the Officer in Charge, Marine Inspection, as part of the Coast Guard vessel certification process without review or attendance by Coast Guard personnel. Attachment (2) indicates plan approval, vessel inspection, and oversight responsibilities retained by the Coast Guard.

B. Approval and inspection standards

The standards to be applied by the American Bureau of Shipping in approvals and inspections for the Coast Guard in order of precedence are:

1. The requirements of SOLAS or other international conventions to which the United States is a party, implementing statutes, and Coast Guard regulations, including specific industry standards incorporated therein.
2. Rules and standards of the American Bureau of Shipping.

C. Verification

Unless specified elsewhere, copies of the usual ABS approval letters, stamped plans, class certificates, and other ABS documents provided to the Officer in Charge, Marine Inspection, will be deemed sufficient for verification of compliance with Coast Guard requirements. ABS acceptances beyond the scope of classification will be noted by specific letters of verification as indicated on Attachment (1). The procedures contained in this

memorandum are applicable only to vessels which are classed by the American Bureau of Shipping.

V. Appeals

Acceptance by the Officer in Charge, Marine Inspection, of any action of the American Bureau of Shipping performed under this memorandum may be appealed according to existing appeals procedures in Coast Guard regulations. In the event of an appeal resulting from any such action, the American Bureau of Shipping, upon request, will provide the Officer in Charge, Marine Inspection, with a statement concerning the status of the matter with respect to class, if applicable.

VI. Long Term Objectives

The Coast Guard and the American Bureau of Shipping will review areas for future cooperation. Discussions will address procedures for cooperation, types of liaison, methods to communicate difficulties which may arise, and provisions for amendments to this memorandum.

VII. Savings Provision

The Coast Guard will perform services as requested in accordance with regulations and law. Nothing in this memorandum shall be deemed to alter in any way the statutory or regulatory authority of the Coast Guard or the classification responsibilities of the American Bureau of Shipping.

VIII. Effective Date

This memorandum shall apply to vessels for which plan approval and construction begins after 1 August 1981. For vessels under construction or plan review on 1 August 1981, this memorandum will become effective as mutually agreed upon by the Coast Guard and the American Bureau of Shipping.

IX. Termination

This memorandum may be terminated by one party after written notice to the other party.

Signed at New York, N.Y., this 9th day of June 1981.

J. B. Hayes,

Commandant, United States Coast Guard.

William N. Johnston,

President and Chairman, American Bureau of Shipping.

Attachment (1)

Areas of Coast Guard Acceptance of ABS Approvals and Inspections

1. Hull structure plan review of conventional steel ships and barges according to ABS Rules for classification.

Copies of ABS approval letters and approved plans will be forwarded by ABS directly to the cognizant Officer in Charge, Marine Inspection.

2. Hull structure inspections including welding procedures and welder qualifications, visual inspections, non-destructive tests, and compartment tightness tests.

3. Material affidavits for hull structural steel.

4. Anchors and mooring equipment.

5. Verification of draft marks.

6. Inert gas systems. A letter certifying specific compliance with Coast Guard requirements for inert gas systems will be sent to the Officer in Charge, Marine Inspection.

7. Crude oil washing systems. A letter certifying specific compliance with Coast Guard requirements for crude oil washing systems will be sent to the Officer in Charge, Marine Inspection. The Coast Guard will issue the appropriate acceptance letters.

8. Pipe welding procedures, qualifications, and standard joints.

9. Piping systems inspections and plan approval including thermal and dynamic analyses. Copies of ABS approval letters and approved plans for the following piping systems will be forwarded by ABS directly to the Officer in Charge, Marine Inspection.

- a. Ballast
- b. Lube oil
- c. Sanitary and drains
- d. Potable water
- e. Saltwater tank cleaning
- f. Condenser circulating
- g. Vent, sounding, and overflow
- h. Internal combustion engine exhaust
- i. Hot water heating
- j. Cargo refrigeration and air conditioning
- k. Piping and ventilation systems on barges

10. The Coast Guard recognizes that the above services which are in addition to classification requirements may be subject to additional fee assessments by the American Bureau of Shipping.

Attachment (2)

Areas of Coast Guard Approvals and Inspections

1. Structural plan review and inspection of vessels other than conventional steel ships and barges.
2. Intact and damage stability.
3. Approval of vessel specifications.
4. General arrangements.
5. Emergency and safety equipment.
6. Sea trials (jointly with ABS).
7. Life saving systems.
8. Fire protection systems including structural fire protection.
9. Pollution prevention systems and arrangements.
10. Admeasurement.
11. Boilers and pressure vessels.
12. Nuclear systems.
13. Marine sanitation devices.
14. Industrial systems.
15. Marine portable tanks.
16. Automation systems and components.
17. Approvals under 46 CFR Subchapter Q.
18. Piping systems except as noted in item 9 of Attachment (1).

19. Electrical equipment and systems.
20. The Coast Guard will maintain oversight of areas listed in Attachment (1) to the degree necessary to fulfill its statutory mandates.

[FR Doc. 81-18132 Filed 6-17-81; 6:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Order 8000.47]

Deteriorated Power, Turbopropeller-Powered Air Carriers/Air Taxi Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of Order 8000.47, deteriorated power, turbopropeller-powered air carrier/air taxi airplanes.

SUMMARY: The Federal Aviation Administration (FAA) announces, the issuance of Order 8000.47, Deteriorated Power, Turbopropeller-Powered Air Carrier/Air Taxi Airplanes. This Order is intended to explain procedures to permit continued operation of air carrier/air taxi operations with deteriorated power turbopropeller-powered airplanes.

FOR FURTHER INFORMATION CONTACT: Mr. David W. Ostrowski, FAA Office of Airworthiness, Aircraft Engineering Division, Flight Test Branch, Area Code 202, 426-8323. The text of the Order 8000.47 is as follows:

Deteriorated Power, Turbopropeller-Powered Air Carrier/Air Taxi—Subject—Airplanes

1. Purpose. The purpose of this order is to provide guidance relative to certification, operation, and maintenance of turbopropeller-powered air carrier/air taxi airplanes with engines which cannot develop maximum certificated power because of performance deterioration. Procedures already approved via Airplane Flight Manual (AFM) change for the Lockheed L-188 remain in effect. Prior Federal Aviation Administration (FAA) approvals for operation of Convair CV-580 airplanes, with deteriorated power, will also remain in effect pending review of these procedures.

2. Distribution. This order is distributed to branch level in the Offices of Aviation Standards, Flight Operations, Airworthiness, and Aviation Safety; to section level in Flight Standards Divisions in the regions; to all General Aviation, Air Carrier, Engineering and Manufacturing, and Flight Standards District Offices; all International Field Offices and Aircraft and Avionic Maintenance Bases; to all Aeronautical Quality Assurance and International Aviation Field Offices; and to branch level in the Flight Standards National Field Office and the Aircraft Certification Division in the Northwest Region.

3. Background. a. Recent discussion and correspondence regarding power deterioration and related factors make it

necessary to outline pertinent guidance relative to turbopropeller-powered air carrier airplanes. This guidance should not be confused with that pertaining to reduced thrust takeoffs which is addressed in other directives. Reduced thrust takeoffs can be utilized only if engines are capable of attaining the maximum takeoff power specified in the AFM; whereas deteriorated power refers to a situation in which engines are incapable of attaining the AFM specified maximum takeoff power, but are still airworthy. This guidance is based on requirements contained in the Federal Aviation Regulations (FAR).

b. The operating rules (FAR's 91.31, 135.399, 135.397(b), 121.189, and 121.191) require that no person may operate a civil aircraft without compliance with the operating limitations for that aircraft. The certification rules (FAR 23 plus certain special conditions, SFAR 23, FAR 135, Appendix A, Sections 19(b), 20(a), SR 422, and FAR 25.105) set forth the performance requirements which define takeoff weight limitations for aircraft required to comply with those certification requirements. FAR 23 plus certain special conditions, SFAR 23, FAR 135 Appendix A Section 4(b), SR 422, and FAR 25.101(c) state that the performance must correspond to the propulsive thrust available under both the particular ambient atmospheric conditions and the flight condition. If the propulsive power or thrust available does not correspond to that contained in the Airplane Flight Manual (AFM) operating limitations, compliance with FAR's 91.31, 135.399, 135.397(b), 121.189, and 121.191 cannot be shown.

4. Deteriorated Power Guidance. In view of the background and applicable FAR's, the following guidance is provided.

a. Operation at less than the minimum AFM specified torque or horsepower ratings for given ambient atmospheric and flight conditions is not legal. This applies to operation at deteriorated power levels as well as the original type certificated level.

b. A holder of an air carrier operating certificate that requests deteriorated power authorization for a specific aircraft must submit a program to its principal airworthiness inspector for approval.

c. Operation at deteriorated power ratings can only be approved if:

(1) Approved performance data (weight, altitude, temperature, power, takeoff distance, accelerate-slow or stop distance, approach climb, landing climb, takeoff climb, and enroute climb) are available in the AFM which permit compliance with the takeoff and climb requirements of the airplane's certification basis. One engine inoperative and all engines operating data should be presented. Performance must be presented as a function of engine power available and must be based on the engine with the lowest indicated power; an average of the installed engines should not be used. Turbopropeller-powered air carrier/air taxi airplanes certified to CAR 3, CAR 4, FAR 23 plus applicable special conditions, SFAR 23, FAR 135 Appendix A, SFAR 41, SR 422, or FAR 25 are eligible for consideration under this order.

(2) The airworthiness of the engines in a condition corresponding to the lowest approved deteriorated power level is established by the engine type certifying region. Deteriorated engines are engines that have experienced gradual performance degradation due to normal wear and are considered to be airworthy but not capable of producing maximum certificated takeoff power. Power degradation due to other causes such as foreign object damage or mechanical or structural failures is not acceptable. No specific guidance is provided on how to establish airworthiness of engines at deteriorated power. This is the responsibility of the engine certifying regions in coordination with the engine lead region. In addition, an approved method of monitoring engine performance must be implemented to provide timely deteriorated power level information to flight crews and to preclude operation with unairworthy engines. Approval of this method must be at the regional level and concurrence must be obtained from the certifying region.

(3) The lowest power level below which power is not permitted to deteriorate for the airplane is established by the airplane certifying region. The lowest power level shall not be less than that approved for the engine by the engine certifying and engine lead regions.

(4) Use of deteriorated power does not result in loss or unsafe degradation of systems or functions that are normally operative for takeoff, such as propellers, automatic spoilers, engine failure warning, configuration warning or any other safety related system dependent on a minimum takeoff power setting or power level position.

(5) Use of deteriorated power does not adversely affect airplane handling qualities or engine response characteristics and does not increase the risk of exceeding any engine operating limits during normal operations.

(6) The antiskid system (if installed and performance credit is given with deteriorated power) is operative.

(7) Approved operating procedures and training are implemented by the operator for the use of deteriorated power.

(8) An evaluation of noise is made for an acoustic change per FAR 21.93(b) to determine that applicable noise requirements are met.

(9) An evaluation of emissions is made for compliance with SFAR-27.

d. An operator cannot use wet ratings to recover dry power lost through deterioration, unless approved deteriorated power performance information is available in the AFM and deteriorated power operation has been approved in accordance with paragraph 4.c. of this order.

e. If it is known that an engine does not reach dry power ratings, wet operation cannot be substituted for takeoff operation, unless approved deteriorated power performance information is available in the AFM and deteriorated power operation has been approved in accordance with paragraph

4.c. of this order. Maintenance procedures must be adopted and FAA approved for periodic dry power checks if engines are only operated wet at takeoff.

f. Operations at deteriorated power may not be conducted simultaneously with any other kind of reduced thrust operation.

5. *Implementation.* In relation to the above guidance, the following specific actions should be taken with regard to turbopropeller-powered air carrier/air taxi airplanes.

a. Each type certificate holding region should review AFM's and make changes if necessary to specify that the airplane performance shown will only be achieved if the required power is achieved, that performance charts clearly show the required power, and that the power be checked as early as possible in the takeoff roll but prior to attaining 80 kts or V, as applicable. Information should be provided so that a determination can be made that the specified power is available without exceeding engine limitations (temperature, RPM, etc.). The AFM should clearly indicate that takeoff is not permitted unless the specified power is available without exceeding the engine limitations (temperature, RPM, etc.).

b. The regions, in conjunction with the air carriers, should establish procedures, and implement a program to monitor engine power. Where power below AFM acceptable levels is detected, corrective maintenance action should be taken or a deteriorated power program implemented in accordance with paragraph 4.c. of this order.

c. The regions should take enforcement action:

(1) Where unapproved adjustments are made to engine power or temperature indicating systems; or

(2) For flight operation with an engine which is not capable of developing the power required and specified by the AFM for the applicable performance condition.

d. The regions should review air carrier/air taxi engine continuous maintenance programs, i.e., (time-between-overhaul, on-condition, reliability, etc.), and revise as necessary.

e. Implementation of the above guidance and action should be coordinated among the responsible lead, certifying, and operating certificate-holding regions. The New England and Central Regions should be the focal points for coordinating the engine and aircraft matters, respectively.

f. Air carrier/air taxi operators desiring to operate with deteriorated power engines should be given a reasonable period of time, not to exceed 60 days from the date of this order, to comply with the terms of the order.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-17755 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-61-16]

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 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.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 13, 1981.

ADDRESSES: 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 June 11, 1981.

Edward P. Faberman,
Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
12638	Air Transport Association of America	14 CFR 121.351(a)	Amendment to Exemption No. 2081D. The present exemption allows the operation of aircraft on specified over water routes with only one operational High Frequency (HF) radio. The amendment would allow operation on an additional route.
21757	Scheduled Skyways, Inc.	14 CFR 135.261(b)	To permit assignment of 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.
21758	Great Western Airlines, Inc.	14 CFR 121.623(c)	To permit petitioner to file Instrument Flight Rule flight plans without complying with destination and alternate airport fuel requirements.
21755	Experimental Aircraft Association	14 CFR 91.27(a)(1) and (a)(2)	To permit certain Australian aircraft to operate in the U.S. without valid airworthiness certificates and registration certificates.
21666	Mr. J. E. Jevzian	14 CFR 61.151(a)	To permit petitioner to obtain an airline transport pilot certificate prior to becoming 23 years of age.
421610	Acme Aircraft Co.	14 CFR 145.35(f) and (h) and 145.37(a) and (b)	To permit petitioner to acquire a repair station rating for Convair series aircraft although they are unable to completely house the aircraft being worked on.
21737	Mr. Alan Kappmeier	14 CFR 141.33(b)	To permit petitioner to be designated to serve as chief flight instructor for more than one pilot school.
21790	James E. Lockridge	14 CFR 91.90(b)(2)(i)	To permit petitioner to operate in Honolulu TCA, without an operable VOR or TACAN and transponder.
21890	Charles Curtis Harmon	14 CFR 91.90(b)(2)(i) and (ii)	To permit petitioner to operate in Honolulu TCA, without an operable VOR or TACAN and transponder.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought; disposition
20575	Western Airlines, Inc.	14 CFR 121.411(a)(3) & Appendix F to Part 121	To delete the inflight maneuvers required by Appendix F for their professional simulator check airmen. <i>Denied 6/4/81</i>
20899	United Air Lines, Inc.	14 CFR 121.311(f)	To permit certain of their required flight attendants on B-727 and DC-8 aircraft to occupy passenger seats which are not in compliance with § 25.785(h) of the FAR. <i>Denied 6/5/81</i>
20472	Air Transport Association of America	14 CFR 121.351(a)	To permit dispatch of aircraft with only one operative HF radio instead of two on certain routes and under specific conditions. <i>Denied 6/4/81</i>
21590	United Air Carriers	14 CFR Parts 21 & 91	To permit the petitioner to operate B-707 aircraft using an FAA-approved master minimum equipment list. <i>Granted 6/4/81</i>
15194	Compania Mexicana de Aviacion, S.A.	14 CFR Parts 21, 61, 63, and 91	To extend the termination date of Exemption No. 3247 to June 10, 1983. The present exemption permits certain of petitioner's airmen to obtain U.S. airman certificates so that they may serve as flight crewmembers on U.S.-registered B-727-2J7 aircraft. In addition, it permits petitioner to use the B-727 master minimum equipment list (MMEL) and a maintenance program which was developed by the petitioner and approved by the Federal Aviation Administration (FAA). <i>Granted 6/4/81</i>
20413	Royal Hawaiian Air Service	14 CFR 135.103(c)	To permit limited single-pilot IFR approaches into forecasted weather for a period not to exceed 15 minutes flying at normal cruise speed. <i>Denied 6/5/81</i>
21785	United Air Carriers, Inc.	14 CFR 121.291(a) and (b)	To permit petitioner to introduce its DC-8-55 series airplane into passenger-carrying service in a 189-seat configuration using 4 flight attendants without first conducting a full-seating-capacity emergency evacuation and ditching demonstration. <i>Granted 6/9/81</i>
20252	Air Hail, S.A.	14 CFR 21.181, 91.27(a)(1), 91.29, and 91.105	To extend the coverage of Exemption No. 2953A to include one additional airplane and to extend the expiration date of the exemption. The present exemption allows petitioner to operate leased U.S.-registered B-707-331C freighter aircraft N15711 using the FAA-approved master minimum equipment list and to maintain the aircraft under Trans World Airlines' continuous airworthiness maintenance program. <i>Granted 6/10/81</i>
20195	Douglas Aircraft Co.	14 CFR 61.57 (c) and (d)	To permit petitioner's pilots to use an airplane simulator that is approved for the landing maneuver in lieu of an airplane to meet the pilot in command recent flight experience requirements of § 135.181. <i>Petition Withdrawn</i>
21275	Air Florida	14 CFR 91.307	To allow 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: Until not later than January 1, 1985—4-B-737-100, 7-B-737-222 and until not later than January 1, 1988 5-DC-9-15F. <i>Granted 1/22/81</i>
21224	United Air Lines, Inc.	14 CFR 91.307	To allow 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: Until not later than January 1, 1985—49-B-737-222. <i>Granted 12/24/80</i>
21770	Air California	14 CFR 91.307	To allow 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: Until not later than January 1, 1985—17-B-737-200 and 2-737-100. <i>Granted 5/27/81</i>
21348	Great American Airways	14 CFR 91.307	To allow 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: Until not later than January 1, 1988—1 DC-9-15. <i>Granted 3/2/81</i>
21174	Texas International Airlines	14 CFR 91.307	To allow 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: Until not later than January 1, 1988—4 DC-9-32. <i>Granted 2/19/81</i>

Urban Mass Transportation Administration

Proposal Solicitation for Section 10 Managerial Training Grant Short Courses

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Solicitation of Proposals for Section 10 Managerial Training Grant Short Courses.

SUMMARY: The Urban Mass Transportation Administration (UMTA) announces that it will accept proposals for Section 10 Managerial Training Grant Short Courses. This notice sets forth the procedures for submitting proposals and details the information that should be included in a proposal.

DATE: Proposals are due to UMTA by July 15, 1981.

ADDRESS: All proposals must be sent to: Office of Transportation Management, Urban Mass Transportation Administration, 400 7th Street SW., Washington, D.C. 20590, Attention: UPM-40.

FOR FURTHER INFORMATION CONTACT: Charles T. Morison, Jr., at the above address; telephone: (202) 426-9274.

SUPPLEMENTARY INFORMATION:

Background

Under Section 10 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607b), UMTA is authorized to make grants to States, local public bodies, and agencies thereof, and operators of public transportation services, for training of personnel employed in managerial, technical, and professional positions in the public transportation field.

As part of its activity pursuant to this authority, henceforth UMTA intends to solicit proposals periodically from interested training institutions to conduct "short courses", intensive training activities conducted for a period of between three (3) and four (4) days at a minimum, and four (4) to six (6) weeks at a maximum. These courses would be offered by colleges, universities, and other public and private organizations whose principal business is the conduct of educational or training programs. Normally "short courses" would be conducted at a residential facility where students can devote their full time and attention to the course.

UMTA will review the proposals submitted pursuant to this announcement and issue to selected institutions a letter indicating that it has approved the proposal and will support

the course by providing Section 10 grants to eligible transit agencies having employees enrolled in the course. UMTA does not plan to enter into any contractual relationship with the institution offering the course. Courses will usually be endorsed by UMTA for a period of up to three years.

Prospective students are expected to apply for admission to an UMTA-approved "short course" directly to the offering institution. Once that application has been accepted, the institution will provide eligible students with a Section 10 grant application which the student's employer is to complete and send to UMTA. UMTA will review the grant applications and make grants based on the availability of funds. Each Section 10 Short Course Training Grant will provide up to 75%, not to exceed \$5,000 per student, of the sum of the following expenses: tuition and other educational expenses; the employee's salary while in training; and transportation expenses to and from the course.

Solicitation of Proposals

UMTA is, at this time, soliciting proposals for "short courses" from colleges, universities, and other public and private organizations whose principal business is the conduct of educational or training programs. Proposals should contain the following information:

- (1) Description of the course proposed;
 - (2) The number of UMTA Section 10 supported students required;
 - (3) Discussion of the relevance of the proposed course to the managerial, professional, and technical needs of persons in the mass transit industry;
 - (4) A full description of facilities to be used for both residential and educational components of the course;
 - (5) Methods and procedures to be used for the recruitment and selection of students; and
 - (6) Endorsements by appropriate officials of the agency proposing to offer the course. Proposals received after July 15, 1981, will be considered in 1982.
- Proposals will be evaluated by a panel according to the following criteria:
- (1) Overall course content, including curriculum, faculty, course materials, and facilities;
 - (2) Responsiveness of the course to the training needs of the mass transit industry;
 - (3) Standards for selection of students;
 - (4) A review of the offering organization's equal employment opportunity goals; and
 - (5) A financial evaluation.

UMTA will acknowledge the receipt

of all proposals received for this program. UMTA expects to complete its review process by July 30, 1981, and shortly after will publish a list of approved courses in the Federal Register.

The provisions of OMB Circular A-95 do not apply to this solicitation. The solicitation covers the following program listed in the Catalog of Federal Domestic Assistance (CFDA):

20.503 Urban Mass Transportation Managerial Training Grants.

Issued in Washington, D.C., on June 11, 1981.

Arthur E. Teele, Jr.,
Administrator.

[FR Doc. 81-17987 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp No. 29]

Surety Companies Acceptable on Federal Bonds: Change in State of Incorporation

On March 31, 1980, the Globe Indemnity Company, New York, New York changed its State of incorporation from New York to Delaware. The company was last listed as an acceptable surety on Federal bonds at 45 FR 44505, July 1, 1980.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued under Sections 6 to 13 of Title 6 of the United States Code, to the Globe Indemnity Company, incorporated in the State of Delaware. This new certificate replaces the company's former Treasury certificate, retroactive to April 1, 1980. An underwriting limitation of \$11,353,000 has been established for the company. The underwriting limitation is the same as was established as of July 1, 1980, under the certificate issued to the company in its previous State of incorporation.

Certificate of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business, and other information. Federal bond-approval officers should annotate their reference copies of the Treasury

Circular 570, 1980 Revision, at page 44505 to reflect this change. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: June 15, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-18159 Filed 6-17-81; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1980 Rev., Supp No. 31]

Surety Companies Acceptable on Federal Bonds: Change in State of Incorporation

On December 31, 1980, the Northern Assurance Company of America, Boston, Massachusetts changed its State of incorporation from Massachusetts to Vermont. The company was last listed as an acceptable surety on Federal bonds at 45 FR 44509, July 1, 1980.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued under Sections 6 to 13 of Title 6 of the United States Code, to The Northern Assurance Company of America, incorporated in the State of Vermont. This new certificate replaces the company's former Treasury certificate, retroactive to January 1, 1981. An underwriting limitation of \$1,487,000 has been established for the company. The underwriting limitation is the same as was established as of July 1, 1980, under the certificate issued to the company in its previous State of incorporation.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business, and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1980 Revision, at page 44509 to reflect this change. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: June 15, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-18160 Filed 6-17-81; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1980 Rev., Supp No. 30]

Surety Companies Acceptable on Federal Bonds: Change in State of Incorporation

On March 31, 1980, the Royal Indemnity Company, New York, New York changed its State of incorporation from New York to Delaware. The company was last listed as an acceptable surety on Federal bonds at 45 FR 44511, July 1, 1980.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued under Sections 6 to 13 of Title 6 of the United States Code, to Royal Indemnity Company, incorporated in the State of Delaware. This new certificate replaces the company's former Treasury certificate, retroactive to April 1, 1980. An underwriting limitation of \$8,183,000 has been established for the company. The underwriting limitation is the same as was established as of July 1, 1980, under the certificate issued to the company in its previous State of incorporation.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business, and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1980 Revision, at page 44511 to reflect this change. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: June 15, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-18161 Filed 6-17-81; 8:45 am]

BILLING CODE 4810-35-M

Office of the Secretary

[Department Circular Public Debt Series—No. 18-81]

Treasury Notes of June 30, 1985, Series H-1985; Auction

June 11, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$3,250,000,000 of United States securities, designated Treasury Notes of June 30, 1985, Series H-1985 (CUSIP No. 912827 MA 7). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated June 30, 1981, and will bear interest from that date, payable on a semiannual basis on December 31, 1981, and each subsequent 6 months on June 30 and December 31 until the principal becomes payable. They will mature June 30, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, June 23, 1981. Noncompetitive tender as defined below will be considered timely if postmarked no later than Monday, June 22, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only

permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the force amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{2}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, June 30, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, June 26, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized

representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provision

6.1. As fiscal agents of the United

States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,
Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-18095 Filed 6-15-81; 2:28 pm]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 117

Thursday, June 18, 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).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, June 26, 1981

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing.

COTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6374.

[S-945-81 Filed 6-16-81; 2:14 pm]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from June 16th open meeting

The following item has been deleted at the request of the Broadcast Bureau from the list of agenda items scheduled for consideration at the June 16, 1981, Open Meeting, and previously listed in the Commission's Notice of June 9, 1981.

Agenda, Item No., and Subject

Broadcast — 7 — *Title:* Amendment of Sections 73.681 and 73.682 (a) of the Commissions Rules to authorize teletext transmissions be television stations. *Summary:* The FCC will consider whether to adopt a combined Notice of Proposed Rule Making and Notice of Inquiry to consider the possible authorization of teletext service. The action will also consider Petitions for Rule Making submitted by CBS, Inc. (RM-3727) and the United Kingdom Industry Group (RM-3876) that request the FCC to adopt standards for teletext.

Additional information concerning this meeting may be obtained from

Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: June 12, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-940-81 Filed 6-16-81; 9:58 am]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda items from June 16, 1981 open meeting

The following item has been deleted at the request of the Office of Chairman Fowler from the list of agenda items scheduled for consideration at the June 16, 1981 Open Meeting, and previously listed in the Commission's Notice of June 9, 1981.

Agenda, Item No. and Subject

Broadcast—8—*Title:* Processing of noncommercial, educational FM station applications. *Summary:* The Commission will consider five alternatives in the processing of noncommercial, educational FM station applications pending the resolution of the FM-to-TV Channel 8 interference problem in Docket 20735

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: June 18, 1981

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-944-81 Filed 6-16-81; 1:50 pm]

BILLING CODE 6712-01-M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Monday, June 22, 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 added to the open portion of the Bank Board meeting scheduled Monday, June 22, 1981.

Application for Bank Membership—Stoneham Co-operative Bank, Stoneham, Massachusetts.

No. 503, June 16, 1981.

[S-943-81 Filed 6-16-81; 12:28 pm]

BILLING CODE 6720-01-M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., June 24, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Petition of Sea-Land for Rulemaking to Promulgate Filing Requirements for Publication of Per-Container Rates in the U.S. Foreign Commerce.

2. Agreement No. 8210-43: Modification of the Continental North Atlantic Westbound Freight Conference—Regarding Payment of Tariff Rates and Charges.

3. Agreement No. 10411: U.S. Atlantic/Brazil Discussion Agreement.

4. Proposed Rule Outlining Procedures for Implementing the Energy Policy and Conservation Act of 1975.

CONTACT PERSON FOR MORE

INFORMATION: Joseph C. Polking, Acting Secretary (202) 523-5725.

[S-946-81 Filed 6-16-81; 3:02 pm]

BILLING CODE 6730-01-M

6

[USITC SE-81-18]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 11 a.m., Thursday, July 2, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
 - a. Ultrafiltration membranes (Docket No. 722).
5. Investigation 104-TAA-2 (Optic Liquid-Level Sensing Systems from Canada)—briefing and vote.
6. Investigation 104-TAA-3 (Spirits from Ireland)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth K. Mason, Secretary (202) 523-0161.

[S-942-81 Filed 6-16-81; 11:31 am]

BILLING CODE 7020-02-M

7

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 28553, May 22, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. on June 18, 1981.

CHANGES IN THE MEETING: This meeting has been *rescheduled for 10 a.m. on June 23, 1981.*

Dated: June 16, 1981.

[S-941-81 Filed 6-16-81; 10:14 am]

BILLING CODE 7600-01-M

federal register

Thursday
June 18, 1981

Part II

Department of Education

**Research in Education of the
Handicapped Program; Final Regulations**

DEPARTMENT OF EDUCATION

34 CFR Part 324

Research in Education of the Handicapped

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues regulations for Research in Education of the Handicapped. These regulations make explicit that both nonprofit and profit making organizations are eligible to participate in the program. They also provide a means for the Secretary to direct portions of available funds to particular types of research and model program activities through the establishment of priorities for major program activities.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect August 3, 1981. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the *Federal Register* stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Jane Case Williams, Department of Education, Office of Special Education (Room 3117, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245-9722.

SUPPLEMENTARY INFORMATION: On October 20, 1980, the Secretary of Education published a Notice of Proposed Rulemaking to amend the regulations concerning the Research in Education of the Handicapped Program. The regulations proposed to clarify the definition of eligible applicants and establish a means for the Secretary to establish annual funding priorities.

This program sponsors both research and model projects through grants and contracts. Research projects are designed to identify and solve critical problems involved in educating handicapped individuals and to translate those solutions into the development of practical techniques and materials. Model projects develop and implement innovative approaches to the education of the handicapped.

Please note that on November 21, 1980, the Secretary of Education redesignated the applicable program regulations, the former 45 CFR Part 121h, as the new 34 CFR Part 324.

In addition, final regulations establishing the selection criteria for research and model programs, 34 CFR

324.7 and 324.8, were published on January 19, 1981 (46 FR 5380-5381). Those final regulations govern awards under this program beginning fiscal year 1981. Those final regulations became effective on March 30, 1981.

The Secretary of Education requested comments on the proposed regulation. Seventeen comments were received. These final regulations are substantially the same as the proposed regulations, except for the inclusion of several additional priorities. Changes have been made in response to comments. The paragraphs below summarize the comments and the Secretary's response to them. The comments and responses are presented in the order of the sections to which they pertain. As each section number has been redesignated since the proposed regulation, the section numbers of this final regulation are followed in parentheses by the section number of the proposed regulation.

§ 324.4 (formerly § 121h.4) Research and Model Programs.

Comment. One commenter suggested revision of this section to confine supportable activities under the program to "the most pressing issues affecting the quality of services to handicapped children as they arise in the implementation of Part B of the Education of the Handicapped Act."

Response. No change has been made in § 324.4. However, § 324.10(a) (formerly § 121h.10(a)) has been revised to state that the Secretary selects a priority based on current needs in the education of the handicapped. This change is necessary because the Administration has proposed legislation that would consolidate Part B with certain other education programs. Since this legislation could take effect as early as fiscal year 1982, it is desirable to have a more general reference to the need for research in the education of handicapped children that would be correct under both existing law and Administration's proposal.

§ 324.5 (formerly § 121h.5) Categories of Priorities.

Comment. Several commenters suggested that a section be added indicating the parameters around which priorities might be established in the future.

Response. No change has been made. The list of priorities is designed to be exclusive. If future needs change new criteria will be published. It is not possible to predict the exact dimensions along which future priorities might change.

§ 324.9 (formerly § 121h.9) Priorities for Research and Model Programs.

Comment. Some commenters noted

additional issues, problems, or populations which merit priority consideration: gifted-handicapped, rural and urban special education, post-secondary education for the handicapped, and handicapped migrant children, handicapped children from diverse linguistic and cultural backgrounds, handicapped children who are not a resident in their natural homes, handicapped children who have not been identified, children denied education in excess of 180 days, handicapped children who are suspended or expelled from school, handicapped children who are segregated, children who are misclassified, handicapped children on waiting lists, and economically disadvantaged handicapped students.

Response. The following priority areas have been added: Post-Secondary Projects, Special Settings Projects, and Parent Projects. In addition, the proposed priority area of Ethnic or Racial Group/Handicapped Research Projects has been changed to Special Population/Handicapped Projects. This change was made to broaden the priority area to include membership in a special population other than, or in addition to, racial or ethnic group population.

Each of the commenters' other suggested priority areas are already covered under one of the broader priority areas as amended in this final regulation. For example, a project application concerning handicapped migrant children could be submitted under the priority of Special Population/Handicapped Projects; a project application concerning handicapped children in a rural setting could be submitted under the priority of Special Settings Projects.

The Secretary has chosen to retain the broader categories for each priority area in order to generate a greater variety of research or model program applications under each priority area.

Comment. Several commenters suggested that all priorities should be expressed as issues subject to selection for attention under either research or model programs.

Response. Section 324.9 has been modified to reflect the suggestion that issues be available for selection either as research or model program priorities.

Comment. One commenter suggested that priorities be based exclusively on recommendations provided by the final report to the Secretary of the Task Force on Equal Educational Opportunity for Handicapped Children.

Response. While the recommendations of this task force played a major role in formulation of

priorities for research and model programs, we do not agree that this should be the only basis for establishing priorities. The task force report is specific to "compliance" with Part B of the Education of the Handicapped Act, as amended by Pub. L. 94-142 which does not cover all research and demonstration possibilities related to education of the handicapped. Further, a number of the compliance issues raised by this report do not appear to be especially amenable to consideration through research or demonstration activities.

Other changes. Several of the priorities have been stated in more general terms to be consistent with the Administration's proposed consolidation legislation, as well as with existing laws.

§ 324.10 (formerly § 121h.10) *How the Secretary selects and announces a priority.*

Comment. One commenter suggested revised language to limit the range of priorities to issues relating to implementation of Part B of the Education of the Handicapped Act.

Response. A change has been made. As noted in connection with § 324.4, § 324.10(a) has been revised to provide a more general statement of purpose, rather than the narrower one suggested by the commenter.

Comments. One commenter requested that program applications be made available to requesting agencies with a lead time of at least 90 days.

Response. No change has been made. As the Education Department provides adequate lead time to respond to announcements, it is not necessary to establish a minimum by regulation. In the event application forms are not available sufficiently in advance of a closing date, the Secretary of Education has the authority to extend the closing date.

Comment. One commenter noted that research and model program activities should provide for special transportation of participating handicapped individuals.

Response. No change has been made. This is allowable under current grant terms and conditions. Thus, no change is necessary.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(20 U.S.C. 1441-1444)

(Catalog of Federal Domestic Assistance No. 84-023, Research in Education of the Handicapped)

(Section 641-644, Education of the Handicapped Act, as amended 84 Stat. 185

(20 U.S.C. 1441-1444), unless otherwise noted.)

Dated: June 12, 1981.

T. H. Bell,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations as follows:

PART 324—RESEARCH IN EDUCATION OF THE HANDICAPPED

1. Section 324.3 is revised as follows:

§ 324.3 Eligible parties.

The Secretary may make grants to or contracts with States, State or local educational agencies, institutions of higher education and other public or nonprofit private educational or research agencies and organizations. In addition the Secretary may award contracts to profitmaking organizations.

(20 U.S.C. 1441-1442)

2. Section 324.4 is revised as follows:

§ 324.4 Research and model projects.

(a) Research projects supported under this part are designed to generate knowledge about the education of handicapped children and to translate such knowledge into practical techniques and materials.

(b) Model projects supported under this part develop and implement innovative educational programs that serve handicapped children either directly or indirectly. These projects are designed to—

- (1) Improve significantly an aspect of the education of the handicapped population;
- (2) Continue beyond the award period; and
- (3) Provide for the dissemination and replication of a successful program.

(20 U.S.C. 1441-1442)

§ 324.5 [Removed]

3. Section 324.5 is removed.

4. Sections 324.9 and 324.10 are revised as follows:

§ 324.9 Priorities for research and model programs.

The Secretary may select annually one or more priorities from the following:

(a) *Research Integration Projects.* This priority supports projects that examine the state of the art in areas related to education of the handicapped and that analyze and interpret future research needs in those areas.

(b) *Technology Projects.* This priority supports projects on the use of technological devices and systems in schools and by handicapped students.

(c) *Assessment Projects.* This priority supports projects on assessment

instruments and systems related to education of the handicapped.

(d) *Youth Employment Projects.* This priority supports projects on the role of the school in increasing the employability of handicapped individuals, and on any option open to the handicapped providing for the transition from school to work.

(e) *Special Population/Handicapped Projects.* This priority supports projects dealing with the unique educational problems resulting from a combination of membership in a particular special population and handicapping condition(s).

(f) *Non-vocal Communication Projects.* This priority supports projects related to non-vocal, severely handicapped individuals.

(g) *School Based Research Projects.* This priority supports research based upon data available from school records focusing on issues related to the education of handicapped children.

(h) *Student Initiated Research Projects.* This priority provides support to post-secondary students to initiate and direct a broad range of research and research-related projects focusing on the education of handicapped children. The Secretary limits eligible applicants to post-secondary students to assist in the implementation of Statewide personnel development.

(i) *Related Services Projects.* This priority supports projects focusing on the provision of related services for handicapped children as defined by the Education of the Handicapped Act, and other facilitative services or activities which complement the implementation of that Act.

(j) *Secondary Age Level Projects.* This priority supports projects related to educational services to handicapped children who are of post-elementary age or grade level.

(k) *Specific Handicapping Conditions Projects.* Priority consideration may be given to projects relating to any specific handicapping condition, including appropriate subpopulations.

(l) *Post-Secondary Projects.* This priority supports projects related to post-secondary and continuing education for the handicapped.

(m) *Special Settings Projects.* This priority supports projects relating to special education problems which are unique to a particular setting.

(n) *Parent Projects.* This priority supports projects relating to the role of parents and the family in the education of the handicapped.

(20 U.S.C. 1441-1442)

§ 324.10 How the Secretary selects and announces a priority.

(a) The Secretary selects a priority based upon current needs in the education of handicapped children.

(b) The Secretary announces the priority areas selected from § 324.9 for each fiscal year in the Application Notice for that year.

(20 U.S.C. 1441-1442)

5. New §§ 324.11 and 324.12 are added as follows:

§ 324.11 How the Secretary uses a priority.

(a) The Secretary establishes a separate competition for each selected priority area. An application which does not address a priority area will not be considered in the competition for that area.

(b) If an application addresses both a priority area and a non-priority area, the Secretary may consider that part which addresses the priority area separately from that which does not.

(20 U.S.C. 1441-1442)

§ 324.12 Separate competition for all authorized Research and Model Programs Activities.

In addition to the use of any priority area selected under § 324.9, the Secretary establishes separate competitions, under both the Research and Model Programs, for any activity authorized under Part E of the Education of the Handicapped Act.

(20 U.S.C. 1441-1442)

[FR Doc. 81-18110 Filed 6-17-81; 8:45 am]

BILLING CODE 4000-01-M

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List of Public Laws

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