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Highlights

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Highlights

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 230

Standards and Requirements for Agency Personnel Actions

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is revising the regulation on standards and requirements for agency personnel actions to add a reference to Federal Personnel Manual instructions on processing retroactive actions which result from settlement agreements and decisions and orders of Courts, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, and the Office of Personnel Management. This revision results from agency questions about the instructions to be followed and the authority under which these actions are to be processed.

EFFECTIVE DATE: July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Carol Porter, 202-254-9793/9899.

SUPPLEMENTARY INFORMATION: Agencies are being called upon with increasing frequency to cancel personnel actions and to process retroactive actions in order to implement Court Orders, settlement agreements, and decisions and orders. In order to comply with the Privacy Act (Section 552a of title 5 of United States Code) requirements of "* * * accuracy, relevance, timeliness, and completeness * * *" for personnel records, special care must be taken in documenting these actions to avoid references to the grievance, complaint or appeal which prompted the action, as well as to the decision, order or agreement by which it was resolved. The present regulations do not specifically address the manner in which these actions are to be handled; the revised regulation directs agencies to follow the instructions in FPM Chapter 296.

Waiver of Notice of Proposed Rulemaking

Pursuant to section 553(b)(3)(B) of Title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because the revised regulation simply incorporates into the CFR a reference to instructions previously published for agencies in the form of Federal Personnel Manual System issuances.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, § 230.201 of Title 5 of this Code of Federal Regulations is revised to read as follows:

§ 230.201 Standards and requirements for agency personnel actions.

In taking a personnel action authorized by this chapter, each agency shall comply with the qualification standards and regulations issued by the Office of Personnel Management, the instructions published by the Office of Personnel Management in the Federal Personnel Manual, and the provisions of any agreement developed between the Office and the agency in connection with delegation of a specific authority. When a personnel action is being taken as a result of (a) an order of a Court or a settlement agreement, or (b) a decision or order of or a settlement agreement or an arbitral award reached under the rules and regulations of the Merit Systems Protection Board, the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Office of Personnel Management, the agency shall follow the instructions in Federal Personnel Manual Chapter 296.

(5 U.S.C. 1104; Pub. L. 95-454; 92 Stat. 1120 and sec. 3(5) of the Civil Service Reform Act of 1978, Pub. L. 95-454; 92 Stat. 1112)

[FR Doc. 81-18475 Filed 6-22-81; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 907, 908, 911, 915, 917, 918, and 925

Expenses and Rates of Assessment for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the committees functioning under Marketing Orders 907, 908, 911, 915, 918, and 925, and increases expenses of the Pear Commodity Committee functioning under Marketing Order 917. Funds to administer these programs are derived from assessments on handlers of the fruit regulated under the orders.

EFFECTIVE DATES: November 1, 1980–October 31, 1981 (§ 907.218, § 908.220). March 1, 1980–February 28, 1981 (§ 917.226). December 1, 1980–November 30, 1981 (§ 925.200). March 1, 1981–February 28, 1982 (§ 918.218). April 1, 1981–March 31, 1982 (§ 911.220, § 915.220).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Room 2532 South Building, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA

procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by the committee, established under the respective marketing order, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the rate of assessment for a particular fiscal period shall apply to all assessable fruit handled from the beginning of such period. To enable the committees to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting and recordkeeping) under these parts are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, new §§ 907.218 (M.O. 907), 908.220 (M.O. 908), 911.220 (M.O. 911), 915.220 (M.O. 915), 918.218 (M.O. 918), and 925.200 (M.O. 925) are added, and § 917.226, 45 F.R. 53450 (M.O. 917) is revised to read as follows: (The following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations).

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

§ 907.218 Expenses and Assessment Rate.

Expenses of $757,470 by the Navel Orange Administrative Committee are authorized, and an assessment rate of $0.020 per carton of navel oranges is established for the fiscal year ending October 31, 1981; and unexpended funds from the fiscal year ended October 31, 1980, shall be carried over as a reserve in accordance with § 907.42.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

§ 908.220 Expenses and Assessment Rate.

Expenses of $436,030 by the Valencia Orange Administrative Committee are authorized, and an assessment rate of $0.022 per carton is established for the fiscal year ending October 31, 1981; and unexpended funds from the fiscal year ended October 31, 1980, shall be carried over as a reserve in accordance with § 908.42.

PART 911—LIMES GROWN IN FLORIDA

§ 911.220 Expenses and Assessment Rate.

Expenses of $385,000 by the Florida Lime Administrative Committee are authorized, and an assessment rate of $0.35 per bushel of limes is established for the fiscal year ending March 31, 1982.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

§ 915.220 Expenses and Assessment Rate.

Expenses of $387,785 by the Avocado Administrative Committee are authorized, and an assessemnt rate of $0.30 per bushel of avocados is established for the fiscal year ending March 31, 1982; and unexpended funds from the fiscal year ended March 31, 1981, shall be carried over as a reserve in accordance with § 915.42.

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

§ 917.226 Expenses and Assessment Rate.

Expenses of $535,000 by the Pear Commodity Committee are authorized, and an assessment rate of $0.135 per No. 29B special lug box is established for the fiscal year ended Febraury 28, 1981; and unexpended funds from the fiscal year ended Febrary 28, 1980, shall be carried over as a reserve in accordance with § 917.38.

PART 918—FRESH PEACHES GROWN IN GEORGIA

§ 918.218 Expenses and Assessment Rate.

Expenses of $18,395 by the Industry Committee are authorized, and an assessment rate of $0.0125 per bushel of peaches is established for the fiscal period ending February 28, 1982.

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

§ 925.200 Expenses and Assessment Rate.

Expenses of $28,000 by the California Desert Grape Administrative Committee are authorized, and an assessment rate of $0.007 per 22-pound lug of grapes is established for the fiscal period ending November 30, 1981.

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

Dated: June 18, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-18539 Filed 6-22-81; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 204, 217

[Docket No. R-0214; Regulations D and Q]

International Banking Facilities; Reserve Requirements of Depository Institutions and Interest on Deposits

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rules.

SUMMARY: The Board of Governors has amended Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) and Regulation Q—Interest on Deposits (12 CFR Part 217) to authorize beginning December 3, 1981, the establishment in the United States of international banking facilities ("IBFs") by U.S. depository institutions, Edge and Agreement Corporations, and branches and agencies of foreign banks located in the United States. Under the rules adopted by the Board, an IBF may accept deposits from foreign residents (including banks) or from other IBFs. Such funds will be exempt from reserve requirements of Regulation D and from interest rate limitations of Regulation Q. IBFs will be permitted to offer to foreign nonbank residents large denomination time deposits with a minimum maturity or required notice period prior to withdrawal of at least two business days. In addition, IBFs will be permitted to offer overnight time deposits to foreign offices of U.S. depository institutions or foreign banks, to other IBFs, foreign control banks, or to the institution establishing the IBF. Funds raised by an IBF could be used only to extend credit to foreign residents, to other IBFs, or to the institution establishing the IBF. Funds derived by

an institution from its own IBF would be subject to Eurocurrency reserve requirements. The Board believes that the establishment of IBFs at U.S. banking offices will enhance the international competitive position of banking institutions located in the United States.

EFFECTIVE DATE: December 3, 1981.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625), Paul S. Pilecki, Senior Attorney (202/452-3281), or Paige Winebarger, Attorney (202/452-3265), Legal Division; or Allen B. Frankel, Senior Economist (202/452-3578), or Sydney J. Key, Economist (202/452-3522), Division of International Finance, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On December 16, 1980, the Board requested public comment (45 FR 84070) on a proposal to amend Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) and Regulation Q—Interest on Deposits (12 CFR Part 217) that would facilitate the establishment in the United States of international banking facilities ("IBFs") by depository and other institutions to promote international banking activity in the United States.

Under the proposal, IBFs at all U.S. depository institutions, Edge and Agreement Corporations, and U.S. branches and agencies of foreign banks would be permitted to accept time deposits from foreign residents and to borrow from foreign banks or other IBFs. Such funds would be exempt from reserve requirements of Regulation D and from interest rate limitations of Regulation Q.[1] Funds raised by an IBF could be used only to extend credit to foreign residents, to other IBFs, or to the institution establishing the IBF. Funds obtained by an institution from its own IBF would be subject to Eurocurrency reserve requirements.

The period for public comment on the IBF proposal ended on March 16, 1981. Comments were received from 79 respondents, primarily banking institutions and trade associations. In general, commentators were in favor of the concept of IBFs. However, many suggested a number of technical modifications, and a significant number indicated that they would favor adoption of the proposal only in conjunction with other changes in the regulatory and competitive environment under which IBFs would operate. After consideration of the comments received from the public, the Board has adopted the proposal with certain modifications, as indicated below, effective December 3, 1981.

General Policy Regarding Activities of IBFs

The Board believes that authorization of IBFs will enhance the competitive position of U.S. offices of depository institutions and Edge and Agreement Corporations, and of U.S. branches and agencies of foreign banks. The Board expects that, with respect to nonbank customers located outside the United States, IBFs will accept only deposits that support the customer's operations outside the United States and will extend credit only to finance the customer's non-U.S. operations. Deposits should not be used as a means of circumventing interest rate restrictions or reserve requirements applicable to U.S. depository institutions, Edge or Agreement Corporations and U.S. branches and agencies of foreign banks. This policy is required to be communicated in writing to an IBF nonbank customer at the time a loan or deposit account relationship is first established. Furthermore, nonbank foreign affiliates of U.S. residents will be required to acknowledge in writing receipt of such notice.

The following model statement could be used by IBFs to advise their nonbank deposit and loan customers of the Board's policy:

> It is the policy of the Board of Governors of the Federal Reserve System that, with respect to nonbank customers, deposits received by international banking facilities may be used only to support the non-U.S. operations of a depositor (or its foreign affiliates) located outside the United States and that extensions of credit by international banking facilities may be used only to finance the non-U.S. operations of a customer (or its foreign affiliates) located outside the U.S.

The following model statement could be used by IBFs to obtain an acknowledgment of receipt of such notice upon the opening of a deposit or loan relationship from nonbank customers that are foreign affiliates of U.S. residents. (A loan relationship may be established either by opening a line of credit or by granting a loan other than under a line of credit.)

> ————, a nonbank entity located outside the U.S., understands that it is the policy of the Board of Governors of the Federal Reserve System that deposits received by international banking facilities may be used only to support the non-U.S. operations of a depositor (or its foreign affiliates) located outside the United States and that extensions of credit by international banking facilities may be used only to finance the non-U.S. operations of a customer (or its foreign affiliates) located outside the U.S.
>
> ————, acknowledges that funds it deposits with the IBF of ——— will be used solely in support of its non-U.S. operations, or that of its foreign affiliates, and that the proceeds of its borrowings from the IBF will be used solely to finance its operations outside the United States, or that of its foreign affiliates.

Establishing an IBF

An institution is not required to establish a separate organizational structure for an IBF. It is contemplated that an IBF would be operated primarily as a recordkeeping entity similar to an offshore shell branch. An institution may establish one IBF for each reporting entity that submits a separate Report of Transaction Accounts, Other Deposits and Vault Cash (Form FR 2900). An IBF may be established initially by identifying and segregating existing assets and liabilities that qualify under the definitions in Regulations D and Q and under other regulatory provisions applicable to IBFs. These assets may be transferred to the IBF on a reserve-free basis only during the first four reserve computation periods after the institution has established the IBF.[2] An institution is required to maintain segregated accounts for its IBFs within the office in which the IBF is located, report its IBF assets and liabilities as required by the Board, and comply with any other requirements established by the Board for IBFs. Failure to comply with the Board's restrictions on the type of business IBFs may engage in could result in the imposition of reserve requirements on the IBF, subjecting the IBF's deposits to the interest rate restrictions of Regulation Q, or revocation of the institution's authority to maintain an IBF.

An institution that desires to establish an IBF will be required to notify the Federal Reserve Bank in its district at least 14 days prior to the first reserve computation period during which it intends to begin accepting IBF deposits and to agree to abide by the conditions established by the Board for conducting

[1] Regulation Q applies to member banks, to Edge and Agreement Corporations and to the following U.S. offices of parent foreign banks having total worldwide consolidated bank assets in excess of $1 billion: insured and uninsured Federal branches, uninsured state branches, and Federal and state agencies.

[2] For assets held by an institution prior to its establishment of an IBF that are transferred to the IBF within such four-week period, an IBF is not required to provide such customers with notice of the Board's policy concerning IBFs or to obtain acknowledgment thereof. However, an IBF is required to provide such notice and obtain such acknowledgment (if required) upon any subsequent extension of credit to such customer.

an IBF business. Application to or approval by the Board is not required to establish an IBF. However, an institution is subject to any restrictions established by its chartering or licensing authority, or by its primary supervisor concerning the types of activities in which an IBF may be engaged.

Permissible IBF Deposits

As a general matter, an IBF will be permitted to accept deposits only from non-United States residents. Such deposits will be subject to special rules, discussed in greater detail below, permitting shorter minimum maturities than applicable to other types of time deposits under Regulation Q but requiring deposits and withdrawals to be made in amounts of at least $100,000. An IBF also will be permitted to obtain funds from foreign offices of other U.S. depository institutions or foreign banks, from other IBFs, and from the United States and non-United States operations of the same institution. IBF time deposits may be in the form of deposits, borrowings, placements, or other similar instruments. Such IBF liabilities will not be subject to Federal Reserve interest rate limitations and will be exempt from Federal reserve requirements.

Restrictions on eligible holders of IBF deposits. As discussed above, only non-United States residents, including foreign affiliates of United State entities, other IBFs, and the institution operating the IBF will be eligible to maintain time deposits in IBFs. In order to help insure that IBF deposits are restricted to non-United States residents, IBFs will be prohibited from issuing negotiable certificates of deposit, bankers' acceptances, or other negotiable or bearer instruments.

Maturity of IBF time deposits. An IBF will be permitted to obtain funds from any office located outside the United States of another U.S. depository institution, foreign bank, or Edge or Agreement Corporation, from other IBFs, from foreign central banks and official institutions, as well as from the foreign branches and domestic operations of the depository institution establishing the IBF. The maturity of such obligations may be on an overnight basis. IBF time deposits of nonbank foreign residents will be subject to a minimum maturity or required notice period prior to withdrawal of two business days. Notice of withdrawal may be given on the date of deposit or any business day thereafter, but may not be given to the date of deposit. Fixed maturity IBF time deposits may be automatically renewable. In addition, such accounts may be established to provide for both a fixed maturity and a notice period.

An IBF will not be permitted to accept transaction accounts, since an IBF is not intended to enable foreign customers to maintain such accounts at U.S. offices exempt from reserve requirements.

Minimum size of transactions. The Board believes that IBFs should be established primarily to engage in a wholesale international banking business and, therefore, proposed that the minimum amount of any deposit or withdrawal to or from an IBF account would be $500,000. As an alternative, the Board requested public comment on whether to authorize an IBF to offer time deposit accounts that require a minimum daily average balance of $500,000 and a minimum amount of $100,000 for deposit or withdrawal transactions. Comments received from the public indicated that the $500,000 minimum transaction amount could restrict the ability of some institutions that currently engage in international banking activity from conducting an IBF business, and that the requirement of a minimum daily average balance would be operationally burdensome.

In view of the comments received, the Board has determined to require minimum deposits and withdrawals from IBF time deposits of nonbanks of $100,000. No minimum daily average balance is required. A withdrawal of less than $100,000 is permitted if such transaction is made to close out a deposit account. The Board believes that the lower limitation will enable more institutions to operate IBFs while at the time same preserving the wholesale nature of IBF business. IBF time deposits of bank customers will not be subject to any minimum transaction amount.

Permissible IBF Assets

An IBF will be permitted to extend credit to foreign customers, to other IBFs, or to U.S. and non-U.S. offices of the depository institution establishing the IBF. Advances to U.S. offices of the IBF's parent institution will be subject to the reserve requirement on Eurocurrency liabilities in the same manner as advances from a foreign office to its U.S. office. IBF credit may be extended in the form of a loan, deposit, placement, advance, security or other similar asset. Under the Board's actions, credit may be extended to nonbank foreign residents provided that the funds are used in their operations outside the United States.

Foreign Currency Operations of IBFs

The Board believes that the conduct of international banking business in the United States will be facilitated by allowing IBFs to accept deposits and make loans in currencies other than U.S. dollars.

Other Activities of IBFs

Except as indicated above, the Board is not limiting the activities in which an IBF may engage. Consequently, if authorized by the institution's chartering or licensing authority and supervisor, an IBF could engage in activities such as providing fiduciary services.

Supervision and Reporting Requirements

IBF operations of a depository institution will be subject to the same examination and supervision procedures that apply to the other operations of the institution. It is expected that supervisory review of IBFs will be conducted in conjunction with examination of other operations of the institution establishing the IBF. However, the Board may require the establishing institution to submit reports on the activities of its IBF for purposes of monitoring monetary and credit conditions as well as for other purposes.

Beginning Date of IBF Operations

The amendments to Regulations D and Q are effective for the reserve computation period beginning December 3, 1981, and the corresponding reserve maintenance period beginning December 17, 1981.

Effective December 3, 1981, pursuant to the Board's authority under sections 19, 25, and 25(a) of the Federal Reserve Act (12 U.S.C. 461 *et seq.*, 601 *et seq.*, 611 *et seq.)* and section 7 of the International Banking Act of 1978 (12 U.S.C. 3105), Regulation D (12 CFR Part 204) and Regulation Q (12 CFR Part 217), are amended as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

1. In § 204.2 of Regulation D (12 CFR Part 204), paragraph (h) is revised to read as follows:

§ 204.2 Definitions.

* * * * *

(h) *"Eurocurrency liabilities"* means:

(1) For a depository institution or an Edge or Agreement Corporation organized under the laws of the United States, the sum, if positive, of the following:

(i) Net balances due to its non-United States offices and its international banking facilities ("IBFs") from its United States offices;

(ii)(A) For a depository institution organized under the laws of the United States, assets (including participations) acquired from its United States offices and held by its non-United States offices, by its IBF, or by non-United

States offices of an affiliated Edge or Agreement Corporation; [1] or

(B) For an Edge or Agreement Corporation, assets (including participations) acquired from its United States offices and held by its non-United States offices, by its IBF, by non-United States offices of its U.S. or foreign parent institution, or by non-United States offices of an affiliated Edge or Agreement Corporation; [1] and

(iii) Credit outstanding from its non-United States offices to United States residents (other than assets acquired and net balances due from its United States offices), except credit extended (A) from its non-United States offices in the aggregate amount of $100,000 or less to any United States resident, (B) by a non-United States office that at no time during the computation period had credit outstanding to United States residents exceeding $1 million, (C) to an international banking facility, or (D) to an institution that will be maintaining reserves on such credit pursuant to this Part. Credit extended from non-United States offices or from IBFs to a foreign branch, office, subsidiary, affiliate of other foreign establishment ("foreign affiliate") controlled by one or more domestic corporations is not regarded as credit extended to a United States resident if the proceeds will be used to finance the operations outside the United States of the borrower or of other foreign affiliates of the controlling domestic corporation(s).

(2) For a United States branch or agency of a foreign bank, the sum, if positive, of the following:

(i) Net balances due to its foreign bank (including offices thereof located outside the United States) and its international banking facility after deducting an amount equal to 8 per cent of the following: the United States branch's or agency's total assets less the sum of (A) cash items in process of collection; (B) unposted debits; (C) demand balances due from depository institutions organized under the laws of the United States and from other foreign banks; (D) balances due from foreign central banks; and (E) positive net balances due from its IBF, its foreign bank, and the foreign bank's United States and non-United States offices; and

(ii) Assets (including participations) acquired from the United States branch or agency (other than assets required to be sold by Federal or State supervisory authorities) and held by its foreign bank (including offices thereof located outside the United States), by its parent holding company, by non-United States offices or an IBF of an affiliated Edge or Agreement Corporation, or by its IBFs.[1]

2. In § 204.2(t), footnote 1 is redesignated as footnote 2.

§ 204.8 [Redesignated as § 204.9]

3. Section 204.8 is redesignated § 204.9.

4. By adding a new § 204.8, as follows:

§ 204.8 International banking facilities.

(a) *Definitions.* For purposes of this Part, the following definitions apply:

(1) *"International banking facility"* or *"IBF"* means a set of asset and liability accounts segregated on the books and records of a depository institution, United States branch or agency of a foreign bank, or an Edge or Agreement Corporation that includes only international banking facility time deposits and international banking facility extensions of credit.

(2) *"International banking facility time deposit"* or *"IBF time deposit"* means a deposit, placement, borrowing or similar obligation represented by a promissory note, acknowledgment of advance, or similar instrument that is not issued in negotiable or bearer form, and

(i) (A) That must remain on deposit at the IBF at least overnight; and

(B) That is issued to

(*1*) Any office located outside the United States of another depository institution organized under the laws of the United States or of an Edge or Agreement Corporation;

(*2*) Any office located outside the United States of a foreign bank;

(*3*) A United States office or a non-United States office of the entity establishing the IBF;

(*4*) Another IBF; or

(*5*) An institution whose time deposits are exempt from interest rate limitations under section 217.3(g) of Regulation Q (12 CFR 217.3(g)); or

(ii) (A) That is payable

(*1*) On a specified date not less than two business days after the date of deposit;

(*2*) Upon expiration of a specified period of time not less than two business days after the date of deposit; or

(*3*) Upon written notice that actually is required to be given by the depositor not less than two business days prior to the date of withdrawal;

(B) That represents funds deposited to the credit of a non-United States resident or a foreign branch, office, subsidiary, affiliate, or other foreign establishment ("foreign affiliate") controlled by one or more domestic corporations provided that such funds are used only to support the operations outside the United States of the depositor or of its affiliates located outside the United States; and

(C) That is maintained under an agreement or arrangement under which no deposit or withdrawal of less than $100,000 is permitted, except that a withdrawal of less than $100,000 is permitted if such withdrawal closes an account.

(3) *"International banking facility extension of credit* or *"IBF loan"* means any transaction where an IBF supplies funds by making a loan, or placing funds in a deposit account. Such transactions may be represented by a promissory note, security, acknowledgment of advance, due bill, repurchase agreement, or any other form of credit transaction. Such credit may be extended only to:

(i) Any office located outside the United States of another depository institution organized under the laws of the United States or of an Edge or Agreement Corporation;

(ii) Any office located outside the United States of a foreign bank;

(iii) A United States or a non-United States office of the institution establishing the IBF;

(iv) Another IBF;

(v) An institution whose time deposits are exempt from interest rate limitations under section 217.3(g) of Regulation Q (12 CFR 217.3(g)); or

(vi) A non-United States resident or a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more domestic corporations provided that the funds are used only to finance the operations outside the United States of the borrower or of its affiliates located outside the United States.

(b) *Acknowledgment of use of IBF deposits and extensions of credit.* An IBF shall provide written notice to each of its customers (other than those specified in § 204.8(a)(2)(i)(B) and § 204.8(a)(3) (i) through (v)) at the time a deposit relationship or a credit relationship is first established that it is the policy of the Board of Governors of the Federal Reserve System that deposits received by international banking facilities may be used only to support the depositor's operations outside the United States as specified in § 204.8(a)(2)(ii)(B) and that extensions of credit by IBFs may be used only to finance operations outside of the United States as specified in § 204.8(a)(3)(vi). In the case of loans to or deposits from foreign affiliates of U.S. residents,

[1] This subparagraph does not apply to assets (1) that were acquired before October 7, 1979, or (2) that were acquired by an IBF from its establishing entity before the end of the fourth reserve computation period after its establishment.

receipt of such notice must be acknowledged in writing whenever a deposit or credit relationship is first established with the IBF.

(c) *Exemption from reserve requirements.* An institution that is subject to the reserve requirements of this Part is not required to maintain reserves against its IBF time deposits or IBF loans. Deposit-taking activities of IBFs are limited to accepting only IBF time deposits and lending activities of IBFs are restricted to making only IBF loans.

(d) *Establishment of an international banking facility.* A depository institution, an Edge or Agreement Corporation or a United States branch or agency of a foreign bank may establish an IBF in any location where it is legally authorized to engage in IBF business. However, only one IBF may be established for each reporting entity that is required to submit a Report of Transaction Accounts, Other Deposits and Vault Cash (Form FR 2900).

(e) *Notification to Federal Reserve.* At least fourteen days prior to the first reserve computation period that an institution intends to establish an IBF it shall notify the Federal Reserve Bank of the district in which it is located of its intent. Such notification shall include a statement of intention by the institution that it will comply with the rules of this Part concerning IBFs, including restrictions on sources and uses of funds, and recordkeeping and accounting requirements. Failure to comply with the requirements of this Part shall subject the institution to reserve requirements under this Part and to interest payment limitations that may be applicable under Regulation Q (12 CFR part 217) on its IBF time deposits, or result in the revocation of the institution's ability to operate an IBF.

(f) *Recordkeeping requirements.* A depository institution shall segregate on its books and records the asset and liability accounts of its IBF and submit reports concerning the operations of its IBF as required by the Board.

§ 204.3 and 204.4 [Amended]

5. In §§ 204.3(a), 204.3(a)(1)(ii), 204.3(a)(2)(ii), 204.3(c), 204.4(b)(1), 204.4(b)(1)(ii), 204.4(b)(2), 204.4(b)(2)(ii), 204.4(d), 204.4(g)(2)(ii)(A), 204.4(g)(2)(ii)(B), and 204.4(g)(2)(iii), references to §§ "204.8," "204.8(a)," or "204.8(b)" are redesignated as references to §§ "204.9," "204.9(a)," or "204.9(b)," respectively.

6. In Regulation Q (12 CFR Part 217), paragraphs (a) and (b) of § 217.1 are revised to read as follows:

§ 217.1 Definitions.

For purposes of this Part, the following definitions apply unless otherwise specified:

(a) *Demand deposit.* The term "any deposit which is payable on demand," hereinafter referred to as a "demand deposit," includes every deposit that is not a "time deposit," "international banking facility time deposit," or "savings deposit," as defined in this section.

(b) *Time deposit.* The term "time deposit" means "time certificates of deposit," "time deposits, open account," and "international banking facility time deposit," as defined in this section.

* * * * *

7. Section 217.1 is amended by adding a new paragraph (l) as follows:

§ 217.1 Definitions.

* * * * *

(l) *"International banking facility time deposit"* or *"IBF time deposit"* means a deposit, placement, borrowing or similar obligation represented by a promissory note, acknowledgement of advance, or similar instrument that is not issued in negotiable or bearer form and

(1) That is payable

(i) On a specified date not less than two business days after the date of deposit;

(ii) Upon expiration of a specified period of time not less than two business days after the date of deposit; or

(iii) Upon written notice that actually is required to be given by the depositor not less than two business days prior to the date of withdrawal;

(2) That represents funds deposited to the credit of a non-United States resident or a foreign branch, office, subsidiary, affiliate, or other foreign establishement ("foreign affiliate") controlled by one or more domestic corporations provided that such funds are used only to support the operations outside the United States of the depositor or of its affiliates located outside the United States; and

(3) That is held under an agreement or arrangement under which no deposit or withdrawl of less than $100,000 is permitted, except that a withdrawal of less than $100,000 is permitted if such withdrawal closes an account.

8. In § 217.7, paragraph (a) is revised to read as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

* * * * *

(a) *Time deposits of $100,000 or more and IBF time deposits.* There is no maximum rate of interest presently prescribed on any time deposit of $100,000 or more or on IBF time deposits issued under section 217.1(1).

* * * * *

By order of the Board of Governors, June 13, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-18533 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Revision 6, Amendment 6]

Business Loan Policy; Correction

AGENCY: Small Business Administration.

ACTION: Correction of final rule.

SUMMARY: This notice corrects the final rule that revised § 120.5(a)(5) which was published May 5, 1981, at 46 FR 25083. The omission of the word "by" in the first sentence made the meaning unclear. Only the first sentence is corrected and the remainder of the section is unchanged as published.

DATE: Effective June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Questions about this correction can be addressed to: Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, (202) 653-6470.

In FR Doc. 81-13591 at page 25084, first column, in the issue for Tuesday, May 5, 1981, in § 120.5(a)(5), the first sentence is corrected by inserting the word "by" between "made" and "the lender" to read as follows: The "Associate" relationship defined in paragraph (d) (1), (2) and (3) of 120.1 is prohibited during the life of any loan made by the lender in which SBA participates.

Dated: June 15, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-18439 Filed 6-22-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371, 377, and 399

Petroleum Products Under Short Supply Export Controls; Interim Regulations to Increase Efficiency of Controls and Administration of Exports

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with invitation to comment.

SUMMARY: This rule amends the regulations governing exports of petroleum products under short supply export controls.

This rule expands and clarifies the provisions of several general license authorizations to permit more extensive exports without prior written authorization from the Office of Export Administration, and reduces certain reporting requirements.

DATE: These rules are effective on publication, but may be revised after comments are received. Comments to be received by the Department by August 24, 1981.

ADDRESS: Written comments (five copies) should be sent to: Mr. Robert F. Kan, Special Assistant to the Director, Short Supply Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Kan, Special Assistant to the Director, Short Supply Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-3795.

SUPPLEMENTARY INFORMATION: The Department has recently examined its petroleum short supply export licensing program with a view toward simplifying and streamlining its procedures wherever practicable, in compliance with section 12(e) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. App. 2401 *et seq.*) ("the Act") and with the Administration's policy of easing the regulatory burden. During this review it was noted that a large number of validated export licenses are being issued for quantities that do not significantly reduce domestic supplies of a particular commodity. While the purpose of short supply export control programs is "to protect the domestic economy from an excessive drain of scarce materials" through export, the Department does not believe that this goal is furthered or any other useful purpose served by the maintenance of controls that require validated licenses for the export of insignificant quantities of materials which, in the aggregate, are in short supply.

General License GLV. The GLV dollar value limit for three commodity control list entries is being raised from $250 to $1,000, in order to reduce industry and Government paperwork associated with export shipments of certain petroleum commodities under short supply export control. The Department believes that petroleum exports of such limited value will not significantly reduce domestic supplies. This change will permit general license shipments of many exports that previously required validated export licenses.

General License G-NNR. After reviewing its petroleum licensing records, the Department believes a revision of General License *G-NNR* is warranted to accommodate the numerous small quantity drummed shipments of specialty petroleum products intended for non-fuel usage, and of petroleum reference fuels for use as reference standards in petroleum refineries shipped in quantities of 10,000 gallons or less. Because of the high purity of some of these products, they frequently sell for prices from five to twenty-five times the selling price of similar mass-marketed commercial grade fuels. Therefore, export shipments of as few as two or three barrels often exceed the new dollar value limit of $1,000. To avoid the continuation of case-by-case licensing of numerous small quantity shipments of these high-value, low-volume specialty products, the Department has moved them to Petroleum Group Q. This addition will allow exports of these products under General License *G-NNR.*

Exporters are put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that these rules pertaining to shipping quantities are complied with. This change in the regulations is not to be interpreted to represent a liberalization of petroleum export controls, as all these types of shipments have been licensed in the past without being subject to quantitative limitations as either an N-2 product or as a recognized exception.

General License GPCC. The regulations concerning General License *GPCC* are amended to clarify that petroleum products exported to the Panama Canal Commission under that general license must be intended for use by the Commission and not for export resale.

General License Ship Stores. The regulations concerning this general license are revised to indicate that crude petroleum and blends of unrefined crude petroleum with a petroleum product may not be used to bunker a vessel under General License *Ship Stores.* Because many ports are not capable of servicing Super Tankers within the port itself, General License *Ship Stores* is revised to authorize the bunkering of these large vessels in U.S. or international waters under limited circumstances.

General License RCS. The regulations concerning General License *RCS* are revised to indicate that crude petroleum and blends of unrefined crude petroleum with a petroleum product may not be used to bunker a vessel under this general license. The regulations covering this general license are also revised to rescind authority to export unlimited quantities of aviation fuel to a U.S. or Canadian Airline's installation or agent abroad, but continue to allow exports of ship's bunker and aviation fuel for use of a specific vessel or aircraft of U.S. or Canadian registry, in unusual circumstances and in quantities necessary for a single onward voyage or flight.

Documentation for Special Exception. The special rule which permits applicants for petroleum export licenses to substitute an affidavit for an export order is clarified to ensure that all required information and affidavits are submitted when no formal contract exists.

Affidavit for non-Naval Petroleum Reserve-Origin. The affidavit in § 377.6(e)(1)(iv) certifying the non-Naval Petroleum Reserve-Origin of a petroleum product which is required to accompany each application for a license to export such product is revised by lengthening from 90 to 180 days the time periods used in calculating (a) the volume of products produced in a refinery utilizing any Naval Petroleum Reserves feedstock which are attributable to other feedstocks, and (b) the total volume of products attributed to such feedstock to be exported during the comparable future time period. This eliminates the need to restrict the validity of each license to 90 days from the date the affidavit was executed, and permits the issuance of licenses which will remain valid until 30 days following the end of the calendar quarter in which issued. The suggested affidavit is also revised to include alternative statements that may be used concerning the origin of the commodities.

Affidavit Identifying Refiner. As a result of the termination of the crude oil price control program of the Department of Energy, refiners are no longer required to take an adjustment of the volume of crude oil runs to stills. Because these adjustments are no longer

required, the affidavits required by §§ 371.7(b)(4) and 377.6(e)(2)(ii) are also unnecessary, and the sections are deleted.

Validity Period. Section 377.6(g) is revised to indicate that the Office of Export Administration may issue licenses to export petroleum products with validity periods longer than one calander quarter.

Rulemaking Procedure and Invitation to Comment

Section 13(a) of the Act exempts regulations promulgated under it from the public participation in rulemaking procedures of the Administrative Procedure Act. It has been determined that this rule:

(1) Is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981);

(2) Will not have a significant economic impact on a substantial number of small business entities because it does not impose any additional costs or other regulatory burden on them; and

(3) Does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

Because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations.

The period for submission of comments will close August 24, 1981. However, in order that comments may be given maximum consideration, persons wishing to comment are urged to submit their comments as soon as possible. Although comments received after the end of the comment period will be considered if possible, this consideration cannot be assured. Public comments which are accompanied by a request that part or all of the material be treated confidentially, because of its business proprietary nature or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda (in five copies) which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3102, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

Accordingly, the *Export Administration Regulations are amended as follows:*

PART 371—GENERAL LICENSES

1. In § 371.7(b), paragraphs (2)(i) and (ii) are revised; paragraph (2)(iii) is removed, and paragraph (4) is removed.

§ 371.7 General license G-FTZ: Exports of petroleum commodities from U.S. foreign-trade zones and from Guam.

* * * * *

(b) * * *

(2) * * *

(i) Did not become available for export as a result of an exchange for commodities which would not qualify for export under General License *G-FTZ*, and will not be replaced within the exporter's customary domestic marketing area by commodities which do not so qualify; and

(ii) Were refined exclusively from foreign-origin crude petroleum in a Foreign-Trade Zone or Guam.

(iii) (Removed).

* * * * *

(4) (Removed).

* * * * *

2. Section 371.8(a) is revised to read as follows:

§ 371.8 General license GPCC; Export of petroleum products to the Panama Canal Commission.

(a) *Scope.* A general license designated *GPCC* is established subject to the provisions of this section authorizing the export to the Panama Canal Commission, under a Commission-issued contract or purchase order, of refined petroleum products listed in Supplement No. 2 to Part 377 for use by the Commission and not for export resale

* * * * *

3. Section 371.9 is revised to read as follows:

§ 371.9 General license ship stores.

(a) *Scope.* A general license designated *Ship Stores* is established, subject to the provisions of §371.9, authorizing the export, under certain circumstances, of usual and reasonable kinds and quantities of the commodities indicated in paragraphs (a) (1) and (2) of this section, provided such commodities are not intended for unlading in a foreign country and are not exported under a bill of lading as cargo. [1] Exports under this general license may be made on vessels of any registry, except as provided for in paragraph (a)(3) of this section, departing from the United States. Additionally, exports under this general license may be made on lighters servicing vessels too large to enter a U.S. port to allow for the refueling of super tankers, *e.g.*, Ultra Large Crude Carriers (ULCC) and Very Large Crude Carriers (VLCC), provided such vessels are lading or unlading, in U.S. or international waters, cargo destined for or coming from a U.S. port.

(1) Dunnage necessary and appropriate to stow or secure cargo on the outgoing and immediate return voyage of an exporting carrier, when exported solely for use as dunnage, may be exported to any destination under this General License *Ship Stores.*

(2) The items listed below may be exported subject to the conditions set forth in (b) of this section for use or consumption on board a vessel of any registry during the outgoing and immediate return voyage—

(i) Bunker fuel, except crude petroleum and blends of unrefined crude petroleum with a petroleum product, provided it is not of Naval Petroleum Reserve origin or derivation;

(ii) Deck, engine, and steward department stores, provisions, and supplies for both port and voyage requirements, provided they are not of Naval Petroleum Reserves origin or derivation if listed in Supplement No. 3 to Part 377;

(iii) Medical and surgical supplies;

(iv) Food stores;

(v) Slop chest articles; and

(vi) Saloon stores or supplies.

(3) Equipment and spare parts for permanent use on a vessel may be exported for use on board a vessel of any registry, when necessary for the

[1] Where a validated license is required, see §§ 372.4 and 376.9.

proper operation of such vessel, except a vessel registered in Country Group P, Q, W, Y, or Z, or owned or controlled by, or under charter or lease to any of these countries or their nationals. Notwithstanding the above, equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel registered in, owned or controlled by, or under charter or lease to a country in Country Group P, Q, W or Y, or a national of such country, if the equipment or spare parts are authorized to be exported to a destination in Country Group P, Q, W, or Y under General License *G-DEST*. In addition, other equipment and services for necessary repair to fishing and fishery support vessels of PQWY countries or Cuba may be exported for use on board such vessels when admitted into the United States under governing international fishery agreements.

(b) *Restrictions on exports of petroleum and petroleum products.* Crude petroleum and blends of unrefined crude petroleum with petroleum products may not be exported under this general license. Export of any petroleum product listed in Supplement No. 3 to Part 377 may be made under this general license provided the exporter, prior to the export of such commodity, has assembled documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(1)(iv), or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.13(e), and is put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377 that was made under General License *Ship Stores*. Crude petroleum may be exported only under a validated license issued pursuant to § 377.6(d)(1). Any other petroleum commodity listed in Supplement No. 3 to Part 377 which does not meet the conditions for export under General License *Ship Stores* may be exported only under a validated license issued pursuant to § 377.6(d)(6).

4. Section 371.12 is amended by revising paragraphs (b)(3), (b)(4), the introductory paragraph to (c), (c)(4), the introductory paragraph to (d), (d)(1) and (e) to read as follows:

§ 371.12 General license RCS: Shipments to U.S. or Canadian vessels, planes and airline installations or agents.

* * * * *

(b) * * *

(3) In usual and reasonable kinds and quantities during times of extreme need, except that usual and reasonable quantities of ship's bunkers or aviation fuel are considered to be only that quantity necessary for a single onward voyage or flight;

(4) Shipped as cargo for which a Shipper's Export Declaration (SED) is filed with the carrier, except that an SED is *not* required when any of the commodities, other than fuel, is exported by *U.S. airlines* to their own aircraft abroad for their use.

* * * * *

(c) *Exports to U.S. or Canadian Airline's Installation or Agent.* Exports of the commodities set forth in paragraph (d) of this section, except fuel, may be made to a U.S. or Canadian airline's [2] installation or agent in any foreign destination except Country Group P, Y or Z (excluding Cuba) provided such commodities are—

* * * * *

(4) Shipped as cargo for which a Shipper's Export Declaration (SED) is filed with the carrier, except that an SED is *not* required when any of these commodities is exported by *U.S. airlines* to their own installations and agents abroad for use in their aircraft operations.

* * * * *

(d) *Applicable Commodities.* This general license applies to the commodities listed below, subject to the provision in paragraphs (b) and (c) of this section—

(1) Fuel, except crude petroleum and blends of unrefined crude petroleum with petroleum products, which is of non-Naval Petroleum Reserves origin or derivation;

* * * * *

(e) *Crude Petroleum.* Crude petroleum and blends of unrefined crude petroleum with petroleum products may not be exported under this general license. Export of any petroleum product listed in Supplement No. 3 to Part 377 may be made under this general license provided the exporter, prior to the export of such commodity, has assembled documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(1)(iv), or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.13(e), and is put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377, that was made under General License *RCS*. Crude petroleum may be exported only under a validated license issued pursuant to § 377.6(d)(1). Any other petroleum commodity listed in Supplement No. 3 to Part 377, which does not meet the conditions for export under General License *RCS*, may be exported only under a validated license issued pursuant to § 377.6(d)(6).

[2] See § 370.2 for definition of United States and Canadian airlines.

PART 377—SHORT SUPPLY CONTROLS AND MONITORING

5. In § 377.6, paragraphs (e)(1)(iv), (2), (3), and (9), and paragraph (g) are revised to read as follows:

§ 377.6 Petroleum and petroleum products.

* * * * *

(e) * * *

(1) * * *

(iv) A sworn affidavit, signed by an authorized representative of the exporter, reading as follows (insert paragraph a or b, as appropriate):

Affidavit

I (name) _____
(Title) _____
of (company) _____
hereby certify that the (quantity) _____
bbls. of (commodity) _____

(a) I propose to export from the United States were *not* produced from a Naval Petroleum Reserve nor were they derived from any crude oil, gases of all kinds (including natural gas, hydrogen, carbon dioxide, helium, etc.), natural gasoline, and other related hydrocarbons (tar sands, asphalt, propane, butane, etc.) or oil shale produced from a Naval Petroleum Reserve. Or—

(b) I propose to export from the United States, if they are the product of a refinery or petrochemical plant utilizing as raw material any resource produced from a Naval Petroleum Reserve, the quantity of the products from that refinery or petrochemical plant which are to be exported during the next 180 days, do *not* exceed that portion of the total products of that refinery or petrochemical plant attributable to the non-Naval Petroleum Reserve raw materials used in that plant during the preceding 180 days.

The petroleum commodities that I propose to export did not become available for export

as a result of an exchange for a Naval Petroleum Reserves—produced resource or a product(s) derived therefrom.

To the extent that I do not have personal knowledge of the foregoing, I have addressed appropriate inquiries to the refiner or producer of the commodity(ies) to be exported, and have been assured by him that these statements are correct.

The Individual who made these representations to me is:

I (name)_____

Of (Title) _____

(company)_____

And he communicated these assurances to me on (date)_____

(Signature) _____

(2) Groups B, C, D, E, F, G, K, L, M, N–1, N–2, Q, and R. An application for a validated license to export a commodity from Petroleum Commodity Group B, C, D, E, F, G, K, L, M, N–1, N–2, Q, or R, must be accompanied by the same documentation required by § 377.6(e)(1), except that the affidavit described in paragraph (e)(1)(iii) of this section is not required.

(3) Exception for established trade practices. A special rule is established for the documentation of export orders for which no contract is entered into pursuant to a well-established and consistently maintained trade practice. With respect to such orders, in lieu of the copy of the contract and the affidavit required by paragraph (e)(1) of this section as to the amount previously exported against such contract, the exporter may submit an affidavit describing his exporting arrangement and the shipments made under that arrangement.

* * * * *

(9) Groups N–1 and N–2. An application for a validated license to export a commodity from Petroleum Commodity Group N–1 must be submitted with the same documentation required by § 377.6(e)(1), except the affidavit described in paragraph (e)(1)(iii) of this section is not required. An application for a validated license to export a commodity from Petroleum Commodity Group N–2 must be submitted with the same documentation required for Petroleum Commodity Group N–1, and:

(i) An end-use statement by the applicant in affidavit format indicating the name, location and type of business of the end-user, the nature of the end-use, and stating that, to the best of his knowledge and belief, the commodity will not be used as a fuel either alone or when blended with other petroleum products, nor will it be used as a refinery feedstock or for synthetic natural gas production, nor will it be substituted for a commodity which will be so used, and

(ii) A published technical data sheet (unless one has previously been submitted) or independent inspector's certificate of analysis of the product to be exported which clearly indicates that the commodity is properly classifiable under Petroleum Commodity Group N–2.

* * * * *

(g) *Validity Period.* Unless otherwise specified, a license issued pursuant to this section will expire no later than 30 days from the end of the calendar quarter in which it is issued. A longer validity period may be authorized if found to be consistent with the national interest and the purposes of this short supply control program. Requests for extension of the validity period of any license issued under this section will normally not be entertained.

* * * * *

6. Supplement No. 2 to Part 377 is amended by revising Group Q to read as follows:

Supplement No. 2 to Part 377—Petroleum and Petroleum Products Subject to Short Supply Licensing Controls

* * * * *

Schedule B No.[1]	Commodity description[2]	Unit of quantity[3]
Petroleum Products Subject to Provisions of Either § 371.16 or § 377.6(d)(6)		
Group Q		
401.0110	Benzene	Gallon.
401.0120	Toluene	Do.
401.0132	Ortho-xylene	Do.
401.0134	Para-xylene	Do.
401.0139	Other xylene	Do.
415.2400	Helium	Million cubic feet.
415.2900	Hydrogen	X.
417.2000	Ammonia, aqueous	Cnt. ton.
423.1010	Carbon dioxide and carbon monoxide.	X.
431.0210	Butadiene	Pound.
431.0220	Butylene	Do.
431.0230	Ethylene	Do.
431.0240	Isoprene	Do.
431.0250	Propylene	Do.
431.0260	Tetrapropylene	Do.

Supplement No. 2 to Part 377—Petroleum and Petroleum Products Subject to Short Supply Licensing Controls—Continued

* * * * *

Schedule B No.[1]	Commodity description[2]	Unit of quantity[3]
431.0290	Acetylene	Do.
431.0290 475.2520 475.2560	High purity hydrocarbons, and blends of hydrocarbons used for engine calibration, fuel certification and other laboratory applications in quantities of 10,000 gallons or less.[4]	Do.
475.3500	Specialty naphthas, mineral spirits, solvents and other finished light petroleum products, n.s.p.f., which are packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container.	Barrel.
475.4510	Aviation engine lubricating oil, except jet engine lubricating oil.	Do.
475.4515	Jet engine lubricating oil	Do.
475.4520	Automotive, diesel, and marine engine lubricating oil.	Do.
475.4525	Turbine lubricating oil, including marine.	Do.
475.4530	Automotive gear oils	Do.
475.4550	Steam cylinder oils	Do.
475.4555	Insulating or transformer oils	Do.
475.4560	Quenching or cutting oils	Do.
475.4565	Other petroleum lubricating oils, including red and pale oils, bright stock, black oils, white mineral oils, and lubricants, n.s.p.f.	Do.
475.5700	Greases	Pound.
475.6740	Petroleum jelly, and petrolatum, all grades.	Do.
475.6760	Hydraulic fluids, including automatic transmission fluids.	Barrel.
475.6781	Other non-lubricating and non-fuel petroleum oils, n.s.p.f.	X.
480.6540	Ammonia, anhydrous	Short ton.
492.5210	Paraffin wax, crystalline, fully refined.	Pound.
492.5220	Paraffin wax, crystalline, except fully refined.	Do.
492.5240	Paraffin wax, all others (including microcrystalline wax).	Do.
517.5120	Petroleum coke, calcined	Short ton.
521.3150	Petroleum coke, except calcined	Do

* * * * *

[1] See Supplement No. 3 to Part 377 for correlation of old Schedule B Numbers. Schedule B Numbers are provided only as a guide to proper completion of the Shipper's Export Declaration, Form No. 7525 V.

[2] Commodity description determines the product under control.

[3] Report commodities in units of quantity indicated.

[4] Such as for reference standards, certified iso-octane, certified normal heptane, or certified fuels used for emission control standard tests, and for comparative laboratory testing.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

7. The Commodity Control List, Supplement No. 1 to § 399.1, is amended by revising the following entries to read as follows:

Export control commodity number and commodity description	Unit	Validated license required	GLV dollar value limits T&V	Processing code	Reason for control
4782B Other petroleum products listed in Supplement No. 2 to Part 377. (See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses *G-NNR* and *GLV*.)		PQSTVWYZ and Canada	[5] [7]1,000	SS	2
4783B Natural gas liquids and other natural gas derivatives listed in Supplement No. 2 to Part 377. (See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses *G-NNR* and *GLV*.)[4]	Barrel	PQSTVWYZ and Canada	[6] 1,000	SS	2
4784B Manufactured gas and synthetic natural gas (except when commingled with natural gas and thus subject to export authorization from the Department of Energy) listed in Supplement No. 2 to Part 377. (See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses G-NNR and GLV.)	Mcf	PQSTVWYZ and Canada	[6] 1,000	SS	2

[5] * * *

[6] GLV $ value limit for exports to Canada and Country Group Q is $1,000.

[7] GLV $ value limit for petroleum asphalt and paving mixtures is $5,000.

[4] * * *

* * * * * * *

Drafting Information: The principal author of these rules is Robert F. Kan, Special Assistant to the Director, Short Supply Division, Office of Export Administration.

Authority: Sections. 7, 12, 13, 15, and 21, Pub. L. 96-72, 50 U.S.C. App. 2401 *et seq.*; E.O. 12214, (45 FR 29783, May 6, 1980); Department Organization Order 10-3, (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980).

Dated: June 1, 1981.

William V. Skidmore,

Director, Office of Export Administration.

[FR Doc. 81-18470 Filed 6-22-81; 8:45 am]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Ex Parte Communications in Adjudicative Proceedings

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends Rule 4.7(e) to define when an order of remand by a U.S. court of appeals shall be deemed to become effective for purposes of applying the prohibitions of Rule 4.7(b), and to make clear that those prohibitions apply during the period within which a petition for reconsideration under Rule 3.55 may be filed.

EFFECTIVE DATE: The rule is effective on June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Jerome Tintle (202) 523-3487, Office of General Counsel, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION:

Cases on Remand from the Courts of Appeals

Rule 4.7(b) prohibits *ex parte* communications by, among others, any employee or agent of the Commission who performs investigative or prosecuting functions in adjudicative proceedings while a proceeding is in adjudicative status within the Commission, except to the extent required for the disposition of *ex parte* matters as authorized by law. Rule 4.7(e), among other things, extends these prohibitions to an adjudicative proceeding "from the time an order by a U.S. court of appeals remanding a Commission decision and order for further proceedings becomes effective, until the time the Commission votes to enter its decision in the proceeding." Rule 4.7(e), however, does not define when a court of appeals' order "becomes effective" for purposes of applying the restrictions imposed by Rule 4.7(b).

When a court of appeals remands a Commission decision and order for further proceedings, the Commission resumes jurisdiction over the case when the court's remand is issued as its mandate pursuant to Rule 41 of the Federal Rules of Appellate Procedure, generally 21 days after entry of judgment. Regardless of when the mandate issues, the Commission may petition the Supreme Court for a writ of *certiorari* from a court of appeals' adverse judgment within 90 days from the date the court of appeals enters its judgment or enters an order disposing of a timely filed petition for rehearing going to the substance of the judgment. 28 U.S.C. 2101(c).

Rule 4.7(e) as presently worded could be construed to mean that a court of appeals' order of remand "becomes effective" from the date that the Commission resumes jurisdiction over the case, *i.e.*, when the court's mandate issues. This construction would, practically speaking, preclude the Commission from consulting *ex parte* with its prosecuting staff on whether Supreme Court review of the judgment should be sought. In adopting present Rule 4.7(e), the Commission did not intend this construction. On the contrary, before and since adoption of the Rule, the Commission has regularly received the views of its prosecuting staff on the question of *certiorari* without regard to whether the court of appeal's mandate has been issued. A matter on remand is not returned to adjudicative status until the Commission has determined not to seek Supreme Court review, or until the time for seeking such review has expired without a petition for *certiorari* having been filed, or until such a petition has been denied. The Commission has, therefore, amended Rule 4.7(e) to reflect its regular practice. The amendment adds a provision defining when a court of appeals' judgment "becomes effective" for purposes of the Rule.

Prohibition of ex Parte Communications During the Period Within Which a Petition for Reconsideration May Be Filed

Under present Rule 4.7(e) the ban on *ex parte* communications in an adjudicative proceeding ends when the Commission "votes to enter its decision in the proceeding." The ban is not reinstated unless a petition for reconsideration under Rule 3.55 is filed, in which event Rule 4.7(e) provides that the *ex parte* restrictions shall apply "from the time the petition is filed * * *." Thus, the Rule implicitly sanctions *ex parte* contacts in the interim between the Commission's vote on a final decision and the deadline for filing a Rule 3.55 petition. It has not been the Commission's policy to permit such contacts in the past, and the Rule is being amended so as to eliminate any possible ambiguity on the question.

Accordingly, 16 CFR 4.7(e) is revised to read as follows:

§ 4.7 Ex parte communications.

* * * * * *

(e) The prohibitions of this section shall apply in an adjudicative proceeding from the time the Commission votes to issue a complaint pursuant to § 3.11, to conduct adjudicative hearings pursuant to § 3.13, or to issue an order to show cause pursuant to § 3.72(b), or from the time an order by a U.S. court of appeals remanding a Commission decision and order for further proceedings becomes effective, until the time the Commission votes to enter its decision in the proceeding and the time permitted by § 3.55 to seek rehearing of that decision has elapsed. For purposes of this section, an order of remand by a U.S. court of appeals shall be deemed to become effective when the Commission determines not to file a petition for a writ of *certiorari*, or when the time for filing such a petition has expired without a petition having been filed, or when such a petition has been denied. If a petition for reconsideration of a

Commission decision is filed pursuant to § 3.55, the provisions of this section shall apply until the time the Commission votes to enter an order disposing of the petition.

(Sec. 6(g), 38 Stat. 721 (15 U.S.C. 46); 80 Stat. 383, as amended (5 U.S.C. 552))

Carol M. Thomas,

Secretary.

[FR Doc. 81-18546 Filed 6-22-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 81-170]

Field Organization of the Customs Service; Amendments

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This notice changes the field organization of the Customs Service by establishing a new port of entry at Austin, Texas, in the Dallas/Fort Worth, Texas Customs district (Region VI). To accommodate the new Austin port, this notice also revises the Dallas/Fort Worth district limits. The changes will enable Customs to keep pace with the significant increase in Customs-related activities which has occurred in central Texas during the past decade.

EFFECTIVE DATE: July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Richard C. Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

Austin, the State Capital of Texas, rapidly is becoming the center of international trade in central Texas. During the last decade, the area attracted many new manufacturing companies, including major electronics firms, high technology businesses, and other leading corporations producing a variety of products for distribution in markets in Europe, the Middle East, and Central and South America. In the last 5 years, the volume of merchandise imported into Austin quadrupled; the volume of merchandise exported more than tripled.

Presently, approximately 42 percent of imported merchandise destined for Austin is entered through the Customs port of entry at Houston, Texas, 162 miles away. Another 20 percent is entered through the Customs port of entry at San Antonio, Texas, 77 miles away. Transporting merchandise from these locations to Austin substantially increases distribution and transportation costs and delays delivery of the merchandise to its ultimate destination.

Following a review of Customs activity in the area, Customs determined that establishing a Customs port of entry at Austin would: (1) reduce distribution and transportation costs and reduce the travel time for imported goods destined for Austin; (2) provide the basis for initiating scheduled international flights between Austin and foreign cities; and (3) enable Customs to obtain more efficient use of its personnel, facilities, and resources in providing service to importers in the Austin area.

Accordingly, to keep pace with the expanding needs of Customs-related activities in central Texas and to provide better service to carriers, importers, and the public, Customs published a notice in the **Federal Register** on March 18, 1981 (46 FR 17228), proposing to establish a new port of entry at Austin, Texas, in the Dallas/Fort Worth, Texas, Customs district (Region VI).

To accommodate the new Austin port of entry in the Dallas/Fort Worth district, the notice also proposed to revise the Dallas/Fort Worth district limits to include the State of Oklahoma, and those parts of the State of Texas lying north of lat. 32° N., and within the area north of lat. 30° N., west of 97° W. long. and east of 99° W. long.

Only one comment was received in response to the notice. The commenter opposes the change because he believes that Customs should not be establishing new ports of entry anywhere at this time because it would increase operational costs to the Customs Service at a time when governmental spending restraints are required. He also suggests that Customs set forth minimum criteria for the establishment and maintenance of ports of entry.

One aspect of Customs mission is to provide service to the public when and where it is required. The establishment of new ports of entry in various locations throughout the country is a necessary response to the public demand for increased Customs service. Further, Customs does have minimum workload and facility standards for the establishment of new ports of entry which are applied to prevent the unjustified proliferation of new ports. Prior to establishing ports of entry, Customs carefully reviews the data submitted in support of each application to verify that it meets the criteria. The Austin application was scrutinized and an independent Customs analysis of the potential Customs workload at Austin verified that it met Customs standards for the establishment of a new port of entry.

Accordingly, Customs has determined to adopt the changes as proposed.

Changes in the Customs Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (46 FR 9336), a new Customs port of entry is established at Austin, Texas, in the Dallas/Fort Worth, Texas, Customs district. The geographical boundaries of the Austin port of entry encompass all of the territory within the corporate boundaries of the city of Austin, Texas. In addition, the limits of the Dallas/Fort Worth district are revised to include the State of Oklahoma, and those parts of the State of Texas lying north of lat. 32° N., and within the area north of lat. 30° N., west of 97° W. long. and east of 99° W. long.

Amendments to the Regulations

§ 101.3 [Amended]

To reflect these changes, § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended by: (1) adding "Austin, Texas (T.D. 81-170)" following Amarillo, Texas (T.D. 75-129)" in the list of ports of entry in the Dallas/Fort Worth district, and (2) changing the description of the Dallas/Fort Worth district limits to read "The State of Oklahoma, and those parts of the State of Texas lying north of lat. 32° N., and within the area north of lat. 30° N., west of 97° W. long. and east of 99° W. long."

Executive Order 12291

Because this will not result in a "major rule" as defined in section 1(b) of Executive Order 12291, the regulatory impact analysis and review prescribed by section 3 of the Executive Order is not required.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 et. seq.), the Secretary of the Treasury has determined that the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or

other requirements of 5 U.S.C. 603 and 664.

Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this amendment may have a limited effect upon some small entities in central Texas, it is not expected to be significant because the establishment of Customs ports of entry in other locations has not had a significant economic impact upon substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: June 9, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-18433 Filed 6-22-81; 8:45 am]

BILLING CODE 4180-22-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adverse Effect Wage Rate Methodology; Withdrawal of Revised Rule and Retention of Existing Rule

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is withdrawing the final rule published on January 16, 1981, which would have established a new methodology for computing adverse effect wage rates for the temporary alien agricultural labor certification program. The previous methodology will be retained. Adverse effect wage rates are wage rates which must be offered and paid to U.S. and alien workers by employers seeking to employ temporarily nonimmigrant alien agricultural workers.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Bell (Telephone: 202-376-6297).

SUPPLEMENTARY INFORMATION:

Introduction

On March 27, 1981, a document was published in the **Federal Register** proposing to withdraw a final rule revising the adverse effect wage rate (AEWR) methodology for the temporary alien agricultural labor certification program. 46 FR 18991; see 46 FR 4568 (January 16, 1981); and 20 CFR 655.207. The effective date of that final rule was deferred through March 30, 1981, in response to the President's January 29, 1981, Memorandum to the Secretary of Labor and other cabinet officials. The effective date was deferred further until the completion of this rulemaking at the same time as the issuance of the March 27, 1981, proposed rule. 46 FR 11253 (February 6, 1981); 46 FR 18951 (March 27, 1981).

Adverse effect wage rates are wage rates which must be offered and paid to U.S. and alien workers by employers seeking to employ temporarily nonimmigrant alien agricultural workers, so that the employment of these aliens will not adversely affect the wages of similarly employed U.S. workers. The March 27, 1981, notice stated that the Department of Labor was proposing to withdraw the revised rule, so that the subject of adverse effect wage rates may be included in the Department of Labor's broader review of its policies regarding immigration, refugees, and other issues dealing with the admission of aliens to the United States. As stated in that proposal, the rulemaking record preceding the issuance of the final rule will be included in the Department's review process, and a new proposal on the issue of adverse effect wage rates is anticipated.

Comments

The notice of proposed rulemaking invited comments from the public through April 27, 1981. Twenty-one timely comments were received. Of the commenters, sixteen endorsed the withdrawal of the final rule, and five opposed the withdrawal.

In most cases, the proponents of the withdrawal were agricultural employers and their representatives, who stated that the implementation of the rule would have increased their labor costs greatly. Also included in the sixteen were comments, supporting the withdrawal on similar grounds, from two State officials and from two Members of Congress representing States in which nonimmigrant aliens are used to harvest some crops. The proponents of the withdrawal also supported, in large part, the continuing review of the issue of adverse effect wage rates. While some of the commenters who were favorable to the proposed withdrawal opposed the implementation of adverse effect wage rates in general, that issue was outside the scope of this rulemaking. A seventeenth comment supporting the proposed withdrawal was received after the comment period.

Five comments were received from commenters opposing the proposed withdrawal. Four of the five were from groups representing agricultural and logging workers and their interests. The fifth commenter was a State employment security agency from a State in which nonimmigrant aliens are used to harvest some crops. These commenters preferred, on the whole, the single nationwide AEWR established under the rule being withdrawn to the State-by-State approach in 20 CFR 655.207 (1980 ed.). They also suggested the setting of adverse effect piece, rather than hourly, rates. The State agency and the other four commenters also urged the setting of high adverse effect wages rates to discourage employers from seeking to employ nonimmigrant alien workers.

The Department of Labor has considered all of the comments received in response to the March 27, 1981, notice of proposed rulemaking, and also has considered the comments and testimony received during its rulemaking in recent years on the overall issue of adverse effect wage rates. See, *e.g.*, 44 FR 59890 (October 16, 1979), 45 FR 15914 (March 11, 1980), 45 FR 29854 (May 6, 1980), 46 FR 4568 (January 16, 1981), 46 FR 11253 (February 6, 1981), and 46 FR 18951 (March 27, 1981); see also 42 FR 4670 (January 25, 1977), 43 FR 10306, 10310 (March 10, 1978); 42 FR 40192 (August 9, 1977); 41 FR 25018 (June 22, 1976); and 20 CFR 602.10b (1967-1978 eds.). As a result of such consideration, the Department has determined to adopt the March 27, 1981, proposed withdrawal as a final rule.

The comments and approaches advanced by the public in response to the March 27, 1981, proposal all will be taken into consideration and studied in the broad review of the Department of Labor's role in the admission of aliens to the United States. Due to the AEWR's significance in the temporary alien agricultural labor certification program, it is appropriate to review further the AEWR, in the context of the Department's broader review of its alien labor policies, to determine whether the potential benefits to society from a revision of the AEWR methodology will outweigh the potential costs to society.

At this time, the Department has a methodology which has been used for many years, and which is understood by employers and workers. Maintaining the status quo and continuing to use the methodology at 20 CFR 655.207 (1980 ed.) on an interim basis pending the completion of this review appears to the Department to be the most reasonable approach.

Effective date

This document withdraws the January 16, 1981, document and retains the regulation at 20 CFR 655.207 (1980 ed.). Since the January 16 rule has never gone into effect, no substantive change in the adverse effect wage rate methodology at 20 CFR 655.207 (1980 ed.) used in recent years is effected by this document. The interested parties are aware of the regulation at 20 CFR 655.207 (1980 ed.). To further defer the effective date of the January 16, 1981, rule by thirty days, at which time its withdrawal would take effect would serve no useful purpose. For the above reasons, good cause having been found, this document withdrawing the January 16, 1981, revised rule and retaining 20 CFR 655.207 (1980 ed.) is effective on June 23, 1981.

Development of Final Rule

The final rule was prepared under the direction and control of Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Washington, D.C.

Regulatory Impact

The effect of this final rule is to retain the present adverse effect wage rate methodology contained in 20 CFR 655.207 (1980 ed.). Since this document merely maintains the status quo, there is no change in the current impact on covered agricultural employment. The number of workers involved in this program is relatively small, and represents a small portion of the total agricultural workforce. Retention of 20 CFR 655.207 (1980 ed.) results in the maintenance of the existing system of adverse effect wage rates to protect U.S. workers from the adverse effect of the importation of temporary alien agricultural workers. See 43 FR 10306, 10310 (March 10, 1978).

For the above reasons, it has been determined that the withdrawal of the January 16, 1981, final rule is not so major as to require the preparation of another regulatory impact analysis. See E.O. 12291 (February 17, 1981).

For the above reasons, the Secretary of Labor also certifies and now reaffirms, in accordance with 5 U.S.C. 605(b), that the regulation in this document will not have a significant impact on a substantial number of small entities.

Catalog of Federal Domestic Assistance Number

This program is listed in the *Catalog of Federal Domestic Assistance* at Number 17.202, "Certification of Foreign Workers for Agricultural and Logging Employment."

Promulgation of Final Rule

Accordingly, the final rule, published on January 16, 1981, at 46 FR 4568, (FR Doc. No. 81-1623), which would have revised 20 CFR 655.207, is withdrawn; and the regulation published at 20 CFR 655.207 as shown in the 1980 edition of 20 CFR is retained.

(Secs. 101(a)(15)(H)(ii) and 214(c) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1101, 1184(c)); 8 CFR 214.2(h)(3)(i); (5 U.S.C. 301))

Signed at Washington, D.C., this 18th day of June, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-18631 Filed 6-22-81; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Trimethoprim and Sulfadiazine Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Diamond Laboratories, Inc., providing for safe and effective use of a combination antibacterial drug for treating dogs.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Diamond Laboratories, Inc., P.O. Box 863, Des Moines, IA 50304, filed a supplemental NADA (115-578) providing for a 30-milligram (mg) size of the combination proprietary drug product Di-Trim Tablets (5 mg of trimethoprim and 25 mg of sulfadiazine) to facilitate safe treatment of dogs. The firm also holds approval under the same NADA for the same product in larger-sized tablets. The drug is indicated where control of bacterial infection is required during treatment of acute urinary tract infections, acute bacterial complications of distemper, acute respiratory tract infections, acute alimentary tract infections, wound infections, and abcesses.

This approval does not change the approved use of the drug. Consequently, approval of this application does not require reevaluation of the safety and effectiveness under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367, December 23, 1977).

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.2610 by revising paragraph (b) to read as follows:

§ 520.2610 Trimethoprim and sulfadiazine tablets.

* * * * *

(b) *Sponsor.* See No. 000081 in § 510.600(c) of this chapter for 30, 120, 480, and 960 milligram tablets. See No. 013947 in § 510.600(c) of this chapter for 30, 120, and 480 milligram tablets.

* * * * *

Effective date. June 23, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 15, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-18328 Filed 6-22-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Oxytetracycline Hydrochloride Tablets

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) providing revised labeling of oxytetracycline hydrochloride tablets used for control and treatment of bacterial enteritis and bacterial pneumonia in beef and dairy calves. The application was filed by Pfizer, Inc., in compliance with the National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Group evaluation of the product.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV-125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1788.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42d St., New York, NY 10017, filed a supplemental NADA (11-060) providing for oral use of a 250-milligram (mg) oxytetracycline hydrochloride (OTC HC1) tablet for controlling or treating bacterial enteritis and bacterial pneumonia in beef and dairy calves. The NADA was originally approved on June 7, 1957 for a formulation containing 250 mgs of OTC HC1, 62,500 units of vitamin A, 6,250 units of vitamin D, and 100 mgs of niacinamide used for treating cattle, swine, sheep, and horses.

The OTC HC1 with vitamins tablet was the subject of a NAS/NRC evaluation published in the **Federal Register** of August 22, 1970 (35 FR 13492). In that document, the NAS/NRC concluded, and FDA concurred, that the product is probably not effective for prevention and treatment of scours, respiratory diseases, and navel ill in calves, cattle, pigs, hogs, lambs, sheep, and foals. The NAS/NRC listed the following as the basis for the conclusion:

1. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

2. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease claim cannot be so qualified, the claim must be dropped.

3. Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of".

4. The manufacturer of the above tablets must provide evidence that they disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

5. The statement "Vitamins most needed" should be deleted from the labeling.

6. The comparison between simple and severe scours is illogical and should be dropped.

7. Recommended dosage levels which are less than recognized therapeutic levels must be documented or deleted.

The NAS/NRC evaluation was concerned only with the drug's effectiveness and safety to the animal being treated and did not take into account the safety of food derived from treated animals. The evaluation was published to inform NADA holders of the findings of the NAS/NRC and FDA and to inform all interested persons that such articles may be marketed, provided they are the subject of approved NADA's and otherwise comply with the requirements of the Federal Food, Drug, and Cosmetic Act.

Pfizer submitted a supplemental NADA (11-060) which responded to the above-enumerated NAS/NRC recommendations as follows:

1. The product has been reformulated to delete the supplementary vitamins because it could not be shown that these ingredients made a contribution to the total effect claimed for drug combination.

2. Disease entities have been qualified as to causative pathogen and these are sensitive to oxytetracycline. Many disease claims and several animal species have been deleted from the indications for use.

3. The labeling has been revised to read "for the control of" instead of "for the prevention of".

4. Evidence has been provided that demonstrates that the tablet disintegrates in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

5. All mention of "vitamins" has been deleted from the labeling. Additionally, Pfizer conducted a crossover blood level study with calves which demonstrates bioequivalence of the two formulations (i.e., tablets with, and without, vitamins).

6. All comparisons of simple and severe scours have been deleted from the labeling.

7. Dosage levels have been adjusted to coincide with recognized therapeutic levels.

This approval provides for a dosage of 10 mg/lb of body weight daily in 2 divided doses (500 mgs/100 lbs of body weight every 12 hours). This dosage meets NAS/NRC efficacy requirements for treatment of bacterial enteritis and bacterial pneumonia in beef and dairy calves. Additionally, Pfizer submitted efficacy data to support a proprietary claim for control of bacterial enteritis and pneumonia at a dosage level of 5 mg/lb of body weight daily in 2 divided doses.

Claim deletions, modifications in indications for use, and submission of bioequivalency data and additional efficacy data have substantiated upgrading the NAS/NRC rating from probably not effective to effective.

Approval of this supplemental application poses no increased human risk from exposure to residues of the drug because the dosage does not exceed the approved dosage of oxytetracycline hydrochloride. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (December 23, 1977; 42 FR 64367), this is a Category II supplemental approval which does not require reevaluation of the human safety data in the original approval.

NADA's that pertain to identical products and that are labeled for treatment of bacterial enteritis and bacterial pneumonia as set forth in the regulation do not require efficacy data as specified by § 514.1(b)(8)(ii) or § 514.111(a)(5)(vi) (21 CFR 514.1(b)(8)(ii) or 514.111(a)(5)(vi)). In lieu of such data, approval may require bioequivalency or similar data as suggested in the guidelines for submitting NADA's for NAS/NRC-reviewed generic drugs. The guideline is available from the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration (address above), from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1660c to read as follows:

§ 520.1660c Oxytetracycline hydrochloride tablets.

(a) *Specifications.* Each tablet contains 250 milligrams of oxytetracycline hydrochloride.

(b) *Sponsor.* See No. 000069 in § 510.600(c) of this chapter.

(c) *NAS/NRC status.* The conditions of use of oxytetracycline hydrochloride for treatment of bacterial enteritis and bacterial pneumonia in beef and dairy calves have been reviewed by NAS/NRC and found effective. Applications for this use need not include effectiveness data as specified by § 514.111 of this chapter but may require bioequivalency and safety information.

(d) *Tolerances.* See § 556.500 of this chapter.

(e) *Conditions of use*—(1) *Amount.* (i) *Control.* One tablet (250 milligrams) per 100 pounds of body weight every 12 hours (5 milligrams per pound of body weight daily in 2 doses).

(ii) *Treatment.* Two tablets (500 milligrams) per 100 pounds of body weight every 12 hours (10 milligrams per pound of body weight daily in 2 doses).

(2) *Indications for use.* For control and treatment of bacterial enteritis caused by *Salmonella typhimurium* and *Escherichia coli* (colibacillosis) and bacterial pneumonia (shipping fever complex, pasteurellosis) caused by *Pasteurella multocida.*

(3) *Limitations.* Dosage should continue until the animal returns to normal and for 24 hours to 48 hours after symptoms have subsided. Treatment should not exceed 4 consecutive days. Do not exceed 500 milligrams per 100 pounds of body weight every 12 hours (10 milligrams per pound daily). Discontinue treatment 7 days prior to slaughter. Not for use in lactating dairy cattle.

Effective date. June 23, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 16, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-18471 Filed 6-22-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; N-(Mercaptomethyl) Phthalimide S-(O,O-Dimethyl Phosphorodithioate) Emulsifiable Liquid

Correction

In FR Doc. 81-15386 appearing on page 27914 in the issue for Friday, May 22, 1981, please make the following correction:

On page 27914, in the first column, in the first paragraph of the "Supplementary Information", in the tenth line, the word "acabies" should have read "scabies".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 778

Overtime Compensation

Corrections

In FR Doc. 81-2371 appearing on page 7308 in the issue of Friday, January 23, 1981, second column, second full paragraph, fifth line, insert "not be" after "would"; and on page 7315, third column, the amendment numbered "21" should read "29".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL-1859-4]

Approval and Promulgation of Secondary Nonattainment Plans for Iowa

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking; correction.

SUMMARY: This notice corrects two errors in a **Federal Register** document of April 17, 1981 (46 FR 22368) regarding the approval and promulgation of secondary nonattainment plans for Iowa.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at 816 374-3791.

SUPPLEMENTARY INFORMATION: At the end of the April 17 rulemaking (page 22372, col. 1), the legal authority for the rulemaking was cited as "45 U.S.C. 7410, 7502, and 7601." The correct citation is: 42 U.S.C., 7410, 7502, and 7601.

In the second column on the same page the fifth line erroneously reads "(31)[Reserved]." This line should be deleted. The correct text of 40 CFR 52.820(c)(31) is set out at 46 FR 17779 (Col. 1) published March 20, 1981.

Dated: June 10, 1981.

William Rice,

Acting Regional Administrator.

[FR Doc. 81-18577 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PP9E2218/R333; PH-FRL-1860-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Bentazon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the herbicide bentazon and its metabolites on Bohemian chili peppers at 0.05 parts per million (ppm). This regulation was requested by the Interregional Research Project No. 4 (IR-4). This regulation will establish the maximum permissible level for the combined residues of bentazon on Bohemian chili peppers.

EFFECTIVE DATE: Effective on June 23, 1981.

ADDRESS: Written comments to: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 20, 1981 (46 FR 22612) that the Interregional Research

Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (9E2218) to the EPA, on behalf of the Agricultural Experiment Station of North Carolina. The petition proposed that the Administrator establish a tolerance for the combined residues of the herbicide bentazon (3-isopropyl-1*H*-2,1,3-benzothiadiazin-4-(3*H*)-one-2,2-dioxide) and its 6- and 8-hydroxy metabolites in or on the raw agricultural commodity Bohemian chili peppers at 0.05 ppm.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Based on the information considered by the agency and the insignificance of Bohemian chili peppers in the diet, the tolerance established by amending 40 CFR Part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before July 23, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted on quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective date: June 23, 1981.

(Sec. 408(e), 68 Stat. 512, (21 U.S.C. 346a(e)))

Dated: June 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.355(a) is amended by adding the raw agricultural commodity "Bohemian chili peppers" to read as follows:

§ 180.355 Bentazon; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Bohemian chili peppers	0.05
* * * * *	

[FR Doc. 81-18538 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PH-FRL-1860-3; PP 8E2124/R323]

Tolerances and Exemptions From Tolerance for Pesticide Chemicals in or on Raw Agricultual Commodities; Amiben

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid). This regulation was requested by the Interregional Research Project No. 4 (IR–4). This regulation will establish the maximum permissible levels for residues of amiben on pigeon pea forage at 0.1 part per million (ppm).

EFFECTIVE DATE: Effective on June 23, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2,. 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice which published in the **Federal Register** of March 18, 1981 (46 FR 17229) that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted a pesticide petition (PP 8E2124) to the EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Puerto Rico. The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for negligible residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid) in or on the raw agricultural commodity pigeon peas and pigeon pea forage at 0.1 part per million.

No comments or request for a referral to an advisory committee were received in response to this notice of proposed rulemaking. It is concluded that this tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, on or before July 23, 1981 file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: June 23, 1981.

(Sec. 408(e), 68 Stat. 514, 21 U.S.C. 346a(e))

Dated: June 11, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.266 is revised to read as follows:

§ 180.266 Amiben; tolerances for residues.

Tolerances for residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid) are established in or on the following raw agricultural commodities:

Commodities	Parts per million
Beans, dried	0.1
Beans, lima	0.1
Beans, snap	0.1
Beans, vines	0.1
Cantaloupes	0.1
Corn, field, fodder	0.1
Corn, field, forage	0.1
Corn, field, grain	0.1
Cucumbers	0.1
Peanuts	0.1
Peanuts, forage	0.1
Peas, pigeon	0.1
Peas, pigeon, forage	0.1
Peppers	0.1
Pumpkins	0.1
Soybeans	0.1
Soybeans, forage	0.1
Squash, summer	0.1
Squash, winter	0.1
Sunflower seed	0.1
Sweet potatoes	0.1
Tomatoes	0.1

[FR Doc. 81-18536 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PH-FRL-1859-8; PP 0F2366/R217]

Oxamyl; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide oxamyl, methyl *N'*,*N'*-dimethyl-*N*-[(methyl-carbamoyl]oxy]-1-thiooxamimidate in or on the raw agricultural commodities soybeans and soybean straw at 0.2 part per million. This regulation was requested by E. I. du Pont de Nemours and Co. This rule establishes the maximum permissible level for residues of oxamyl in or on soybeans and soybean straw.

EFFECTIVE DATE: Effective on June 23, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400 CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 23, 1980 (45 FR 49147) that E. I. du Pont de Nemours and Company, Wilmington, DE 19898 had submitted a pesticide petition (PP 0F2366). The petition proposed that 40 CFR 180.303 be amended by establishing tolerance limitations for the insecticide oxamyl, methyl *N'*,*N'*-dimethyl-*N*-[(methyl carbamoyl)oxy]-1-thiooxamimidate in or on soybeans and soybean straw at 0.2 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed toleranced include a 2-year rat feeding/oncogenicity study and a 2-year dog feeding study with no-observable-effect-levels (NOEL) of 50 ppm and 100 ppm, respectively; a three-generation rat reproduction study with a NOEL of 50 ppm; and rat teratogenicity study which was negative. Based on the 2-year chronic rat feeding/oncogenicity study with a 50 ppm NOEL and using a safety factor of 100, the acceptable daily intake (ADI) for humans is 0.025 milligrams (mg)/kilogram (kg) of body weight (bw)/day. The theoretical maximal residue contribution (TMRC) in the human diet from the previously established tolerances at levels ranging from 0.1 ppm to 10.0 ppm and the proposed tolerance does not exceed the ADI.

Desirable data that are lacking from the petition are a second oncogenicity study and a second teratology study which have been submitted to the agency and are currently under review. Although the evaluation of the oncogenic potential of oxamyl is not complete, it is concluded that based on the available data, risks are acceptable since the absence of an oncogenic potential is adequately shown in the 2-year rat feeding study.

The metabolism of oxamyl is adequately understood, and an adequate analytical method (gas chromatography using a flame photometric detector) is available for enforcement purposes. No actions are currently pending against the continued registration of oxamyl nor are there any other relevant considerations involved in establishing the tolerance. There is no expectation of secondary residues in eggs, meat, milk, or poultry; therefore, § 180.6(a)(3) applies.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before July 23, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore, does not require a Regulatory Impact Analysis. In addition, the office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to sec. 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** on May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2)))

Dated: June 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting the raw agricultural commodities "soybeans and soybean straw" in the table under § 180.303 to read as follows:

§ 180.303 Oxamyl; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Soybeans	0.2
Soybean straw	0.2
* * * * *	

[FR Doc. 81-18538 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-32-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

41 CFR Ch. 18 (Parts 1, 2, 3, 8, 20 and Appendix M)

[Procurement Regulations Directive 81-1 (dated March 24, 1981)]

Procurement Regulations; Miscellaneous Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 81-1 concerning the following areas.

1. Options
2. Preparation of Invitations for Bids
3. Determinations and Findings
4. Termination of Contracts
5. Assigned Contract or Agreement Prefixes
6. Appendix M

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202-755-2237.

SUPPLEMENTARY INFORMATION: The major changes are summarized as follows:

1. In Part 1, 1.1502 is revised to insert a new paragraph (c) which specifically authorizes the insertion of options in certain service contracts. Existing paragraphs (c) and (d) are redesignated (d) and (e), respectively.

2. In Part 2, 2.201-1, Section c(13) is removed; This material is not currently applicable.

3. In Part 3, 3.303(a)(ii) and (iii) are revised to authorize contracting officers to make the necessary determinations and finding for all requests to increase the dollar amount of advance payments previously authorized by the Director of Procurement.

4. In Part 8, 8.209-4 is revised to bring this coverage into closer alignment with the Defense Acquisition Regulation and the Federal Procurement Regulation. This revision will also reduce paperwork and the amount of time needed to accomplish certain contract administration functions.

5. In Part 20, 20.203-4 pertaining to the contract and agreement numbering system is revised solely for clarification purposes. This revision is not intended to modify the existing system of identifying contracts and agreements.

6. In Appendix M a new Subpart 3 is added to specify policy and procedure applicable to the use of microfilm for recordkeeping by NASA contractors and subcontractors. This revision aligns the NASA Procurement Regulation with the Defense Acquisition Regulation in this area.

Authority: The provisions of this document are issued under 42 U.S.C. 2473(c)(1).

Stuart J. Evans

Director of Procurement.

PART 1—GENERAL PROVISIONS

1. In Part 1, 1.1502 (c) and (d) are redesignated (d) and (e). A new paragraph (c) is added to read as follows:

1.1502 Applicability.

* * * * *

(c) In recognition of (i) the Government's need in certain service contracts for continuity of operation and (ii) the potential cost of disrupted support, options may be included in service contracts if there is an anticipated need for a similar service beyond the first contract period.

PART 2—SOLICITATIONS OF BIDS

2.201-1 [Amended]

2. In Part 2, 2.201-1 Section C(13) is removed and Section C(14) through Section C(27) are redesignated Section C(13) through Section C(26).

PART 3—PROCUREMENT BY NEGOTIATION

3. In Part 3, 3.303(a)(ii) and (iii) are revised as follows:

3.303 Determinations and Findings Below the Administrator Level.

(a) * * *

(ii) the determination required by 10 U.S.C. 2307(c) and 2310(b) for the basic contract;

(iii) the determination required by 10 U.S.C. 2307(c) and 2310(b) for all modifications, supplemental agreements, or extensions to an existing contract which require an increase in the amount of an advance payment previously authorized; *provided* that such action has been coordinated with the Installation Financial Management Officer;

* * * * *

3.852-3 [Amended]

4. In Part 3, 3.852-3(a) the reference to "NMI 7121.1B, dated June 21, 1972" is amended to read "NMI 7121.1C, dated March 24, 1977."

PART 8—TERMINATION OF CONTRACTS

5. In Part 8, 8.209-4(a)(1)(ii), (iii) and (3), (e) and (g) are revised to read as follows:

8.209-4 Authorization for Subcontract Settlements Without Approval or Ratification.

(a)(l) * * *

(i) * * *

(ii) any termination inventory included in determining the amount of the settlement will be disposed of in accordance with 24.212, except that the disposition of such inventory shall not (A) be subject to review by the TCO under 8.209-3(c) or 24.212-3, or (B) be subject to 24.205; *provided however*, no centrally reportable equipment (see 24.101-35) included in such inventory shall be disposed of prior to screening pursuant to 24.205-2(e); and

(iii) the settlement will be accompanied by a certificate substantially similar to the certificate set forth in the settlement proposal form referenced in 8.802. Except as provided in (3) below, authority granted to a prime contractor pursuant to this subparagraph (a)(1) by any contracting officer within NASA shall be applicable to all prime contracts of all procurement offices within NASA which have been (i) terminated or (ii) modified by change orders.

* * * * *

(3) The provisions of (1) and (2) above shall not apply to any contracts under the administration of any contracting officer within NASA if such contracting officer so notifies the prime contractor concerned. Such notice (i) shall be in writing, and (ii) if (2) above is involved shall specify any subcontractor affected.

* * * * *

(e) Upon written request of the contractor and with the prior written approval of the Installation Procurement Officer or a designee, an authorization granted under (a)(1) above, may be increased to authorize the contractor to conclude settlements of more than $10,000 but not more than $25,000 under a particular prime contract. Such authorization in excess of $10,000 may be limited to specific subcontracts or classes of subcontracts. However, industrial plant equipment, the cost of which is included in determining the amount of the claim, shall not be

disposed of prior to screening pursuant to 24.205–3.

* * * * *

(g) A recommended format of the Contractor's Application for the Grant of an Authorization is in 8.810 and the TCO's Letter of Authorization to the contractor is contained in 8.810–1.

PART 20—ADMINISTRATIVE MATTERS

6. In Part 20, 20.203–4 is revised to read as follows:

20.203–4 Assigned Contract or Agreement Prefixes. Approved prefixes for NASA contract or agreement numbers are as follows:

Headquarters	Prefix
Headquarters Administration Office	NASW
Procurement Office (Basic Agreements and Institutional Cost Sharing Agreements.	NAS 11
Field Installations and Offices	Prefix
Langley Research Center	NAS 1
Ames Research Center	NAS 2
Lewis Research Center	NAS 3
Dryden Flight Research Center	NAS 4
Goddard Space Flight Center	NAS 5
Wallops Flight Center	NAS 6
NASA Resident Procurement Office-JPL	NAS 7
George C. Marshall Space Flight Center	NAS 8
Lyndon B. Johnson Space Center	NAS 9
John F. Kennedy Space Center	NAS 10
National Space Technology Laboratories	NAS 13

The identification numbering system of all contracts that are totally funded under reimbursable arrangements with the Department of Energy shall conform to 20.203–3, *except* that a DEN prefix shall be used in lieu of the NAS prefix, e.g., DENW would be the Headquarters prefix and DEN8 would be the Marshall designation.

In a like manner, all Special Agreements awarded under the authority of Sections 203(c)(5) or 203(c)(6) of the Space Act will also be identified as set forth in 20.203–3, *except* that a NCA prefix shall be used in lieu of the NAS prefix.

Also, all Cooperative Agreements subject to Public Law 95–224 will be identified as set forth in 20.203–3, *except* that a NCC prefix shall be used in lieu of the NAS prefix.

20.5002 [Amended]

7. In Part 20, 20.5002(b) the reference to "NMI 5101.12B" is amended to read "NMI 5101.12C."

20.5004 [Amended]

8. In Part 20, 20.5004(a) is amended by changing "(Code HB–1)" in the first sentence to read "(Code K)."

20.5104 [Amended]

9. In Part 20, 20.5104 is amended by changing the phrase "(SEB Advisory (75–3))" to read "(Procurement Notice No. 80–28)."

Appendix M—Retention Requirements for Contractor Records

10. In Appendix M, Table of Contents, a new Subpart 3—Microfilming of Records is added to read as follows:

Subpart 3—Microfilming of Records

M.301	General	M-3:1
M.302	Microfilm Requirements	M-3:1
M.303	Filing Retrievability	M-3:1
M.304	Legibility and Readability	M-3:1

11. In Appendix M, a new Subpart 3 is added to read as follows:

Subpart 3—Microfilming of Records

M.301 General. Contractors and subcontractors may elect to use microfilm for recordkeeping subject to the constraints contained in this Subpart. Film chips, jackets, aperture cards, microprints, roll film and microfiche are forms of microfilm available for permanent recordkeeping.

M.302 Microfilm Requirements. (a) All microfilm shall be reviewed by the contractor prior to the destruction of the hard copy documents to assure legibility, reproducibility and readability of the microfilm. Contractor documents frequently contain notes, worksheets and other papers, which are helpful in reconstructing or understanding past transactions. In the process of microfilming these documents, all relevant notes, worksheets and other papers shall also be microfilmed to preserve the rationale for the actions taken. Equipment shall also be available to provide "*hard copy*" reproductions of any of the forms of microfilm used.

(b) The quality of the contractor's record microfilming process is subject to periodic review by the contract administration office.

(c) Unless earlier retirement of records is permitted under M.201, original records which have been microfilmed shall not be destroyed prior to (i) 18 months after final payment of the contract, (ii) all claims under the contract being settled, and (iii) the time original records are required to be kept by other laws or regulations. Under (i) above, the ACO, with advice of the Defense Contract Audit Agency (DCAA), may agree to a lesser retention period where the contractor has established adequate internal controls including continuing surveillance over the microfilm system.

M.303 Filing and Retrievability. The contractor shall maintain an effective indexing system which will permit timely and convenient accessibility to the records by the Government. All systems used shall provide for strict security measures to preclude the loss of microfilm and the safeguarding of classified information. Since images on microfilm cannot be read by the unaided eye, adequate viewing equipment is essential. The contractor shall have a printout capability that will provide "*hard copy*" printouts enlarged to the approximate size of the original photographed material. Microfilm shall be stored in a fireproof cabinet in an environment which ensures the safety of these records through the retention periods specified in Appendix M, Subpart 2.

M.304 Legibility and Readability. Microfilm when displayed on a microfilm reader (viewer) or reproduced on paper must exhibit a high degree of legibility and readability. For this purpose, legibility is defined as the quality of a letter or numeral which enables the observer to positively and quickly identify it to the exclusion of all other letters or numerals. Readability is defined as the quality of a group of letters or numerals of being recognizable as words or whole numbers.

[FR Doc. 81–18435 Filed 6–22–81; 8:45 am]
BILLING CODE 7510–01–M

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41 CFR Ch. 18 (Parts 1, 3, 4, 13 and 21)

[Procurement Regulation Directive 81–2 (dated April 22, 1981)]

Procurement Regulations; Miscellaneous Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 81–2 concerning the following areas:

1. Cost Sharing
2. Change of Dollar Threshold for Field Pricing Support
3. Consulting Services
4. Facilities Contracts

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP–1), Office of Procurement, NASA Headquarters, Washington, DC 20546. Telephone: 202–755–2237.

SUPPLEMENTARY INFORMATION:

The major changes are summarized as follows:

1. In Part 1, 1.362 is revised. On August 1, 1974, NASA issued NMI 8310.2A, implementing Federal Management Circular 73–3, "Cost Sharing on Federal Research." NMI 8310.2A has been subsequently

cancelled, since it had been incorporated in NPR 1.362 and paragraph 304 of the NASA Grant and Cooperative Agreement Handbook. In addition, the institutional cost sharing provisions of the NASA Procurement Regulation have been deleted.

This revision reflects, also, a NASA reevaluation of the application of the cost sharing requirement which resulted in a determination that the activities of educational institutions under NASA research grants, cooperative agreements, and contracts, do not generally produce benefits that can be measured as having significance apart from the benefit intrinsic in the conducting of research for NASA. Therefore, in such instances, these agreements should not be subject to the cost sharing requirement.

2. In Part 3, 3.801–5 is revised to bring the NASA Procurement Regulation into closer alignment with the Defense Acquisition Regulation, and to revise the dollar threshold for requiring field pricing support from $250 thousand to $1 million for cost reimbursement, cost sharing, cost-plus-award-fee and cost-plus-a-fixed-fee types of contracts. This change in dollar threshold is made to optimize audit expenses.

3. In Part 4, 4.5200 is revised to update NASA policy and procedure regarding the justification for and acquisition of consulting services, in accordance with NMI 5104.5.

Corollary revisions are made to paragraphs 3.501(b)(3), Section C(18) and 21.102(a).

4. In Part 13, 13.202–2 is revised to require a separate facilities contract when the cumulative value of facilities involved is $100,000 or more in lieu of $50,000 or more.

Authority

The provisions of this document are issued under 42 U.S.C. 2473(c)(1).

Stuart J. Evans,
Director of Procurement.

PART 1—GENERAL PROVISIONS

1. In Part 1, The Table of Contents paragraphs 1.505–1 and 1.701 through 1.701–5 are revised to read as follows:

* * * * *

* * * * *

2. In Part 1, 1.362 is revised to read as follows:

1.362 Cost Sharing. NASA's Appropriation Acts for several years have included provisions requiring cost sharing by the contractor under research contracts resulting from unsolicited proposals. Federal Management Circular 73–3, dated December 4, 1973, also sets forth circumstances under which cost sharing would be encouraged in certain contracts even when not required by statute. In accordance with the foregoing, the following basic guidelines will be implemented in the negotiation of all research contracts and in supplements to such contracts which require additional funding.

(a) *When Cost Sharing is Applicable.*

(1) Except as provided in subparagraphs (b) (3) and (4) below, cost sharing by non-Federal organizations is mandatory in any contract for basic or applied research which results from an unsolicited proposal.

(2) Cost sharing by non-Federal organizations shall be encouraged in any contract for basic or applied research which does not result from an unsolicited proposal but in which the parties nevertheless have considerable mutual interest in the research (*e.g.*, when it is probable that the performing organization or institution will receive significant future benefits from the research, such as: increased technical knowledge useful in future operations; additional technical or scientific expertise or training for its personnel; opportunity to benefit through patent rights; and the use of background knowledge in future production contracts). Cost sharing shall also be considered, as appropriate, in contracts awarded pursuant to NHB 8030.6A. "Guidelines for Acquisition of Investigations."

(3) Cost sharing by non-Federal organizations which is not otherwise appropriate under subparagraph (1) or (2) may nevertheless be accepted when voluntarily offered by a performing organization.

(b) *When Cost Sharing is Not Applicable.*

(1) Except when cost sharing is mandatory pursuant to (a)(1) above, it is not applicable to contracts which the contracting officer has determined that:

a. the research effort has only minor relevance to the non-Federal activities of the performing organization, which is proposing to undertake the research primarily as a service to the Government;

b. the performing organization has little or no non-Federal sources of funds from which to make a cost contribution;

c. the performing organization is predominantly engaged in research and development and has little or no production or other service activities, and is therefore not in a favorable position to make a cost contribution; or

d. payment of the full cost of the project is necessary in order to obtain the services of the particular organization.

(2) Except when specifically directed by the Procurement Officer of the installation concerned, or when voluntarily offered by the performing organization, cost sharing is not applicable to:

a. Contracts for projects whose particular research objective or scope of effort is specified by NASA rather than proposed by the performing organization. This will usually include any formal solicitation for a specific contractual requirement.

b. Contracts in which the principal purpose is the production of, or design, testing or improvement of products, materials, devices, systems or methods.

(3) Cost sharing is not applicable to contracts for basic or applied research resulting from an unsolicited proposal when the proposer certifies in writing to the contracting officer that it has no commercial, production, educational or service activities on which to use the results of the research; and that it has no means of recovering any cost sharing on such projects. In the foregoing situations, where there is no measurable gain to the performing organization, there is, therefore, no mutuality of interest and it would not be equitable for the Government to require cost sharing.

(4)(a) The activities of educational institutions under NASA research grants, cooperative agreements, and contracts (regardless of the solicited or unsolicited nature of the proposal) do not generally produce benefits that can be measured as having significance apart from the benefit in conducting research for NASA and thus would not normally give rise to cost sharing, *i.e.*, NASA's policy of the desirability of normally reimbursing universities fully for research performed on its behalf would apply. However, in order to establish on a case-by-case basis that there is no clear indication of significant future benefit or measurable gain and that cost sharing does not apply, the contracting officer will document the file with a determination that is substantively the same as required in (b)(3) above. The determination shall

identify the information on which it is based. If the determination cannot be reasonably made from the available material, the contracting officer will request the proposer to certify as in (b)(3), above. Blanket procedures for obtaining certifications from proposers for all cases on a routine basis will not be established.

(b) Cost sharing by educational institutions may nevertheless be accepted when voluntarily offered provided the institution is aware of NASA's policy that the amount of cost sharing is not a factor in the determination to support a given proposal.

(c) *Amount of Cost Sharing.*

(1) *Educational Institutions and Affiliated Not for Profit Institutions.* Cost sharing for such institutions normally may vary from one percent to as much as five percent of the costs of the project. Normally, it should be presumed that the cost sharing is appropriate if it falls within the one to five percent range. However, amounts greater than five percent may be accepted when voluntarily offered by the institution.

(2) *Other Performing Organizations.* Cost sharing for other organizations may vary from less than one percent to fifty percent or more of the costs of the research.

(3) *Additional Considerations.*

a. The amount of cost sharing which is appropriate in a given instance is independent of whether cost sharing is mandatory or merely encouraged.

b. Mutuality of interest in the results of the work being performed should be of primary significance in assessing the appropriateness of any particular level of cost sharing within the foregoing ranges.

c. NASA does not request inclusion of cost sharing information in proposals from educational institutions. If it is determined that cost sharing is applicable, a cost sharing offer will be requested during negotiations.

(d) *Implementation.* The following policies and procedures are established to implement the basic guidelines set forth above:

(1) *Determining Mutuality of Interest.* Factors which may be considered in determining mutuality of interest include:

a. The potential of the contractor to recover its contribution from non-Federal sources;

b. The extent to which a particular area of research requires special stimulus in the national interest; and

c. The extent to which the research effort or result is likely to enhance the contractor's capability, expertise or competitive position.

(2) *Payment of Fee or Profit.*

a. When cost sharing is mandatory, normally no fee or profit will be paid to a contractor and only an agreed portion of allowable costs will be reimbursed. However, when required in order to reach agreement, "fee" or "profit" bearing contracts may be awarded provided that the total contract value *i.e.*, the amount of allowable costs, plus the fee required, must not exceed the total amount that would have been recognized as the contractor's share under a straight cost sharing arrangement.

b. In contracts subject to encouraged cost sharing the provisions of *a.* above similarly shall apply, unless the result of the research is expected to be of only minor value to the contractor. In such event, the contractor may make its contribution in the form of a reduction from the fee or profit normally received from such work rather than by sharing in the costs of the work. The amount of any such reduction shall be appropriate to the mutuality of interest of the contractor and NASA in the results of the work.

(3) *Method of Cost Sharing.* Cost sharing shall be accomplished by a contribution of part or all of one or more elements of allowable cost of the work being performed, and normally shall be expressed as a stated minimum percentage of the total allowable costs of the project. Costs so contributed may not be charged to the Government under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program).

(4) *Contract Clause.* The clause set forth below shall be inserted in each contract in which costs are shared by the contractor pursuant to the policies prescribed above. (The clause may be modified to fit specific circumstances.)

ESTIMATED COST AND COST-SHARING (MARCH 1972)

(a) It is estimated that the total cost of performing the work under this contract will be *(insert total estimated cost)* $.....

(b) For the performance of the work under this contract the Contractor shall be reimbursed for not more than ..... per cent of the costs of performance determined to be allowable in accordance with the clause of the General Provisions entitled "Allowable Cost and Payment". The remaining ..... per cent, or more, of the costs of performance so determined shall constitute the Contractor's share for which it will not be reimbursed by the Government.

(c) For purposes of the clause of the General Provisions entitled "Limitation of Cost" the total estimated cost to the Government is hereby established as *(insert estimated Government share)* $.....; this amount is the maximum cost for which the Government is obligated.

(d) The Contractor will maintain records of all contract costs claimed by the Contracctor as constituting part of its share and such records shall be subject to audit by the Government. Costs contributed by the Contractor shall not be charged to the Government under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program).

(5) *Documentation.* Grant, cooperative agreement, and contract files shall contain appropriate documentation setting forth the reasons for cost sharing and supporting the amount of cost sharing agreed upon. For educational institutions the reasons for cost sharing which exceeds 5% or the amount originally offered will be documented. However, when cost sharing has been waived pursuant to subparagraph (b)(1)d. of this paragraph 1.362. documentation shall include the reason for the contractor's refusal to share the cost of the work, and a justification as to why it is necessary for NASA to obtain the services of the contractor notwithstanding his refusal to share in the costs of the work.

PART 3—PROCUREMENT BY NEGOTIATION

3. In Part 3, 3.501(b), Section C(18) is revised to read as follows:

3.501 Preparation of requests for Proposals or Requests for Quotations.

* * * * *

(b) * * *

SECTION C—INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS/QUOTERS

* * * * *

(18) requirement for information to be furnished on management consulting services specified in 4.5205–2(b);

4. In Part 3, 3.801–5(b) is revised to read as follows:

3.801–5 Responsibility of DoD Field Pricing Support Personnel.

(a) * * *

(b) *Field Pricing Reports on Contract Price Proposals.*

(1) Prior to negotiation of a contract or modification resulting from a proposal in excess of $100,000 for firm fixed-price and fixed-price with provision for economic price adjustment, fixed-price

redeterminable (prospective), time and materials, or labor hour type of contract, interim and final price redetermination and settlement of incentive types; $250,000 for fixed-price incentive, cost plus incentive fee or fixed-price redeterminable (retroactive) type of contract; or $1,000,000 for cost reimbursement, cost sharing, cost plus award fee, or cost plus a fixed fee type of contract, when the price is based on cost or pricing data (3.807–3) submitted by the contractor, the contracting officer or authorized representative shall request a field pricing report (which usually includes an audit review by the contract audit activity), unless information available to the contracting officer is considered adequate to determine the reasonableness of the proposed cost or price. Whenever available data is considered adequate for a reasonableness determination, the contracting officer shall document the contract file to reflect the basis of the determination. Information of the type described in (i) through (vi) below, which is often available to the contracting officer from the cognizant contract administration office, should be useful in determining the extent of any field pricing support that is needed.

(i) In-house engineering determination of level of effort required in connection with research and development or study contracts.

(ii) Audited cost information from contract awards in process, or recently negotiated contracts.

(iii) Adequately reviewed data on proposed subcontract items which constitute the major portion of the prime contract pricing proposal.

(iv) Prices of standard commercial items which constitute the major portion of the prime contract price proposal.

(v) Special forward pricing formulas or rates such as for support items or forecast overhead rates, prescribed in an existing advance agreement.

(vi) Current labor rates, overhead rates, loading factors, per diem rates, and lot data based upon actual costs and labor hours.

It should be borne in mind that no single category of information is necessarily sufficient by itself; for example, information as to rates for labor and overhead would normally require data concerning the base elements—labor hours, material cost, etc.—to which the rates apply.

(2) Ordinarily, field pricing reports should not be requested for pre-award pricing actions below the threshold specified in 3.801–5(b)(1), except in instances such as a lack of knowledge of the particular contractor, sensitive conditions, or an inability to perform an acceptable degree of price or cost analysis, and thereby establish a reasonable pricing result. Before requesting field pricing support for lower dollar offers, the contracting officer should consider utilizing price or cost analysis techniques (3.807–2) or the information cited in paragraph (1)(i) through (vi) above to establish the reasonableness of the proposed price.

PART 4—CONSULTING SERVICES

5. In Part 4, the Table of Contents, paragraphs 4.5204 through 4.5206 are revised to read as follows:

* * * * *

6. In Part 4, 4.5200 through 4.5206 are revised to read as follow:

Subpart 52—Consulting Services

4.5200 Scope of Subpart.

This Subpart supplements the procedures of NMI 5104.5, "Policy and Guidelines for the Use of Consulting Services Obtained by Contract," and, in particular, sets forth the procedures to be followed in contracting for consulting services.

4.5201 Applicability.

The provisions of this Subpart are applicable to NASA Headquarters Office and field installations.

4.5202 Definition.

(a) Consulting Services are services of a purely advisory nature which relate to the internal functions of NASA administrative management and NASA program management. Consulting services obtained by contract are provided by persons and/or organizations which are considered to possess specialized knowledge and/or abilities that are not generally or readily available within the NASA or other Government agency civil service workforce.

(b) Excluded are services obtained under OMB Circular A–76 guidelines and services that only provide data in support of NASA administrative and program management. If the primary purpose of a task is to conduct research and development (such as data analysis, studies related to basic and applied research, technology development, concept and demonstration development, full-scale development and testing, and evaluation), it is not considered a consulting service. In addition, contractor reviews of technical activities such as hardware and hardware-oriented activities, and evaluation of proposals pursuant to 1.304–2(d)(5) are excluded. See Attachment A of NMI 5104.5 for examples of services to which this Subpart does not apply.

4.5203 Basic Policy.

(a) Consulting services will not be used in performing work of an actual policy/decision-making or managerial nature which is the direct responsibility of agency officials.

(b) Consulting services will normally be obtained only on an intermittent or temporary basis; repeated or extended arrangements are not to be entered into except under extraordinary circumstances.

(c) Consulting services will not be used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures.

(d) Consulting services of individual experts and consultants will normally be obtained by appointment rather than by contract (see NMI 3304.1B "Employment of Experts and Consultants" for applicable policies and procedures.)

(e) Former Government employees, per se, will not be given preference in consulting service arrangements.

(f) Consulting services will not be used under any circumstances to specifically aid in influencing or enacting legislation.

(g) Grants and cooperative agreements will not be used as legal instruments for consulting service arrangements.

(h) Consulting service tasks which are assigned to the Jet Propulsion Laboratory and amend contract NAS 7–100, must be reviewed and approved by the Associate Administrator for Management Operations.

(i) Persons and/or organizations employed as NASA consultants must be free from conflict of interest as delineated in NMI 5101.19, "Avoiding Conflict of Interest Situations in Placing of NASA Contracts." Caution will also be exercised when considering former Government employees for consulting service arrangements in order to avoid potential post-employment (18 U.S.C. 207) statutory prohibition.

4.5204 Guidelines for use of Consulting Services.

Consulting service arrangements may be used, when essential to the NASA mission, to:

(a) Obtain specialized opinions or professional or technical advice which does not exist or is not available within NASA or another Government agency.

(b) Obtain outside points of view to avoid too limited judgment on critical issues.

(c) Obtain advice regarding developments in industry, university, or foundation research.

(d) Obtain the opinion of noted experts whose national or international prestige can contribute to the success of important projects.

(e) Secure citizen advisory participation in developing or implementing Government programs that by their nature or by statutory provision call for such participation.

4.5205 Procedure.

4.5205-1 Request for Approval.

(a) When a NASA field installation or NASA Headquarters Office considers that consulting services are necessary and desirable, in accordance with the policy stated in 4.5203, the requiring activity is responsible for preparing the required documentation and securing the prior approval of the Associate Administrator for Management Operations (Code N).

(b) Prior to processing any procurement action for consulting services, the contracting officer shall: (i) provide advice, as necessary, to the requiring activity on the preparation of the documentation required by NMI 5104.5; and (ii) ensure that the required documentation, including the necessary concurrences/ approvals, is included in the official contract file. When there is a question whether a requirement is for consulting services, regardless of dollar value, and such requirement has not been submitted to the Associate Administrator for Management Operations (Code N) for review, the contracting officer shall determine if the requirement is for consulting services. If the contracting officer determines that the particular requirement is for consulting services, the procurement request will be returned to the originating office for processing in accordance with NMI 5104.5. In all such cases, the contracting officer's determination shall be final.

4.5205-2 Negotiation of Contracts.

(a) Unless noncompetitive negotiation is authorized (see 3.802-3), negotiation of contracts shall be conducted with a sufficient number of firms or organizations to permit NASA to evaluate, prior to making award, the comparative merits of qualified sources and of different approaches to the task, and to ensure that costs are reasonable.

(b) Contracting officers shall include in the request for proposals a requirement that each offeror furnish the following information with the price quotation, notwithstanding the type of contract anticipated:

(i) the name(s) and qualifications of principal members of the contractor organization who will be responsible for the project;

(ii) the title of each official and the number of employees who will participate;

(iii) the estimated number of person-hours that each official and employee will contribute to the proposed project; and

(iv) the standard billing rate per hour for each official and employee.

The contract shall establish requirements to ensure that the proposal of the successful offeror will be adhered to (as negotiated and agreed to) in each of the above respects.

(c) In addition, the request for proposals and the resulting contract shall contain the following provisions:

(i) that appropriate disclosure is required of, and warning provisions are given to, the contractor to avoid conflict of interest (see NMI 5101.19, and 18 USC 207);

(ii) that the contractor warrants the rates quoted are not in excess of those charged nongovernmental clients for the same services performed by the same individuals;

(iii) that the Government has the right to the working papers used by the participating officials and employees of the firm or organization in connection with the project;

(iv) that publication or distribution of the study, data, or other related material is prohibited, except to the extent authorized by the contracting officer; and

(v) that the contractor agrees that any reports regarding organizational matters (as required by the contract) shall include, when feasible, in addition to the recommendations, alternative methods to be considered and the pros and cons of each alternative.

(d) A contract for consulting services cannot be negotiated without the approval required by 4.5205-1(a).

4.5205-3 Contract Award and Approval.

Unless otherwise required by Part 20, Subpart 50, of this Regulation, or by direction of the Associate Administrator for Management Operations, awards may be made without further reference to Headquarters after the approval required by 4.5205-1 has been obtained.

4.5205-4 Copies of Reports and Recommendations.

Upon completion of the services required, and prior to contract close-out, the initiating office shall forward one copy of the final report or recommendations made by the contractor along with a written evaluation of performance of the contractor to the Chief, Management Processes and Directives Branch, Information Systems Division, NASA Headquarters (Code NSM-12). These reports will show the following information on the cover:

(1) Name and business address of the contractor;

(2) Contract number;

(3) Contract dollar amount;

(4) Whether the contract was competitively or non-competitively awarded; and

(5) Name of the sponsoring individual and the office identification and location.

4.5206 Reporting of Individual Procurement Actions.

The contracting officer shall ensure that all awards for consulting services, regardless of dollar value, are properly identified and reported as required by Part 21, Subpart 1, of this Regulation.

PART 13—GOVERNMENT PROPERTY

13.202-22 [Amended]

7. In Part 13, in the Table of Contents the page number "13-2:4" for paragraph 13.202-2 Using Facilities Contracts is amended to read "13-2:3."

8. In Part 13, 13.202-2(b) and (c) are amended by increasing the figure "$50,000" to read "$100,000."

9. In Part 13, 13.302-3(a) is amended by increasing the figure "$50,000" in subparagraph (i) to read "$100,000."

PART 21—PROCUREMENT MANAGEMENT REPORTING SYSTEM

10. In Part 21, the Table of Contents paragraphs 21.104, 21.112, 21.131, 21.139, 21.140 and 21.144 are revised to read as follows:

* * * * *

21.104 Submission Due Date..... 21-1:2

* * * * *

21.112 Item 7—Contractor Identification Code (CIC)..... 21-1:4

* * * * *

21.131 Item 27—Support Services Type Contract..... 21-1:11

* * * * *

21.139 Item 35—Modification Obligations.....21-1:13
21.140 Item 36—Woman-Owned Business.....21-1:13
* * * * *
21.144 Item 40—Total Price or Estimated Cost.....21-1:14
* * * * *

11. In Part 21, the note in 21.102(a) is revised to read as follows:

21.102 Applicability and Coverage.
* * *

(a) * *. *

(Note: Except for purchase orders covering consulting services (see 4.5206), all other purchase orders under $10,000 are *not* reportable.)

[FR Doc. 81-18436 Filed 6-22-81; 8:45 am]

BILLING CODE 7510-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1011

Impact of Commission Decisions on Small Business

AGENCY: Interstate Commerce Commission.

ACTION: Final Rules: Delegations of Authority.

SUMMARY: The Regulatory Flexibility Act, Pub. L. 96-354, authorizes the Chairman of the Commission to delegate the responsibility to sign and transmit certifications that proposed rules will have no significant economic impact on a substantial number of small entities. The Chairman may also delegate authority to sign and transmit findings regarding waiver or delay of regulatory flexibility analyses. The Chairman is hereby delegating this authority to the Secretary of the Commission. Since this rule affects internal Commission procedure, it is issued in final form and public comment will not be required.

DATE: Effective June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen King, 202-275-0956.

SUPPLEMENTARY INFORMATION: On September 19, 1980, Congress enacted Public Law 96-354, entitled the "Regulatory Flexibility Act" (RFA), to improve Federal rulemaking by creating procedures to consider the more flexible regulatory approaches for small businesses, small organizations and small governmental jurisdictions. The provisions of the RFA became effective on January 1, 1981. Under Section 605(b) of RFA the head of an agency may certify that a proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Such certification is a substitute for Initial Regulatory Flexibility Analysis required by RFA. This certification is transmitted to the Chief Counsel for Advocacy of the Small Business Administration.

Also under Section 608 of RFA, an agency head has authority to make findings regarding waiver or delay if completion of an initial regulatory flexibility analysis or delay of completion of final regulatory flexibility analysis under certain condition.

The Chairman has delegated the responsibilities for signing and transmitting such certifications and findings to the Secretary of the Commission. That delegation of authority will be added as 49 CFR 1011.7(h).

The amendment set forth in the appendix is adopted.

This action does not affect significantly the quality of the human environment or conservation of energy resources.

Issued under authority of 5 U.S.C. 553 and 49 U.S.C. 10301.

Decided: May 26, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

James H. Bayne,
Acting Secretary.

Appendix

49 CFR 1011.7 is amended by adding a new paragraph (h) as follows:

§ 1011.7 Delegations of authority by the Chairman of the Interstate Commerce Commission.

* * * * *

(h) Authority, under the Regulatory Flexibility Act (Public Law 96-354), (1) to sign and transmit to the Small Business Administration certifications of no significant economic effect for proposed rules, which will not, if adopted by the Commission, have a significant economic impact on a substantial number of small entities; and (2) to sign and transmit findings regarding waiver or delay of an initial regulatory flexibility analysis or delay of a final regulatory flexibility analysis is delegated to the Secretary of the Commission.

[FR Doc. 81-18568 Filed 6-22-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 120
Tuesday, June 23, 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.

FARM CREDIT ADMINISTRATION

12 CFR Part 615

Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comment a proposed amendment to its regulation concerning annual budgets and projections and adds a new section to its regulations concerning approval requirements for various bank transactions.

DATE: Written comments must be received on or before August 24, 1981.

ADDRESS: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Adminstration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, DC 20578, (202-755-2181).

SUPPLEMENTARY INFORMATION: The present regulation for annual budgets and projections provides criteria which banks should incorporate in their annual budget and that each bank board shall approve for each bank long-range financial and operating projections. Section 615.5215 is added to address the numerous items the Farm Credit Administration approves on a transactional basis.

For the reasons set out in the preamble, Part 615 of Chapter VI, Title 12 of the *Code of Federal Regulations* is amended as shown.

1. Section 615.5210 is revised to read as follows:

Subpart H—Net Worth Objective

§ 615.5210 Annual budgets and projections.

(a) Each district board shall approve for each bank an operating and financial budget for each fiscal year. Each budget shall contain sufficient background information to indicate the principal assumptions and considerations involved in its formulation, detailed pro forma sheets, income and expenses statements, bank and association programs to achieve net worth objectives, and explanation of significant changes from the previous years.

(b) Each district board shall also approve for each bank long-range financial plans on an annual basis. The long-range financial plan shall incorporate principal assumptions and long-term goals and objectives which are consistent with regulatory and System guidelines. The plan shall contain pro forma balance sheets and income statements and the planning period should be a minimum of 3 years.

2. By adding a new § 615.5215 to read as follows:

§ 615.5215 Approval requirements.

(a) Farm Credit Administration approval is required for bank interest rate charges, banks for cooperatives' cash patronage refunds in excess of 25 per centum of net savings, equity retirements, and Farm Credit banks' dividends.

(b) The approval referenced in paragraph (a) of this section can be obtained for individual transactions or, alternatively, Farm Credit Administration may approve such transactions on an annual basis on review of a bank's interest rate plan, long-range financial plan, and financial plan for the fiscal year.

(c) To receive FCA approval under this alternate procedure, a bank shall be required to:

(1) Have a district board- and FCA-approved interest rate policy in accordance with § 614.4280 if the district board desires to provide bank management flexibility in setting interest rates.

(2) Have an adequate annual financial planning and long-range financial planning process.

(3) Notify the Farm Credit Administration of each change of interest rates established within an approved interest rate plan.

(4) Upon request, provide the Farm Credit Administration annually an updated interest rate plan, a financial plan, and a long-range forecast.

(d) Farm Credit Administration may rescind this alternate approval procedure at any time and require individuals transactional approval for interest rate changes, stock retirements, dividends, and cash patronage refunds.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

Donald E. Wilkinson,

Governor Farm Credit Administration.

[FR Doc. 81-18558 Filed 6-22-81; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 811-0130]

The British Petroleum Co. Ltd., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a London, England petroleum corporation and its American subsidiary to timely divest, in accordance with the terms of the order, all stock issued by Amax, Inc., the leading domestic producer of molybdenum. The order would also bar the firms' officers and employees for a period of ten years from simultaneously serving in a similar role in any other molybdenum company. Further, for specified time periods, the firms would be prohibited from acquiring any part of the stock, or more than 50 percent of the assets of any molybdenum company without prior Commission approval; and restricted from entering into any joint venture for the production and sale of molybdenum in the United States.

DATE: Comments must be received on or before August 24, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and

Pennsylvania Ave., N.W., Washington, D.C. 20580

FOR FURTHER INFORMATION CONTACT: FTC/CD, Benjamin S. Sharp, Washington, D.C. 20580. (202) 523–3475.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America Before Federal Trade Commission

In the Matter of The British Petroleum Company Limited, a corporation, and The Standard Oil Company, a corporation. File No. 811–0130.

Agreement Containing Consent Order

The Federal Trade Commission ("Commission") having initiated an investigation of a proposed acquisition by The British Petroleum Company Limited ("BP") through its 53%–owned subdsidiary, The Standard Oil Company ("Sohio"), of the Kennecott Corporation ("Kennecott"), and it now appearing that BP and Sohio are willing to enter into an Agreement containing the attached Consent Order ("Order").

It is hereby agreed by and between BP and Sohio, by their duly authorized officers and attorneys, and counsel for the Commission, in accordance with the Commission's Rule governing consent order procedures, that:

1. BP is a corporation organized, existing and doing business under and by virtue of the laws of England, with its office and principal place of business at Britannic House, Moor Lane, London, England. Sohio is a corporation organized, existing and doing business under and by virtue of the laws of Ohio, with its office and principal place of business at Midland Building, Cleveland, Ohio.

2. Solely for purposes of this proceeding, BP and Sohio do not contest the allegations of jurisdiction as set forth in Paragraph 14 of the draft complaint here attached.

3. BP and Sohio waive:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Agreement.

4. This Agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint attached, will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify BP and Sohio, in which event it may take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This Agreement is for settlement purposes only, and does not constitute any admission by BP or Sohio that the law has been violated as alleged in the draft of complaint here attached.

6. This Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to BP or Sohio, (i) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following Order in disposition of the proceeding, and (ii) make information public in respect thereto. When so entered the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to Order to Messrs. Sullivan & Cromwell, counsel for BP, and Messrs. Squire, Sanders & Dempsey, counsel for Sohio, shall constitute service on BP and Sohio, respectively. BP and Sohio waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the Order and no agreement, understanding, representation, or interpretation not contained in the Order or the Agreement may be used to vary or contradict the terms of the Order.

7. BP and Sohio have read the proposed complaint and Order contemplated hereby. BP and Sohio understand that once the Order has been issued, they will be required to file one or more compliance reports setting forth the manner and form in which they intend to comply, are complying or have complied with the Order. BP and Sohio further understand that they may be liable for civil penalties in the amounts provided by law for each violation of the Order after it becomes final.

Order

For purposes of this Order, the following definitions shall apply:

(a) "Respondent" means The British Petroleum Company Limited, a corporation, and its subsidiaries (any company or other entity in which it holds more than 50% of the stock or voting securities or voting rights), successors and assigns.

(b) "Amax" means AMAX Inc., a corporation, and its subsidiaries (any company or other entity in which it holds more than 50% of the stock or voting securities or voting rights), successors and assigns.

(c) "Outstanding stock" means stock or securities which have been issued and have not been recalled or purchased by the issuer, and excludes treasury stock.

(d) "Person" means any individual, corporation (including subsidiaries thereof), partnership, joint venture, trust, unincorporated association or orgainization, or government or agency or political subdivision thereof, or other business or legal entity, other than respondent.

(e) "Molybdenum" means the metallic element Mo.

(f) "Molybdenum company" means any person which in the most recent calendar year for which information is available produced more than 3% of the contained molybdenum produced in the United States in that year.

(g) "Joint venture" means a joint business undertaking by two or more persons, for the purpose of carrying out a particular objective or objectives, pursuant to an agreement which provides for joint contributions to capital, which may include tangible and intangible assets, and some sharing of profits or production in kind.

(h) "Effective date" means the day on which this Order becomes final.

I

It is order that within thirty (30) months from the effective date of this Order respondent divest, absolutely and in good faith, all right, title or interest in or to any stock issued by Amax which respondent directly or indirectly owns or controls as of the effective date of this Order.

II

It is further ordered that until the divestiture required by Paragraph I of this Order is completed, respondent shall, at any meeting of the holders of common stock of Amax, cause any of the stock issued by Amax which respondent directly or indirectly owns or controls to be voted in respect of any matter in the same respective proportions as the votes cast by the other holders of common stock of Amax.

III

It is further ordered that for ten (10) years commencing September 1, 1981 no person who is an officer, director or employee of any other molybdenum company shall be an officer, director or employee of respondent.

IV

It is further ordered that for ten (10) years following the effective date of this Order respondent shall not, without the prior approval of the Commission, directly or indirectly, (a) acquire (except for investment purposes for the benefit of an employee pension fund) any part of the stock of a molybdenum company, or (b) acquire more than 50% of the assests of a molybdenum company. For purposes of the foregoing clause (b), assets shall be valued in accordance with generally accepted accounting principles.

V

It is further ordered that for two years following the effective date of this Order respondent shall not, without the prior

approval of the Commission, enter into any joint venture or similar arrangement with any other molybdenum company for the production or sale of molybdenum in the United States; and that for an additional three-year period following this two-year period, respondent shall notify the Commission ninety (90) days in advance of entering into any joint venture or similar arrangement with any other molybdenum company for the production or sale of molybdenum in the United States.

VI

It is further ordered that no acquisition, joint venture or other act or transaction to which respondent is a party shall be deemed immune or exempt from the antitrust laws by reason of anything contained in this Order.

VII

It is further ordered that within ninety (90) days from the effective date of this Order and on the anniversary of the effective date of this Order in every year thereafter, respondent shall submit to the Commission in writing a verified report setting forth in detail the manner and form in which it intends to comply, is complying, or has complied therewith.

VIII

It is further ordered that respondent shall notify the Commission at least thirty (30) days prior to any change in its corporate structure (such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other proposed change in the corporation) which may affect compliance obligations arising out of this Order.

The British Petroleum Company Limited

File No. 811-01130—Analysis of Proposed Consent Order To Aid Public Comment.

The Federal Trade Commission ("Commission") has accepted an agreement to a proposed consent order from The British Petroleum Company Limited ("BP") and The Standard Oil Company ("Sohio").

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Allegations of the Complaint

The draft complaint ("Complaint") which the Bureau of Competition staff presented to the Commission for its consideration charged respondents BP and Sohio with violation of Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act on the grounds that BP's acquisition, through its 53%-owned subsidiary Sohio, of The Kennecott Corporation ("Kennecott") would eliminate competition in the following respects:

(1) Actual competition would be eliminated between Amax, Inc. ("Amax") and Kennecott in the production and sale of molybdenum disulphide ("molybdenum"), a strategic metal used primarly as an alloy to impart strength, resistance to corrosion, and other desirable properties to steel; and

(2) Potential competition would be eliminated between BP and producers of molybdenum, including Amax and Kennecott, in the production and sale of molybdenum.

Both competitive concerns addressed by the complaint arise from the relationship between BP and Amax, the dominant firm in the molybdenum industry with a 65 percent market share. BP, through its wholly-owned subsidiary, Selection Turst Limited, holds 6.8 percent of the stock of Amax. The Chief Executive of Selection Trust has served on the Amax Board of Directors since 1966 and is a member of its Executive and Finance Committees; a second Amax director retired from Selection Trust only last October. BP also has plans to undertake a joint venture with Amax to develop the latter's major molybdenum deposits at Mt. Tolman in Washington and Mt. Emmons in Colorado. Indeed, at least as regards Mt. Tolman, these plans appear to be advanced to the point of nearly final agreement and would involve the immediate purchase by BP from Amax of substantial quantities of molybdenum for resale.

Commission staff believed BP's acquisition of Kennecott, the third largest firm in the molybdenum industry, simultaneously with its holding of Amax stock, would lessen competition by creating a mechanism for the dissemination of price or other competitively sensitive information between the number one and number three firms in the already highly concentrated molybdenum industry. Staff further feared that following the acquisition BP would refuse to allow Kennecott to compete vigorously, rather than risk jeopardizing its investment in Amax's substantial molybdenum profits.

Staff believed the acquisition might also have an anticompetitive impact, irrespective of the 6.8 percent holding of Amax stock, by eliminating a potential new entrant to the molybdenum industry. Evidence indicates that but for the Kennecott acquisition, BP would enter the highly concentrated molybdenum market through a joint venture with Amax. BP's entry through the joint venture might be viewed as procompetitive since it would introduce a new entrant into the market and reduce the amount of molybdenum production controlled by the number one firm.

The Proposed Order

The proposed settlement primarily addresses the horizontal concerns raised by BP's 6.8 percent interest in Amax.

Under the draft settlement, the Commission would permit the Sohio/Kennecott transaction to occur without a challenge by federal court injunction. In return, BP would sell its 6.8 percent holding of Amax' common stock over a 30-month period and, in the interim, would vote the shares in proportion to the votes cast by the other Amax common shareholders (proposed order, Paragraphs I and II). Second, BP would agree to an order that for 10 years would bar officers, directors, or employees from simultaneously serving BP and any other "molybdenum company" (defined as any company which produces more than 3 percent of the contained molybdenum produced in the United States) (Paragraph III). In furtherance of this proscription, the interlocked Selection Trust/Amax Director, John Du Cane, would give up all positions in BP by September 1, 1981. Third, for ten years BP would not acquire any part of a molybdenum company's stock, or more that 50 percent of a molybdenum company's assets, without prior Commission approval (Paragraph IV). Finally, for two years BP would not, without prior Commission approval, enter into any joint venture with any other molybdenum company with respect to molybdenum production or sale in the United States; and for three years after that initial two-year period, BP would provide the Commission with 90 days' advance notice before entering into such an arrangement (paragraph V).

The Competitive Impact of the Order

The ban on interlocking directors, officers or employees removes a major source for information exchange. BP's agreement to vote its stock proportionately with votes cast by all other common stockholders further reduces BP's ability to influence Amax. Most importantly, eventual divestiture of Amax stock eliminates BP's disincentive to vigorously compete with Amax. The provisions restricting further acquistions of or joint ventures with other molybdenum companies provide assurances that new, unaddressed structural problems will not be created

immediately following the acquisition of Kennecott.

Thus, the consent proposal appears to correct the immediate and actual anticompetitive problems raised by the acquisition. BP must divest approximately $250 million of stock in Amax and essentially must sever all other ties with that firm. The decree, however, does not address the concerns relating to the effect on potential competition. Nevertheless, the Commission believes that the gains resulting from seeking to block the acquistion and encouraging an Amax/BP joint venture are at best speculative, and may also be achieved should Amax find a new joint venture partner. Further, were the Commission to pursue litigation seeking to block the Kennecott acquisition, there would be an additional risk of losing the substantial concessions currently offered by BP and Sohio. After weighing the risks attendant upon litigation against the substantial benefits offered in the proposed consent, the commission has concluded that the better course is to accept the settlement proposal and forego a challenge to the Kennecott acquisition, and the substantial commitment of Commission resources which such a challenge would involve.

The purpose of this analysis is to facilitate public comment of the proposed order, and its is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

Separate Statement of Commissioner Pertschuk

I have voted to accept this proposed consent agreement for purposes of receiving public comment. However, I wish to indicate serious reservations with this resolution of the acquisition of Kennecott by BP/Sohio. In my opinion, there is reason to believe that BP is a likely entrant into the manufacturing and sale of molybdenum by means other than the acquisition of Kennecott and that such alternative would be significantly procompetitive. The result of this large acquisition, therefore, may be to preclude this procompetitive development. The appropriate remedy, if these propositions are true, is to prohibit the acquisition.

The proposed consent, on the other hand, addresses competitive problems which arise if the acquisition takes place, primarily the creation of close ties between BP/Sohio/Kennecott and the dominant firm in molybdenum, Amax. While I agree that there is reason to believe these problems are significant and should be remedied if the acquisition is allowed, it is clear that the proposed consent order does not adddress the loss of potential competition. I hope that interested parties who express their views on this proposed disposition of the case address this issue.

[FR Doc. 81-18547 Filed 6-22-81; 8:45 am]
BILLING CODE 6756-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 180 and 182

[Docket No. 80N-0418]

Caffeine; Deletion of GRAS Status, Proposed Declaration That No Prior Sanction Exists, and Use on an Interim Basis Pending Additional Study; Availability of Information

AGENCY: Food and Drug Administration.

ACTION: Notice of availability of information on proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the final report of the Caffeine Study Review Panel, which was submitted to the agency on May 15, 1981. The report contains information pertinent to the agency's review of the safety of added caffeine and is being made available in accord with a previous **Federal Register** notice.

DATE: Comments must be received on or before July 29, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Paul D. Lepore, Office of Regulatory Affairs (HFC-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2390.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 21, 1980 (45 FR 69817), FDA proposed to delete caffeine used as an added food ingredient from the list of substances that are generally recognized as safe (GRAS); to declare that no prior sanction exists for the use of caffeine as an added food ingredient; to restrict the use of caffeine as added food ingredient to current uses and levels; and to require that the presence of caffeine as an added ingredient be reflected on the product label in the ingredient delcaration. In the **Federal Register** of March 27, 1981 (46 FR 18996), FDA extended the period during which comments on the proposal will be accepted to July 29, 1981. this availability notice announces that a final report entitled, "An Analysis of FDA's Caffeine Teratogenicity Study (Protocol No. 1150)" is now on file in the Dockets Management Branch under Docket Number 80N-0418.

As part of its Good Laboratory Practice (GLP) inspection program, FDA conducted a GLP inspection of the Bureau of Foods laboratories at Federal Office Building 8, 200 C St. SW., Washington, D.C. As part of the inspection, there was a data audit of a completed study, "Teratogenic Potential of Caffeine in Osborne-Mendel Rats (Administered Via Oral Intubation)" Protocol No. 1150, conducted by Dr. T. F. X. Collins, et al. ("the Collins Study"). This study was, in part, the basis for FDA's regulatory proposal published in the **Federal Register** of October 21, 1980. The data audit raised questions about the validity of the Collins study and the appropriateness of FDA's continued reliance on this study in its ongoing rulemaking concerning the GRAS status of added caffeine. In order to resolve both questions in a fair nonbiased, and expeditious manner, FDA chartered a panel of non-FDA, government scientists to review the matter. Their charter has already been made a part of the administrative record in this proceeding.

The charter explicitly set forth the panel's purpose: "The Panel is to determine whether the agency's data audit inspection findings have compromised the validity of study Protocol No. 1150 'Teratogenic Potential of Caffeine in Osborne-Mendel Rats (Administered Via Oral Intubation)'." On May, 1981, the panel presented its report to the Acting Deputy Commissioner. The panel made six findings and recommendations which will be briefly discussed in this document.

The panel's first finding and recommendation is:

1. There were numerous GLP deviations that reflected generally poor procedures and management in the Bureau of Foods laboratories. However, the Panel concludes that the final study results are real and unaffected by the GLP deviations.

The agency has carefully analyzed the report and accepts the panel's finding on this matter.

The panel's next finding and recommendation is:

2. The study did not determine if caffeine is a direct teratogen or merely produced the observed teratogenicity as a result of maternal toxicity and/or the failure of the pregnant animals to develop normally. Future studies should attept to control the effects of maternal toxicity by using groups whose feed is restricted to duplicate the observed weight gains and failure of the dams to thrive.

This finding deals with the interpretation of the Collins data and

what future studies should be conducted to determine whether the adverse effects found by Collins are the result of a direct teratogenic effect or the result of a maternal toxicity and/or the failure of the pregnant animals to develop normally. The appropriate interpretation of the Collins data and what additional studies should be conducted to resolve these questions are matters which are directly at issue in the on-going-rule-making. The agency expects significant comment on these issues and will fully discuss them in the final rule.

Two of the findings and recommendations deal with the management of scientific research at the Bureau of Foods. They are:

3. No final report was prepared for this very important study. It is recommended that a final report be prepared as soon as possible. Further, FDA should develop a format for final reports along with an agency policy covering their timely preparation, scientific review, clearance, and distribution.

6. Management of the Bureau of Foods' laboratories must accept a large share of the responsibility for failure to comply adequately with the GLP regulations as documented in the inspection report. Lines of authority and responsibility must be more clearly defined and made more responsive to the quality assurance needs of the scientists charged with the conduct of important studies.

The agency has already taken significant steps to correct deficiencies in this area and will, after thorough review, take any additional steps necessary to ensure that scientific research is properly conducted and managed.

Finding and recommendation 5 states:

5. Other important studies of caffeine teratogenesis, although complete, have yet to be made available for review. These include a low dose oral gavage and two drinking water studies. Before promulgating a final rule on caffeine, the FDA should carefully review the results of each of these studies.

The agency will consider this comment, along with all others, during the course of the rulemaking. However, it is important to clarify the status of all caffeine studies conducted by FDA. Two of the studies generally referred to by this finding (one gavage and one drinking water study) were initially conducted in 1975–1976 as range finding studies for fetal toxicity and fetal weight reduction and not as comprehensive teratology studies. The agency has not relied on these preliminary studies in the rulemaking. The second drinking water study referred to by the panel is Dr. Collins' ongoing drinking water study which is a comprehensive teratology study. The data in this study are being analyzed now, and it is expected that a final report will be completed by fall, 1981. The comment period for this rulemaking will close on July 29, 1981. The agency will consider all valid requests for an extension, or reopening, of the comment period to consider new or additional data which may have a significant bearing on the rulemaking.

The final finding and recommendation raises questions concerning the appropriate use of data in regulatory proceedings, as well as the timing of publicity based on such scientific data. It states:

4. The expedient publication of data as a followup of premature publicity is not an acceptable procedure. FDA should develop a mechanism to insure that data are analyzed properly and interpreted carefully before publicity is sought.

The agency agrees that premature publicity is to be avoided. However, the agency believes its statements on caffeine, in light of the total data that exist on the relationship between caffeine and birth defects, represent responsible positions. In its press statements, the agency made clear the basis for its conclusion that, while further research is being conducted, pregnant women would be prudent to avoid to the extent possible or reduce the consumption of foods and drugs containing caffeine. This recommendation was based not only on the Collins study, but also on the indisputable facts that caffeine has pharmacologic action and crosses the placenta, and has been found to be teratogenic in previous animal studies involving higher doses of caffeine than in the Collins study. Once the Collins study became available, it became incumbent on FDA to provide the cautionary statements it did. The Collins study served as the trigger for the cautionary statements., but were not the entire basis for them.

As a result of the Commissioner of Food and Drugs' acceptance of finding and recommendation 1, the Collins study will remain a part of this rulemaking proceeding. The agency is satisfied that its explanation of and proposed reliance on the Collins data as set forth in the October 21 **Federal Register** proposal was, and continues to be, proper. Of course, the interpretation of that data, as well as the views of any interested party on the validity of that data as a result of the GLP inspection, are appropriate subjects for comment during the rulemaking proceeding.

Appendices A, C, D, E, and F to the Report are already documents on the public record, because they have previously been released. All other documents are materials that were made available to or were produced by the panel, and these documents are now available as public information. Persons wishing copies of these documents should make a request to the Dockets Management Branch (address above). To expedite receipt, a requestor seeking all the documents should simultaneously submit a check for $75.00 made payable to the Food and Drug Administration. Otherwise, the request will be acknowledged and a request for payment, prior to delivery, will be made.

Interested persons may, on or before July 29, 1981, submit to the Dockets Management Branch (address above), written comments regarding the proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 16, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-18020 Filed 6-19-81; 1:57 pm]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 221

Oil and Gas Operating Regulations

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rulemaking would add a sentence to an oil and gas well-location regulation in order to modify its reporting requirements. This action is being taken to fulfill, in part, the policies contained in Executive Order 12291. The intended effect of this is to reduce the number of reports required for oil and gas drilling operations.

DATE: Comments on this proposed rulemaking must be received by July 23, 1981.

ADDRESS: Comments may be mailed to: Charles L. Sours, Chief, Branch of Onshore Rules and Procedures, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT:

Gerald R. Daniels, (703) 860-7535, (FTS)

928–7535; or Cecil Feeney, (703) 860–7332, (FTS) 928–7332.

SUPPLEMENTARY INFORMATION: The principal authors of this proposed rulemaking are Gerald R. Daniels, Chief, Branch of Fluid Minerals Management and Cecil Feeney, Branch of Rules and Procedures, both in the Office of Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, Reston, Virginia.

The purpose of this proposed rulemaking is to reduce the number of lessees who are required to submit a written justification for drilling a well within 200 feet of their lease boundaries, or legal subdivision lines within their leases. This will be accomplished by adding a sentence to paragraph (a) of § 221.20. The sentence will provide that an approved Application for Permit to Drill, which contains acceptable standards for well-spacing within the 200-foot corridors, will constitute written consent to drill in the corridors. The original intent of the rule will not be adversely impacted by the adoption of this change. The Application for Permit to Drill has been approved by the Office of Management and Budget and was assigned Clearance Number 1028–0012.

It is hereby determined that this proposed rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14. The Department has also certified that this rulemaking will not have a significant economic impact on a substantial number of small entity flexibility analysis is not required.

Under the authority of 5 U.S.C. 301, the Act of February 25, 1920 (30 U.S.C. 189), and Executive Order 12291 (46 FR 13193) it is proposed to amend Part 221, Chapter II, Title 30 of the Code of Federal Regulations as set forth below:

1. Section 221.20 is amended by revising paragraph (a) to read as follows:

§ 221.20 Well-location restrictions.

(a) The lessee shall not drill any well within 200 feet of any of the outer boundaries of the lea ed lands except where necessary to protect those lands against wells on land the title to which is not held by the lessor, and then only on consent first had in writing from the Deputy Conservation Manager: *Provided*, that for good cause shown in any particular case, and where not prohibited by law, a lessee may be relieved of such restrictions on written consent of the Deputy Conservation Manager. The lessee shall not drill any well within 200 feet of the boundary of any legal subdivision without first submitting adequate reasons therefor and obtaining consent in writing from the Deputy Conservation Manager, such consent to be subject to such conditions as may be prescribed by said official. Approval of the application for permit to drill shall constitute the Deputy Conservation Manager's written consent when the well location conforms with a spacing order issued by a duly constituted state commission or board and with which the Deputy Conservation Manager agrees or when the well location is on a lease committed to an approved unit agreement or communitization agreement.

* * * * *

Dated: May 24, 1981.

William P. Pendley,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-18424 Filed 6-22-81; 8:45 am]

BILLING CODE 4310-10-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 715, 816, and 817

Surface Coal Mining and Reclamation Operations Interim and Permanent Regulatory Programs: Use of Explosives

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Withdrawal of proposed rules and notice of intent to repropose rules.

SUMMARY: OSM has determined that comprehensive review of regulations governing the use of explosives in blasting operations, specifically ground vibration and distance limits, is necessary to meet the executive directive to reduce excessive, burdensome or counter-productive regulations. Therefore, no further action will be taken under the rulemaking initiated January 22, 1981, 46 FR 6982. This rulemaking covered portions of the interim program (30 CFR 715.19(e)) and portions of the permanent program rules (30 CFR 816.65(f), (i), (k) and (l), 817.65(f), (i), (k) and (l) and 30 CFR 816.67 and 817.67). The rulemaking initiated on January 22, 1981 is withdrawm and a new rulemaking is undertaken. This notice announces OSM's intent to repropose rules governing explosives under a new rulemaking and sets forth the agency's intention to consider comments received concerning the previous proposal between January 22, 1981, and March 23, 1981, in the upcoming revision.

DATE: Effective upon June 23, 1981.

ADDRESS: Copies of the Schedule for the reproposed rulemaking are available from: Russell F. Price, P.E., Office of Surface Mining, Reclamation and Enforcement, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Russell F. Price, P. E., Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20240, (202) 343–4022.

SUPPLEMENTARY INFORMATION: On January 22, 1981, at 46 FR 6982, OSM published proposed rules in response to the May 2, 1980, decision by the U.S. Court of Appeals for the District of Columbia addressing 30 CFR 715.19(e)(1)(vii) and 715.19(e)(2)(ii), dealing with the use of explosives in surface coal mining and reclamation operations under the interim regulatory program. In re: Surface Mining Regulation Litigation, No. 78–2190, 78–2191, and 78–2192. The proposed rules also addressed the related provisions of the permanent program rules found in 30 CFR 816/817.65 (f) and (i).

On January 28, 1981, the Secretary of the Interior initiated a program to reevaluate the Department's existing rules to determine where they might be excessive, burdensome or counterproductive. OSM's permanent program rules issued March 13, 1979, at 44 FR 15312, including those relating to the use of explosives are among those being evaluated. In addition, Executive Order 12291, 46 FR 13193, requires that pending and future rulemaking actions be evaluated as to their overall economic costs and benefits. Consequently, the rules proposed January 22, 1981, are included in the overall regulatory review and are subject, as well, to review in conformity with E.O. 12291. OSM has determined that, in the interest of facilitating the general review by the agency of the regulation of the use of explosives in surface coal mining operations, the proposed rulemaking initiated January 22, 1981, (46 FR 6982) should be withdrawn and a new rulemaking undertaken.

OSM intends to develop and repropose regulations dealing with the use of explosives in the course of its overall review. In particular, the issues

of ground vibration and distance limits will be reproposed as part of the agency's plan to develop and promulgate revised rules in compliance with the Executive Order. The Office agrees that comments received during the public comment period on the proposed rules withdrawn by this Notice will be considered in the drafting and development of the new rule. OSM intends to solicit comments from States and other interested parties on a new draft rule in mid-July, 1981. A notice of availability of the draft rule will be published in the **Federal Register** at that time.

Following consideration of the comments received at that time, a rule dealing with the use of explosives will be reproposed. The agency has developed a schedule for the reproposed rulemaking. Copies of this schedule are available by contacting Russell F. Price, P.E., at the address listed above.

Dated: June 17, 1981.

Andrew Bailey,

Acting Director, Office of Surface Mining.

[FR Doc. 81-18455 Filed 6-18-81; 11:17 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1851-1]

Proposed Revision of the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Virginia has submitted a revision to the Virginia State Implementation Plan (SIP). This submittal contains a revision to Part III, Ambient Air Quality Standards. Section 3.08, Lead, is added to attain and maintain the national standard for lead.

DATE: Comments must be submitted on or before July 23, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Carol D. Peters (3AH13), Phone: (215) 597-9139, Docket No. AH400VA

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, Attn: William Meyer, Executive Director

Public Information Reference Unit, Room 2922 EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., (Waterside Mall), Washington, D.C. 20460.

All comments on the proposed revision should be directed to Carol Peters at the address stated above.

FOR FURTHER INFORMATION CONTACT: Carol D. Peters at (215) 597-9139.

SUPPLEMENTARY INFORMATION: On December 30, 1980, the Commonwealth of Virginia submitted to EPA a revision to the Virginia State Implementation Plan (SIP). Section 3.08, Lead, is added to attain and maintain the national standard for lead.

The available monitoring data on ambient air quality in Virginia indicate no violation of the National Ambient Air Quality Standards (NAAQS) for lead. There is only one point source in the Commonwealth of Virginia which emits 5 tons or more of lead per year. The air quality analysis performed for the area around this source indicated lead concentrations far below the standards. Hence, Virginia determined that the NAAQS for lead has been attained and the same will be maintained without additional State regulations.

The control strategy demonstration that accompanies the regulation contains several deficiencies. The baseline emission inventory does not contain a summary of area or mobile sources. The emission inventory should be submitted in a form similar to Appendix D of 40 C.F.R. Part 51. A more detailed summary of all lead air quality data measured since 1974 should be submitted with an evaluation of the data for reliability and representativeness (40 C.F.R. 51.82(a)). The demonstration should also contain a projection of maximum air quality concentrations based upon projected emissions (40 C.F.R. 51.82(c)).

The Commonwealth of Virginia submitted proof that a public hearing was held September 15, 1980, in each Air Quality Control Region in Virginia.

Based on the above discussion, the Administrator is proposing to approve this SIP revision, pending submission from Virginia of information needed to address the concerns indicated above.

The public is invited to submit to the address stated above comments on whether the amendment to the Commonwealth's regulations should be approved as a revision of the Virginia State Implementation Plan.

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 this action, if promulgated, only approves State actions and imposes no new requirements.

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

Pursuant to the provisions of 5 U.S.C. Section 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. See 46 Fed. Reg. 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. §§ 7401-642)

Dated: June 2, 1981.

Jack N. Schramm,

Regional Administrator.

[FR Doc. 81-18576 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[Docket No. AH031VA; A-3-FRL-1851-5]

Proposed Revision of the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Virginia has submitted a revision to the Virginia State Implementation Plan (SIP). This revision includes regulation amendments to provisions concerning new source review public participation procedures in Section 2.33 and malfunctions in Section 2.34. EPA is proposing this revision for approval.

DATE: Comments must be submitted on or before July 23, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Carol D. Peters (3AH13), Telephone No. 215/597-9139.

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, Attn: William Meyer, Executive Director

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall), Washington, D.C. 20460.

All comments on the proposed revision should be directed to Carol D. Peters at the address stated above.

FOR FURTHER INFORMATION CONTACT: Carol D. Peters at (215) 597-9139.

SUPPLEMENTARY INFORMATION: On February 19, 1981 the Commonwealth of Virginia submitted a revision to the Virginia State Implementation Plan (SIP). The revision includes regulation amendments to existing provisions concerning new source review public participation procedures of Section 2.33 and malfunctions in Section 2.34.

The existing Section 2.33(a)(5) has been deleted and a new regulation added. The new § 2.33(a)(5) specifies which type of stationary source will be subject to a public comment period prior to the Board's decision on the permit application. A permit application for stationary sources which will have potential for public interest would also be subject to a public comment period prior to the Board's decision. The changes, as written in § 2.33(a)(5), are proposed for approval.

Section 2.34, Facility and Control Equipment Maintenance or Malfunction, is revised by adding subsection (i). This subsection will allow the Board to reduce the level of operation or shut down a facility, if necessary, to prevent a violation of the primary ambient air quality standard. Section 2.34(i) is being proposed for approval as written in this revision.

The Commonwealth of Virginia has submitted proof that a public hearing was held January 12, 1981 in each Air Quality Control Region in Virginia.

Therefore, it is the tentative decision of the Administrator to approve the proposed revision of the Virginia State Implementation Plan. The public is invited to submit to the address stated above, comments on whether this revision of the Virginia State Implementation Plan should be approved.

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 this action, if promulgated, only approve State actions and imposes no new requirements.

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

Pursuant to the provisions of U.S.C. Section 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. See 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. §§7401-642)

Dated: June 2, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-18579 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PP 6E1872/P180; PH-FRL-1860-1]

Pyrethrins and Synergist Piperonyl Butoxide; Proposed tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for the insecticide pyrethrins and the insecticide synergist piperonyl butoxide. This proposal was submitted by the Interregional Project No. 4 (IR-4). This amendment will establish a maximum permissible level for residues pyrethrins resulting from postharvest use on stored sweet potatoes at 0.05 part per million (ppm) and piperonyl butoxide resulting from postharvest use on stored sweet potatoes at 0.25 ppm.

DATE: Comments must be received on or before July 23, 1981.

ADDRESS: Written comments to: Donald Stubbs, Registration Division (TS-767C), Emergency Response Section, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 6F1872 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of North Carolina.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the insecticide pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium*) resulting from post-harvest application to the new agricultural commodity sweet potatoes at 0.05 ppm and the insecticide synergist piperonyl butoxide [(butylcarbityl)(6-propyl piperonyl) ether] at 0.25 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticides are considered useful for the purposes for which the tolerances are sought. The toxicology data considered in support of the proposed tolerance for piperonyl butoxide were a 2-year feeding study in rats with a no-observed-effect level (NOEL) of 1,000 ppm and no chemically related neoplasm; a 2-year feeding study in dogs with a NOEL of 700 ppm; an oral LD_{50} of greater than 7,500 milligrams (mg)/kilogram (kg) in rats; and National Cancer Institute (NCI) studies indicating that, under the terms of the bioassay, piperonyl butoxide was not carcinogenic in either the Fisher 344 strain of rats or $B_6 C_3 F_1$ strain of mice.

The toxicology data considered in support of the proposed tolerance for pyrethrins were an acute oral LD_{50} in rats of 200 mg/kg and rat chronic feeding study showing a NOEL of 200 ppm. Toxicology data for pyrethrins currently lacking and considered desirable include a repeat of the oncongenic-chronic feeding study in rats and oncogenic evaluation in mice; teratology studies in two species; a multigeneration reproduction study; subchronic feeding studies in rats and dogs; and mutagenic evaluation.

The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.8520 mg/day and 5.9503 mg/day for pyrethrins and piperonyl butoxide, respectively. The current action will add less than 0.03 percent to each TRMC. The increased incremental risk resulting from the new proposed use has been determined to be insignificant.

The nature of the residues is adequately understood and adequate analytical methods (gas-liquid chromatography and spectrophotometry) are available for enforcement purposes. There are presently no actions pending against the continued registration of these chemicals.

Based on the above information considered by the agency, currently established tolerances for meat and milk are adequate to cover any residues resulting from sweet potatoes used as animal feed. It is concluded that the tolerances established by amending 40

CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before July 23, 1981, that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP 6E1872/P180]". All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: June 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by revising §§ 180.127 and 180.128 to read as follows:

§ 180.127 Piperonyl butoxide; tolerances for residues.

Tolerances for residues of the insecticide piperonyl butoxide [(butyl carbityl) (6-propyl piperonyl) ether] are established in or on the following raw agricultural commodities:

Commodities	Parts per million
Almonds (post-H)	8
Apples (post-H)	8
Barley (post-H)	20
Beans (post-H)	8
Birdseed mixtures (post-H)	20
Blackberries (post-H)	8
Blueberries (huckleberries) (post-H)	8
Boysenberries (post-H)	8
Buckwheat (post-H)	20
Cattle, fat	0.1(N)
Cattle, mbyp	0.1(N)
Cattle, meat	0.1(N)
Cherries (post-H)	8
Cocoa beans (post-H)	8
Copra (post-H)	8
Corn (including popcorn) (post-H)	20
Cottonseed (post-H)	8
Crabapples (post-H)	8
Currants (post-H)	8
Dewberries (post-H)	8
Eggs	1
Figs (post-H)	8
Flaxseed (post-H)	8
Goats, fat	0.1(N)
Goats, mbyp	0.1(N)
Goats, meat	0.1(N)
Gooseberries (post-H)	8
Grain sorghum (post-H)	8
Grapes (post-H)	8
Guavas (post-H)	8
Hogs, fat	0.1(N)
Hogs, mbyp	0.1(N)
Hogs, meat	0.1(N)
Horses, fat	0.1(N)
Horses, mbyp	0.1(N)
Horses, meat	0.1(N)
Loganberries (post-H)	8
Mangoes (post-H)	8
Milk fat (reflecting negligible residues in milk)	0.25
Muskmelons (post-H)	8
Oats (post-H)	8
Oranges (post-H)	8
Peaches (post-H)	8
Peanuts (with shell removed) (post-H)	8
Pears (post-H)	8
Peas (post-H)	8
Pineapples (post-H)	8
Plums (fresh prunes) (post-H)	8
Potatoes (post-H)	0.25
Poultry, fat	3
Poultry, mbyp	3
Poultry, meat	3
Raspberries (post-H)	8
Rice (post-H)	20
Rye (post-H)	20
Sheep, fat	0.1(N)
Sheep, mbyp	0.1(N)
Sheep, meat	0.1(N)
Sweet potatoes (post-H)	0.25
Tomatoes (post-H)	8
Walnuts (post-H)	8
Wheat (post-H)	20

§ 180.128 Pyrethrins; tolerances for residues.

Tolerances for residues of the insecticide pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium*) are established in or on following the raw agricultural commodities:

Commodities	Parts per million
Almonds (post-H)	1
Apples (post-H)	1
Barley (post-H)	3
Beans (post-H)	1
Birdseed mixtures (post-H)	3
Blackberries (post-H)	1
Blueberries (huckleberries) (post-H)	1
Boysenberries (post-H)	1
Buckwheat (post-H)	3
Cattle, fat	0.1(N)
Cattle, mbyp	0.1(N)
Cattle, meat	0.1(N)
Cherries (post-H)	1
Cocoa beans (post-H)	1
Copra (post-H)	1
Corn (including popcorn) (post-H)	3
Cottonseed (post-H)	1
Crabapples (post-H)	1
Currants (post-H)	1
Dewberries (post-H)	1
Eggs	0.1(N)
Figs (post-H)	1
Flaxseed (post-H)	1
Goats, fat	0.1(N)
Goats, mbyp	0.1(N)
Goats, meat	0.1(N)
Gooseberries (post-H)	1
Grain sorghum (post-H)	1
Grapes (post-H)	1
Guavas (post-H)	1
Hogs, fat	0.1(N)
Hogs, mbyp	0.1(N)
Hogs, meat	0.1(N)
Horses, fat	0.1(N)
Horses, mbyp	0.1(N)
Horses, meat	0.1(N)
Loganberries (post-H)	1
Mangoes (post-H)	1
Milk fat (reflecting negligible residues in milk)	0.5
Muskmelons (post-H)	1
Oats (post-H)	1
Oranges (post-H)	1
Peaches (post-H)	1
Peanuts (with shell removed) (post-H)	1
Pears (post-H)	1
Peas (post-H)	1
Pineapples (post-H)	1
Plums (fresh prunes) (post-H)	1
Potatoes (post-H)	0.05
Poultry, fat	0.2
Poultry, mbyp	0.2
Poultry, meat	0.2
Raspberries (post-H)	1
Rice (post-H)	3
Rye (post-H)	3
Sheep, fat	0.1(N)
Sheep, mbyp	0.1(N)
Sheep, meat	0.1(N)
Sweet potatoes (post-H)	0.05
Tomatoes (post-H)	1
Walnuts (post-H)	1
Wheat (Post-H)	3

[FR Doc. 81-18537 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 192

[AR-FRL-1859-5]

Proposed Remedial Action Standards For Inactive Uranium Processing Sites; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of Comment Period.

SUMMARY: EPA has proposed remedial action standards (40 CFR Part 192) for inactive uranium processing sites (45 FR 27370, April 22, 1980, and 46 FR 2556, January 9, 1981), and held public hearings on these proposals (46 FR 16278, March 12, 1981). In response to requests from the American Mining Congress and others, we are further extending the post-hearing comment and written comment periods set earlier (46

FR 26356, May 12, 1981). We do not anticipate any additional extension.

DATE: Written comments on proposed 40 CFR Part 192 and post-hearing comments must be received on or before July 15, 1981, in order to be considered.

ADDRESS: Comments should be submitted to Docket No. A-79-25, which is located at the Environmental Protection Agency, Central Docket Section (A-130), West Tower Lobby, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Dr. Stanley Lichtman, Criteria and Standards Division (ANR-460), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460; telephone number (703) 557-8927.

Dated: June 17, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-18534 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 230

Reclamation of Arid Lands by the United States; Reclamation Rules and Regulations

AGENCY: Bureau of Reclamation, Department of the Interior.

ACTION: Proposed repeal of 43 CFR 230.71-320.84, water right applications.

SUMMARY: The Bureau of Reclamation (Reclamation), Department of the Interior, proposes to repeal 43 CFR 230.71-230.84, which established procedures for individual water right applications under Reclamation law. The regulation is obsolete because Reclamation no longer uses individual water right applications. Instead, Reclamation is required to contract with irrigation districts or other entities organized under State law for repayment of project costs and delivery of project water.

DATE: Comment period on the proposed action closes July 8, 1981.

ADDRESS: Comments should be submitted to Commissioner, Bureau of Reclamation, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240, Attention: Code 430.

FOR FURTHER INFORMATION CONTACT: Michael S. Hacskaylo, Attorney, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, (202) 343-9391, or Roy H. Boyd, Senior Staff Assistant, Water Operations, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, (202) 343-5471.

SUPPLEMENTARY INFORMATION: The Reclamation Act of 1902, 43 U.S.C. 391 *et seq.*, established a program for the construction of irrigation works for the storage, diversion, and development of water for the reclamation of arid and semiarid lands in the seventeen western States. Pursuant to section 4 of the Act, 43 U.S.C. 419, 461, the Secretary of the Interior contracted with individuals for the repayment of construction charges and delivery of project water. This contract was either a Form A or Form B water right application as set forth in 43 CFR 230.71-230.84. By Act of May 15, 1922, § 1, 43 U.S.C. 511, Congress authorized the Secretary to contract with irrigation districts and, at his discretion, to dispense with water right applications from individuals. In the Omnibus Adjustment Act of 1926, § 46, 43 U.S.C. 423e, Congress required the Secretary to contract with irrigation districts for repayment of construction, operation, and maintenance costs of new projects. Since Reclamation no longer uses individual water right applications, 43 CFR 230.71-230.84 is obsolete and should be repealed.

The Department of the Interior has determined that this rulemaking action does not constitute a "major rule" as defined in section 1(b) of Executive Order 12291. Accordingly, no Regulatory Impact Analysis will be prepared.

In accordance with the Regulatory Flexibility Act and 43 CFR Part 14, the Department has determined that this rulemaking action will not have a significant economic effect on a substantial number of small entities.

Dated: June 3, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

§§ 230.71 through 230.84 [Removed]

Accordingly, it is proposed that Part 230 is amended by removing § 230.71 through § 230.84.

[FR Doc. 81-18432 Filed 6-22-81; 8:45 am]

BILLING CODE 4310-09-M

FEDERAL MARITIME COMMISSION

46 CFR Part 524

[Docket No. 81-40]

Exemption of Exclusive Equipment Interchange Agreements From the Filing and Approval Requirements of Section 15 of the Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: This amendment would result in the exemption of both nonexclusive and exclusive equipment interchange agreements covering empty containers, chassis, LASH/SEABEE barges and related equipment between two or more persons subject to the Shipping Act, 1916, from the filing and approval requirements of section 15 of the Act. The proposed exemption may encourage the formation of exclusive equipment interchange arrangements which should afford the participants greater flexibility to meet and respond in a timely fashion to problems of equipment imbalance. Participants should also be able to make more effective use of expensive equipment with concomitant benefits to shippers and consignees. It does not appear that the exemption will impair the Commission's effective regulation.

DATE: Comments (original and 15 copies) due on or before August 7, 1981.

ADDRESS: Send comments and inquiries to: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission is considering an enlargement of the existing rule which exempts *nonexclusive* agreements for the intrchange of empty containers, chassis, LASH/SEABEE barges and related equipment ("equipment") between two or more carriers by water subject to the Shipping Act, 1916 (the "Act") (46 CFR 524.2(b)), to include *exclusive* arrangements of that nature between two or more persons subject to the Act. This action is being taken pursuant to secton 35 of the Act (46 U.S.C. 833a) which provides that the Commission, upon application or on its own motion, may be order or rule exempt for the future any class of agreements between persons subject to the Act, or any specified activity of such persons from any requirement of the Act, or the Intercoastal Shipping Act, 1933, where it finds that such exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce.

Carriers often find that they have an imbalance of equipment, i.e., a surplus of equipment at one location and a scarcity at another location. One remedy for this imbalance is for a carrier to move empty equipment from one location to nother location. A second remedy is to lease the necessary equipment from anothr carrier. While the second alternative may render the

same result as the first, the time required to obtain Commission approval of other than nonexclusive arrangements may make them commercially unacceptble to the parties. This new proposed exemption will afford carriers additional flexibility to meet and respond, in a timely manner, to the problems of equipment imbalance. Participants in such arrangements should also be able to make more effective use of expensive equipment with resultant benefits to shippers and consignees.

By enlarging the exemption of the subject type of agreement from the filing and approval requirements of section 15, the Commission is not relinquishing its jurisdiction over the subject agreements or over persons subject to the Act. Any activity performed pursuant to such agreements will remain subject to all other sections of the Act. Moreover, this action does not confer antitrust immunity on the parties to the arrangement. Section 15 approval will, however, remain available to parties requesting it.

Commentators are requested to address whether the proposed exemption will substantially impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission certifies that the proposed rulemaking will not, if adopted, have a significant economic impact on a substantial number of small entities. The proposed exemption will primarily benefit carriers, but it is not foreseen that a "substantial number" of carriers who are small entities will be affected by this exemption within the meaning of 5 U.S.C. 605(b). Non-carrier members of the shipping public, some of whom undoubtedly are small entities, may enjoy a secondary benefit from this exemption but it is not foreseen that this benefit will amount to a "significant economic impact," within the meaning of 5 U.S.C. 605(b).

Therefore, pursuant to 5 U.S.C. 553 and sections 15, 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 833a and 841a) the Commission proposes to amend § 524.2(b) of 46 CFR to read as follows:

§ 524.2 Definitions.

* * * * *

(b) An equipment interchange agreement is an agreement betwen two or more common carriers by water for the exchange of empty containers, chassis, empty LASH/SEABEE barges, and related equipment, which provides only for the transportation of the equipment as required, payment therefor, management of the logistics of transferring, handling and positioning equipment, its use, repair and maintenance, damages thereto and liability incidental to the interchange of equipment, and no other subject.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18509 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1004 and 1057

[Ex Parte No. MC-73 (Sub-No. 1)]

Interchange Policies at International Boundary Lines

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking and withdrawal of previous proposal.

SUMMARY: The original notice of proposed rulemaking in this proceeding, published in the **Federal Register** on May 1, 1979 (44 FR 25476), proposed a plan of master licensing to authorize foreign motor carriers to operate within free zones near international boundary crossing points in order to interchange transborder traffic with U.S. carriers at nearby transfer points. Master licensing is now prohibited by the Motor Carrier Act of 1980, Pub. L. 96-296, 94 Stat. 794, and accordingly this plan can no longer be adopted.

As an alternative method of dealing with interchange problems at or near international boundary lines, the Commission now proposes to amend its interchange regulations to permit motor common carriers of property licensed by the Commission to interchange equipment at international boundary lines with motor common carriers licensed by the appropriate authorities of Canada and Mexico.

Under this plan, all operations in the United States would be performed under the authority of a licensed U.S. carrier, without the necessity for transshipping cargo at or near the boarder. Inspection of equipment, change of drivers, tractors, and/or identification (if required), and any other necessary formalities could take place at any convenient location on either side of the international boundary line within five miles of the border crossing point.

The Commission further proposes to disclaim jurisdiction over transportation by foreign domiciled carriers between ports of entry on international boundary lines and transfer points within five miles of the border crossing point, where the cargo is moving on through bills of lading and is being picked up from, or delivered to, a United States carrier at the transfer point. The Commission believes these two measures will complement each other.

DATE: Comments are due on or before August 7, 1981.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Ex Parte No. MC-73 (Sub-No. 1), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Frederic D. Houghteling, 303-275-7019 or Edward E. Guthrie, 202-275-7691.

SUPPLEMENTARY INFORMATION: By notice of proposed rulemaking published in the **Federal Register** on May 1, 1979 (44 FR 25476), this proceeding was instituted to determine whether the present and future public convenience and necessity, considered on a national basis, required that all common carriers of property by motor vehicle, regardless of their country of origin, be authorized by appropriate procedures to conduct for-hire operations between ports of entry on the United States-Canadian and the United States-Mexican International Boundary Lines, on the one hand, and, on the other, the nearest practical point in the United States at which the equipment or traffic of such carriers may be interchanged or interlined with U.S. carriers holding authority to serve said points on the international boundary.

The published notice stated that the Commission proposed to establish a free zone for interchange of traffic at or near the international boundary lines in order to eliminate the need for foreign carriers to file regular common-carrier applications with the Commission for authority to transport international traffic short distances in the United States solely for the purpose of interchange with U.S. carriers. The new free-zone authority would be limited to shipments moving on a through bill of lading. A carrier wishing to conduct operations in foreign commerce between the international boundary line and the nearest practical interchange point within the United States would be required to submit an application which would be subject to a simplified procedure described in the proposed rules. The proposed abbreviated entry controls and special certificate procedure were designed to eliminate unnecessary regulatory barriers to foreign-domiciled motor carriers seeking to engage this type of limited transportation activity.

Background

When a Canadian or Mexican-domiciled for-hire motor carrier desires to bring into the United States motor vehicles containing shipments of non-exempt commodities that is has transported from the interior of Canada or Mexico, for the purpose of transfer to a United States carrier or carriers, or where it desires to receive such traffic from a connecting carrier or carriers at United States border points for movement in the reverse direction, the foreign domiciled carrier must now obtain appropriate operating authority from this Commission and comply with all applicable rate, insurance, and other general requirements imposed by statute. See *Consolidated Truck Lines* v. *Fess and Wittmeyer Trucking Co.*, 83 M.C.C. 673 (1960), and *Rio Grande Bridge System—Petition for Exemption*, 103 M.C.C. 174 (1966).

In Ex Parte No. MC-73, *Traffic at or near U.S.-Can. Boundary Lines*, 110 M.C.C. 730 (1969), the Commission, in a rulemaking proceeding instituted on its own motion, considered whether the public convenience and necessity, considered on a national basis, required authorization of all motor common carriers of property to conduct for-hire operations between border points and nearby interchange points, the Commission found (1) that it did not appear that any substantial adverse effect was being, or would be, suffered by the motor carrier industry or any other interested party under the existing scheme of regulation, and (2) that the Commission should therefore continue to require the filing of individual applications from those carriers seeking permission to operate within this country in foreign commerce. Subsequently, in *Glengarry Transport Ltd.—Declaratory Order*, 128 M.C.C. 342 (1977), a majority of the Commission concluded that the evidence of record did not warranty a departure from the Commission's earlier position.

The purpose of instituting the present rulemaking proceeding was to permit the Commission to reexamine the problem once again and, within the bounds of the statute, to fashion a solution to an interchange problem which it perceived to exist. It was thought that the best way to eliminate or resolve this interchange problem would be to institute a master licensing procedure based on a general finding of public convenience and necessity. Comments were also requested on the appropriate scope of a free zone for interchange of transborder shipments.

Subsequent Developments

Comments on the published notice were received from 44 carriers, eight carrier associations, three shippers, a broker, the Detroit International Bridge Corporation, the Canadian Conference of Motor Transport Administrators, and the Association of International Boarder Agencies. The shippers and several carriers favored the proposal; most other commentors opposed it for a variety of reasons.

Subsequently Congress adopted the Motor Carrier Act of 1980, Pub. L. 96-296, 94 Stat. 794, July 1, 1980, making extensive changes in the law regarding the regulation of motor carriers of property. Among other changes, Congress adopted a new Section 10922(b)(3), which provides:

> (3) The Commission may not make a finding relating to public convenience and necessity under paragraph (1) of the subsection [relating to the issuance of certificates to motor common carriers of property] which is based upon general findings developed in rulemaking proceedings.

This provision was adopted for the express purpose of eliminating future use of the technique of master licensing, which had been developed by the Commission as a means of simplifying the licensing process by determining the public convenience and necessity for broad categories of motor carriage in rulemaking proceedings. See, *e.g.*, *Chemical Leaman Tank Lines, Inc.* v. *United States*, 368 F. Supp. 925 (D. Del. 1973) (3-judge court). Since the previously published proposal in this proceeding was a proposal for master licensing, it can no longer be adopted in view of the new statutory provision.

Further Action

We remain concerned, however, about the inconvenience involved when Canadian and Mexican carriers must go through normal common-carrier application procedures in order to acquire authority to conduct minimal operations within the United States at or near border crossing points for the purpose of interlining traffic with U.S. carriers, even though these application procedures have now been simplified and expedited under the new Motor Carrier Act. We are even more concerned about the economic waste which occurs under the common present practice of transshipping international goods twice, once on each of the border, where a "bridge" carrier receives them from a line-haul carrier of one country on one side of the border, hauls them a few miles across the boarder and through customs, and turns them over on the other side of the border to a line-haul carrier of the other country.

A number of commentors on our earlier notice contend that there is no demonstrated need for any change in present arrangements for interlining of traffic at or near border crossing points, that a sufficient number of carriers hold authority to operate both in the United States and in neighboring countries, that the most important obstacle today to the movement of international trade over land borders is congestion and delay at customs facilities, and that the so-called "bridge" short-haul carriers perform a useful function through their export knowledge of customs procedures and requirements. We are not convinced, however, that the movement of international trade by motor vehicle over land borders cannot be further facilitied by appropriate relaxation or removal of unnecessary regulatory restrictions. Granted that the "bridge" carriers may well have developed valuable expertise in shepherding goods through customs, we believe that these useful services could be made available for appropriate compensation in a form which did not necessitate wasteful multiple unloading and reloading of shipments on both sides of the border, with the delay, expense, and wastage that inevitably accompany such multiple unloading and reloading.

Upon further reflection, now that the master licensing solution has been eliminated, it seems to us that one simple and effective way of dealing with the problem would be to amend our interchange regulations, 49 CFR Part 1057, Subpart D, so as to permit the interchange of equipment between authorized U.S. common carriers and the authorized common carriers of Canada and Mexico.

The present interchange regulations permit interchanges of equipment only between two or more authorized U.S. common carriers. We propose to add a new section to the regulations permitting interchanges between authorized U.S. common carriers and common carriers licensed by the appropriate authorities of a neighboring country, *i.e.*, Canada or Mexico. The U.S. carrier and the foreign carrier involved in such an interchange would each have to hold authority to serve the border point at which the interchange was to take place. The interchange would be considered as taking place at the boarder itself, so that all operations in the United States would be conducted under the authority of a certified U.S. carrier, and likewise all operations in the neighboring country would be conducted under the authority of a licensed carrier of that country.

This does not mean, however, that it would be necessary to stop at the border to change drivers, inspect or change identification on the vehicles, or the like. Such changes, if required by the interchange agreement or applicable regulations, could be made at any convenient point on either side of the border within five miles of the actual border crossing point.[1] Drivers qualified to operate in both countries—as many drivers will be—would not need to be changed at all. Vehicle identification could be changed at any such convenient location; or, under our proposed rule, the vehicle could bear a placard or other form of sign showing that it was operated in the United States by a named U.S. carrier and in Canada (Mexico) by a named Canadian (Mexican) carrier, in each case with the appropriate identifying numbers shown. If this latter form of identification were used, it would not need to be changed on entering or leaving the United States.

Otherwise, in general, the same rules would apply to transborder interchanges as presently apply to interchanges between authorized U.S. carriers.

It should be emphasized that, in some significant respects, this proposal is broader than our earlier one, in that it does not deal solely with operations confined to the immediate vicinity of international border crossing points. Under our new proposal, it will be possible for a truckload shipment to move from the interior of the United States to the interior of Canada or Mexico, or vice versa, in a single unbroken movement, without any transshipment, stopping only for customs inspection at the border. Similarly, it will be open to regular-route carriers serving border points to join with their Canadian or Mexican counterparts to offer a transborder regular-route service.

Where through-truck service from origin to destination is not practicable, arrangements can be entered into for interlining of traffic at any convenient terminal on either side of the border. The carriers who are parties to the interchange agreement may make whatever provision they see fit for changes of drivers, changes of power equipment, and so forth. Likewise, provisions for compensation will be entirely up to the agreement of the parties, the only requirement (as in the case of U.S. interchanges) being that charges for the use of interchanged equipment shall be kept separate from divisions of joint rates, or proportions when local or proportional rates are used.

We have also decided to go forward with the "free zone" proposal, but based on a different legal theory, as to which we request comments. Notwithstanding the Commission's former conclusions to the contrary, we have tentatively come to the conclusion, previously arrived at on several earlier occasions by a significant minority of the Commission,[2] that the extremely limited operations of foreign-domiciled carriers between international border-crossing points and nearby points of interlining within the United States are too insignificant to warrant regulation by this Commission.

We, therefore, propose to disclaim jurisdiction over these limited operations, which, although they physically take place within the United States, are merely the tags-ends of much more extensive operations by foreign-domiciled motor carriers within their own countries.

The problem exists simply because it is not practicable to interline or transship goods exactly on the international boundary line. The past—and unsatisfactory, in our view—way of dealing with this problem has been to require the foreign carrier to obtain motor common carrier authority from this Commission for the minimal U.S. operations involved. Another way of dealing with the problem is by changing our rules to authorize interchange of equipment, but this requires a detailed written agreement between a U.S. and a foreign carrier. We anticipate that this interchange solution will work best where a full through-truck service is desired. Where all that is contemplated is the interlining of traffic at or near the border, interchange agreements may be unnecessarily cumbersome. Absent such agreements, either a U.S. truck and driver must physically enter the neighboring country for a short distance, or a foreign truck and driver must enter the U.S. for a short distance, simply to reach a practical point at which interlining of through-traffic can take place.

In our tentative view, such incursions into the other country are *de minimis*, and insofar as they involve the entry of Canadian and Mexican trucks and drivers into the United States for such proposes, are too trivial to call for the exercise of regulatory jurisdiction by this Commission. We note that Congress by section 10526(b) of the Act has excluded from our regulatory jurisdiction the provision of local cartage service within a municipality, contiguous municipalities, or the commercial zone of a municipality, except to the extent we find it necessary to exercise such jurisdiction in order to carry out the National Transportation Policy of section 10101. Many of the local cartage hauls thus exempted from regulation are longer than the five-mile-maximum hauls over which we here propose to disclaim jurisdiction; and, of course, many of these latter "free zone" hauls will take place entirely within a border municipality and its commercial zone, insofar as they take place in the United States at all. In fact, the only reason section 10526(b) of the Act does not apply to these "free zone" hauls is that the transportation involved does not take place *entirely* within a municipality, contiguous municipalities, or the commercial zone of a municipality; yet the portion which does not take place in a foreign country where we have no jurisdiction.

We are not aware that Congress has ever considered or addressed itself to the specific problem here involved. The problem is a relatively minor one compared to the problems Congress undertook to deal within the Motor Carrier Act of 1980. The manner in which section 10526(b) is framed suggests to us that Congress, had it considered the present problem, might very well have included it in the conditional exclusion from jurisdiction of that section. We find nothing in the National Transportation Policy and nothing in the legislative history of the 1980 Act that requires us to assert jurisdiction over these minimal operations by foreign carriers at or near border crossing points, and nothing that suggests to us that we will be contravening the will of Congress by disclaiming jurisdiction over such operations.

Our proposed disclaimer of jurisdiction over operations of foreign domiciled carriers within "free zones" adjacent to border crossing points will be embodied in an addition to 49 CFR Part 1004. It will be limited to operations between the actual border crossing point and a transfer point within five miles of the border crossing point. It will further be limited to the transportation of goods moving on through bills of lading, and being picked up from or delivered to a United States carrier at the transfer point. The United States carrier may be either a motor carrier holding authority from this Commission

[1] The previous comments submitted in this proceeding seem to indicate that five miles would represent a reasonable general limit, although in many instances the closest convenient point would be much closer than five miles to the border crossing point. Further comment on this issue is invited.

[2] See the dissenting opinions in the *Fess* and *Glengarry* cases, *supra*, and also the separate expressions of Commissioners Gresham and Christian attached to the original notice of proposed rulemaking in this proceeding.

to serve the transfer point or an exempt carrier, as for example a local cartage operator picking up or delivering the goods within the commercial zone of the U.S. border municipality. The foreign carrier itself will not be authorized to pick up goods from, or deliver them to, a shipper or consignee.

Comments Sought

Comments are sought concerning the legality, desirability, and practicality of (1) the new transborder interchange regulations and (2) the disclaimer of jurisdiction over "free zone" operations here proposed. Comments already submitted in response to the earlier notice of proposed rulemaking will be considered to the extent they remain germane. Comments dealing specifically with the former master licensing proposal, of course, have been rendered irrelevant by events. Commentors need not submit new copies of comments previously filed which they still consider relevant, but may call attention to their earlier comments by letter, or may incorporate them (or specified portions of them) by reference in new comments filed in response to this supplemental notice.

Because our earlier proposal cannot be implemented and because a new notice and round of comments is required, we have refrained from fully summarizing or drawing detailed conclusions from the comments already received. It will be obvious, however, that we have not been convinced by those commentors who urge simply that the proceeding be terminated with the *status quo* left intact. We remain of the view that it should be possible, within the constraints of the Motor Carrier Act of 1980 and responsive to its National Transportation Policy for motor carriers of property, to facilitate the flow of transborder commerce by removing unnecessary regulatory obstacles to that flow. Our two proposals here outlined are designed to achieve that purpose.

We do not believe that implementation of our proposed regulation change and disclaimer of jurisdiction would have any significant effect, adverse or otherwise, on the quality of the human environment. We do believe, however, that some savings in scarce energy resources would occur as a result of more efficient motor carrier operations that would be made possible. Such savings would probably be small, but positive. Commentors who disagree with either of these conclusions should show specifically and in detail why they are incorrect.

We invite comments, pursuant to 5 U.S.C. 603, on the potential impact of our proposals on small businesses and small organizations. We are aware that the proposals may have an adverse effect on some small carriers, those that presently serve as "bridge" carriers hauling international goods for short distances across international boundary lines. On the other hand, we anticipate that the proposals may have a beneficial effect on other small carriers that may be able to participate more effectively or profitably in international trade movements, and on small shippers and receivers of goods moving in international trade.

This notice of proposed rulemaking is issued under the authority of 5 U.S.C. 552, 553, and 559, and 49 U.S.C. 10101, 10321, and 11107.

Decided: June 12, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix

Accordingly, it is proposed to amend 49 CFR Parts 1004 and 1057 as follows:

1. By revising paragraph (c) of § 1057–1, *Applicability*, to read as follows:

§ 1057.1 Applicability.

* * * * *

(c) The interchange of equipment between motor common carriers, or between a motor common carrier and an authorized foreign carrier, in the performance of transportation regulated by the Commission.

2. In § 1057.2, *Definitions*, by redesignating items (b) through (o) as (c) through (p), respectively, and by adding a new item (b) as follows:

§ 1057.2 Definitions.

* * * * *

(b) *Authorized foreign carrier.* A person or persons authorized to engage in the transportation of property by motor vehicle as a common carrier under the laws of Canada or a Canadian province, or of Mexico or a Mexican state.

* * * * *

3. By revising § 1057.2(d) [formerly § 1057.2(c)] to read as follows:

* * * * *

(d) *Interchange.* The transfer or receipt of equipment by one motor common carrier of property to or from another such motor common carrier, or an authorized foreign carrier, at a point which both carriers are authorized to serve, for the purpose of accomplishing a through movement.

* * * * *

4. By adding a new § 1057.32, as follows:

§ 1057.32 Interchange of equipment with authorized foreign carriers.

An authorized common carrier may interchange equipment with an authorized foreign carrier under the conditions of § 1057.31 (a), (c), (d), and (e), plus the following:

(a) *Points of interchange.* The point or points of interchange shall be a specified point or points on the borders between the United States and Canada or Mexico. However, there is no requirement that any change of driver, change of identification on the equipment, inspection of the equipment, or other form of physical transfer of control over the equipment take place precisely at the border. To the extent any of the foregoing actions may be required, they may be performed at any convenient place on either side of the border within five miles of the border crossing point.

(b) *Operating authority.* The authorized carrier participating in the interchange must hold a certificate of public convenience and necessity from this Commission authorizing transportation in interstate or foreign commerce of the commodities being carried to or from the point of interchange. The authorized foreign carrier participating in the interchange must hold a comparable document of authority from the national or a state or provincial government of its home country authorizing transportation within said country of the commodities being carried to or from the point of interchange.

(c) *Identification of equipment.* The attachment or removal of identification of power equipment required by Part 1058 of this chapter may be accomplished at any convenient location within five miles of the actual border point of interchange. Such identification of power equipment may be in the following form: "Operated in the United States by [name and I.C.C. number of authorized carrier]. Operated in (Canada) (Mexico) by [name and, if applicable, number of authorized foreign carrier]." Notwithstanding section 1057.31(d)(1), identification in this form need not be removed or changed when posession of the equipment is turned over by one carrier to the other.

5. By adding a new § 1004.3 as follows:

§ 1004.3 Disclaimer of jurisdiction over transportation of property by foreign domiciled motor carriers within free zones adjacent to international border crossing points.

The Commission disclaims jurisdiction over the transportation of property by foreign domiciled motor carriers between ports of entry on the borders between the United States and Canada or Mexico and transfer points within five miles of the border crossing point, where such property is moving in foreign commerce on through bills of lading and is being picked up from, or delivered to, a United States motor carrier at such transfer point.

[FR Doc. 81-18567 Filed 6-22-81; 8:45 am]
BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 120
Tuesday, June 23, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Medicine Bow National Forest Grazing Advisory Board; Meeting

June 10, 1981.

The Medicine Bow National Forest Grazing Advisory Board will meet July 13, 1981, at 8:00 a.m. at the Medicine Bow National Forest Supervisor's Office, 605 Skyline Drive, Laramie, Wyoming 82070. The Board, Forest Service personnel and interested public will then proceed to look at range improvements and participate in range analysis procedures and development of Environmental Analysis and Allotment Management Plans.

The Board will make recommendations concerning the development of Allotment Management Plans and utilization of Range Betterment Funds.

The meeting will be open to the public. Persons who wish to attend and participate should notify Don Schmidtlein, Medicine Bow National Forest (307–745–8971) prior to the meeting date. Public members may participate in discussions during the tour at any time or may file a written statement following the meeting.

Don C. Overly,

Acting Forest Supervisor.

[FR Doc. 81–18420 Filed 6–22–81; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Cajun Electric Power Cooperative, Inc.

Notice is hereby given that the Rural Electrification Administration (REA) has issued a Final Enviromental Impact Statement (FEIS) in accordance with Section 120(2)(c) of the National Environmental Policy Act of 1969, in connection with possible financing assistance to Cajun Electric Power Cooperative, Inc., (Cajun) P.O. Box 578, New Roads, Louisiana 70760, phone (504) 638–6326.

REA anticipates a request from Cajun for financing assistance which will enable it to obtain funds for the construction of a 540 MW (net) lignite-fired electric generating unit identified as Bid Cajun Oxbow, Unit No. 1, (formerly identified as Big Cajun 3, Unit No. 1) and related 500 kV and 230 kV transmission facilities. The power plant is proposed to be located approximately 35 miles southeast of Shreveport, Louisiana, and about 5 miles west of the community of Armistead, Louisiana. Lignite will be purchased from the proposed Phillips Coal Company's Oxbow Lignite Surface Mine which will be located adjacent to the power plant. It is anticipated that approximately 75 million tons of lignite will be purchased from Phillips Coal Company for Unit 1 over the life of the power plant and approximately 150 million tons if a second unit is added in the future. Transmission facilities include a 13.4 mile 500 kV transmission line connecting the unit to Central Louisiana Electric Company's (CLECO) system at a new substation near Timon, Louisiana, and a 7.4 mile 230 kV line connecting the unit to CLECO's transmission system at the existing Carrol Substation.

The project will affect portions of DeSoto, Red River and Natchitoches Parishes, Louisiana.

Alternatives to the proposed action which were evaluated included: (1) No Action; (2) Energy Conservation; (3) Purchased Power; and (4) Joint Ventures With Other Utilities. None of these options were determined to be viable alternatives to the proposed project. Three potential sites for the power station (the Tallulah site in Madison Parish, the Hall Summit site in Red River Parish and the Bayou Pierre site in DeSoto and Red River Parishes) were evaluated by Cajun. When all factors were considered, the environmental impacts, the impacts of fuel transport, the reliability of fuel supply, and relative cost benefits across sites, Bayou Pierre was established as the preferred site.

Additional information may be obtained from the Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 5168, South Agriculture Building, Washington, D.C. 20250, phone (202) 447–6183, or from Cajun at its address given above. Limited copies of the FEIS are available from REA upon request.

Copies of the FEIS have been sent to various Federal, State and local agencies. The FEIS may be examined during regular business hours at the office of REA, Cajun or the following libraries:

DeSoto Parish Library, 104 Crosby Street, P.O. Box 672, Mansfield, Louisiana 71052

Natchitoches Parish Library, 431 Jefferson Street, Natchitoches, Louisiana 71457

Red River Parish Library, Alonzo Street, P.O. Drewer H, Coushatta, Louisiana 71019

Final REA action with respect to this matter will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after compliance with the National Environmental Policy Act of 1969, and other environmentally related statutes, regulations, Executive Orders and Secretary's memoranda normally considered by REA.

This Federal Assistance Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 16th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–18404 Filed 6–22–81; 8:45 am]

BILLING CODE 3410–15–M

Mt. Wheeler Power, Inc.; Finding of No Significant Environmental Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with the proposed financing assistance by REA for Mt. Wheeler Power, Inc., (Mt. Wheeler) of Ely, Nevada. The proposed financing will assist Mt. Wheeler in constructing 63.4 km (39.4 mi) of 69 kV transmission line and associated substation facilities.

The 69 kV transmission line will be built between the Gonder Substation

located north of Ely, Nevada, and the proposed Williams Substation located east of Preston, Nevada. The entire project will be located in White Pine County, Nevada. Associated substation facilities include the construction of a new distribution substation and a switching station. The Bureau of Land Management (BLM) has prepared an Environmental Assessment Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, cultural resources, wetlands and floodplains, and other potential impacts of the project are adequately considered in BLM's and REA's Environmental Assessments.

Various alternatives to the proposed transmission line and substation were reviewed by BLM and REA. The alternatives included no action, alternate routes, underground construction, localized generation and upgrading existing facilities. The proposed project is the most viable alternative to deliver power to all existing and projected loads of Mt. Wheeler in White Pine County.

REA's independent evaluation of the proposed project leads to the conclusion that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, REA's Environmental Assessment, and a review of BLM's Environmental Assessment Report, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20–21:320–21, Part 1.

Copies of REA's Finding of No Significant Impact and supporting documents may be reviewed at or obtained from the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, and at the office of Mt. Wheeler Power, Inc., 1137 Avenue F, East Ely, Nevada 89315.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 16th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-18405 Filed 6-22-81; 8:45 am]

BILLING CODE 3410-15-M

Plains Electric Generation and Transmission Cooperative, Inc.; Adoption of Supplemental Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration (REA) is adopting the "Supplemental Final Environmental Statement" (SFES) prepared by the Bureau of Indian Affairs (BIA) in order to fulfill REA's requirements under the National Environmental Policy Act (NEPA) of 1969, in connection with providing financing assistance to Plains Electric Generation and Transmission Cooperative, Inc. (Plains), 2401 Aztec Road, NE., Albuquerque, New Mexico 87107, for possible ownership participation in the proposed Four Corners-Ambrosia-Pajarito 500 kV transmission line to be constructed by Public Service Company of New Mexico. The SFES supplements a Final Environmental Statement prepared by BIA in 1977 for the proposed expansion of the San Juan power plant and related transmission facilities. The total length of the proposed route is 173 miles.

On June 6, 1980, a Supplemental Draft Environmental Statement (SDES) was issued by BIA on this proposed project. On November 21, 1980, the SFES was issued. Alternatives discussed include: (1) approval of the proposed transmission line, (2) no action, (3) use of or upgrading existing lines, (4) alternate routes, and (5) alternate construction methods. The proposed line will extend from the Four Corners Power Plant to Ambrosia Station to a proposed Pajarito Station west of Albuquerque, New Mexico. Alternate routes connect these points and are only variations of the proposed route. The SFES addressed the comments and concerns raised on the SDES by Federal agencies, including REA, state and local agencies, organizations, and interested individuals. BIA has acted as lead agency in the preparation of this SFES. REA was identified as a cooperating agency in the SFES and has participated in the preparation of this SFES by providing review and comment throughout the NEPA process. REA intends to use this SFES to fulfill its requirements under NEPA. In this case, REA's anticipated potential action is providing financing assistance to Plains for ownership participation in the subject transmission line.

REA has reviewed the SFES and finds it adequate for REA purposes. Pursuant to 40 CFR 1506.3 of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, REA is adopting this statement as a Final Environmental Impact Statement. Based on (1) REA's participation in the NEPA process as a cooperating agency, (2) the recent circulation of the SFES by BIA, and (3) REA's conclusion after an independent review of the SFES that our comments and suggestions have been satisfied, REA is adopting the SFES without recirculation.

The SFES prepared by BIA may be examined during regular business hours at REA in the office of Mr. Frank W. Bennett, Room 5168, South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C. 20250, or at Plains' headquarters, Albuquerque, New Mexico.

This program is listed in the catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 18th day of June, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-18561 Filed 6-22-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Fitness Determination of Metroflight, Inc., d.b.a. Metro Airlines and Metroflight Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81–6–125, order to show cause.

SUMMARY: The Board is proposing to find that Metroflight, Inc. d.b.a. Metro Airlines and Metroflight Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 6, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegatons.

ADDRESS: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Civil Aeronautics Board, 1825 Connecticut Ave., N.W., Washington,

D.C. 20428, and with all persons listed in Attachment A of Order.

FOR FURTHER INFORMATION CONTACT: Ms. Sherry L. Kinland, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-125 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a post-card request for Order 81-6-125 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 18, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18555 Filed 6-22-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Telecommunications Equipment Technical Advisory Committee; Open Meeting

Agency: International Trade Administration.

Summary: The Telecommunication Equipment Technical Advisory Committee was initially established on October 23, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to telecommunications equipment or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and place: July 21, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room B841, 14th Street and Constitution Ave. NW., Washington, D.C.

Agenda: The purpose of this meeting will be to organize the Committee to permit it to participate effectively in the upcoming COCOM List Review. All areas of telecommunications are to be addressed, e.g., fiber optics, circuit and message switching, microwave transmission, satellite communications, modems and multiplexers.

All interested parties are invited to attend this organizational meeting. There will be no closed (executive) session since no classified material is to be discussed. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

A brief presentation on the functions of the Technical Advisory Committees will be made by Mr. J. K. Boidock, Director of the Electronic Equipment Division. This will be followed by a more specific discussion on the plans for this particular Committee.

For further information or copies of the minutes contact:

Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202-377-2583.

Dated: June 17, 1981

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-18513 Filed 6-22-81; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

U.S. Government-Owned Inventions, Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street SW., Washington, D.C. 20324

Patent application 6-206,413, Fluid-Cooled Electrical Conductor; filed Nov. 30, 1980.

Patent application 6-206, 414, Cursor Apparatus Interactive Graphic Display System; filed Nov. 13, 1980.

Patent application 6-206, 415, High Voltage Driver Amplifier Apparatus; filed Nov. 13, 1980.

Patent application 6-207, 830, A Laser Designator Test Tool Apparatus; filed Nov. 17, 1980.

Patent application 6-210, 476, Universal Timing Array; filed Dec. 4, 1980.

Patent 4, 242, 899, Thermoclamps; filed Mar. 5, 1979, patented Jan. 6, 1981; not available NTIS.

Patent 4, 243, 697, Self Biased Ferrite Resonators; filed Mar. 14, 1979, patented Jan. 6, 1981; not available NTIS.

Patent 4, 244, 053, Privacy Communication Method and System; filed Sept. 10, 1970; patented Jan. 6, 1981; not available NTIS.

Patent 4, 245, 477, Internal Heater Module for Cryogenic Refrigerators and Stirling Heat Engines; filed July 18, 1979, patented Jan. 20, 1981; not available NTIS

Patent 4, 245, 860, Missile Hoisting Sling; filed May 3, 1979, patented Jan. 20, 1981; not available NTIS.

Patent 4, 245, 911, Economical Fast Scan Spectrometer; filed Feb. 23, 1979, patented Jan. 20, 1981; not available NTIS.

Patent 4, 246, 252, Gas Generating System for Chemical Lasers; filed Apr. 13, 1979, patented Jan. 20, 1981; not available NTIS.

Patent 4, 246, 585, Subarray Pattern Control and Null Steering for Subarray Antenna Systems; filed Sept. 2, 1979, patented Jan. 20, 1981; not available NTIS.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy Office of Naval Research Code 302, Arlington, VA 22217.

Patent application 6-179, 863, Michael Reaction of Methylanemalonates with Nitro Compounds; filed Aug. 20, 1980.

Patent application 6-217, 269, Improved Electrolyte for Lithium-Thionyl Chloride Battery; filed Dec. 17, 1980.

Patent application 6-219, 689, Lightweight Concrete Using Polymer Filled Aggregate for Ocean Applications; filed Dec. 24, 1980.

Patent application 6-224, 776, Unsymmetrical Polynitrocarbonates and Symmetrical 1,3-Bis(Halo- and Nitroalkyl Carbonyldioxy)-2,2-Dinitropropanes and Methods of Preparation; filed Jan. 13, 1981.

Patent application 6-227, 311, Servo Control System for the Positioning of an Apparatus; filed Jan. 22, 1981.

Patent application 6-227,323: Efficient, Precompression, Bandwidth-Tolerant Digital Pulse Expander-Compressor. Filed January 22, 1981.

Patent application 6-227,337: Waveguide Switch. Filed January 22, 1981.

Patent application 6-228,032: N,N,N', N'-Tetrakis(2-Fluoro-2, 2-Dinitroethyl) Oxamide and a Method of Preparation thereof. Filed January January 23, 1931.

Patent 4,231,053: High Electrical Frequency Infrared Detector. Filed March 5, 1979, patented October 28, 1980, Not available NTIS

Patent 4,237,428: 15.9 Micron Acetylene Laser. Filed September 1, 1978, patented December 2, 1980, Not available NTIS.

Patent 4,238,742: Laser System. Filed August 21, 1978, patented December 9, 1980, Not available NTIS.

Patent 4,239,561: Plateau Propellant Compositions. Filed November 29, 1973, patented December 16, 1980, Not available NTIS.

Patent 4,241,432: Transducer-Reflector System. Filed April 21, 1967, patented December 23, 1980, Not available NTIS.

Patent 4,248,257: Flood Valve. Filed March 26, 1979, patented Feburary 3, 1981, Not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP–4, Washington, D.C. 20546

Patent application 6–186, 881: Optical Crystal Temperature Gauge with Fiber Optic Connections. Filed September 12, 1980.

Patent application 6–199,767: Pulsed Phase Locked Loop Strain Monitor. Filed October 23, 1980.

Patent application 6–210,490: Tunable Injection-Locked Pulsed CO_2 Laser. Filed November 26, 1980.

Patent application 6–214,360: Containerless Melting and Rapid Solidification Apparatus an Method. Filed December 8, 1980.

Patent application 6–218,585: Method of Bonding Plasticized Elastomer to Metal and Article Produced Thereby. Filed December 19, 1980.

Patent application 6–219,640: Rhomboid Prism Pair for Rotating the Plane of Parallel Light Beams. Filed December 24, 1980.

Patent application 6–219,677: High Voltage Planar Multijunction. Filed December 24, 1980.

Patent application 6–219,678: High Voltage V-Groove Solar Cell. Filed December 24, 1980.

Patent application 6–220,213: Linear Magnetic Bearings. Filed December 24, 1980.

Patent application 6–225,499: Holding Fixture for a Hot Stamping Press. Filed January 16, 1981.

Patent 4,206,713: Continuous Coal Processing Method. Filed September 28, 1976, patented June 10, 1980, Not available NTIS.

Patent 4,218,921: Method and Apparatus for Shaping and Enhancing Acoustical Levitation Forces. Filed July 13, 1979, patented August 26, 1980, Not available NTIS.

Patent 4,219,107: Speed Control Device for a Heavy Duty Shaft. Filed December 13, 1977, patented August 26, 1980, Not available NTIS.

Patent 4,224,810: System for Refurbishing and Processing Parachutes. Filed December 21, 1977, patented September 30, 1980, Not available NTIS.

[FR Doc. 81–18517 Filed 6–22–81; 8:45 am]

BILLING CODE 3510–04–M

National Oceanic and Atmospheric Administration

Public Hearing on Tijuana River Estuarine Sanctuary Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) prepared on the proposed Tijuana River Estuarine Sanctuary.

The hearing will be held Thursday, July 23, 1981, at 7:00 p.m. at the following location: City Council Chambers, 825 Imperial Beach Boulevard, (between 8th & 9th Streets), Imperial Beach, California.

The views of interested persons and oranizations on the adequacy of the impact statement and the proposed Tijuana River Estuarine Sanctuary are solicited, and may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of 5 minutes. This time allotment may be extended before the hearing when the number of speakers can be determined. No verbatim transcript of the hearing will be prepared, but staff present will record the general thrust of the remarks. The comment period for this draft environmental impact statement will end on Tuesday, August 4, 1981.

As part of the procedures leading toward approval of the Tijuana River Estuarine Sanctuary, a Final Environmental Impact Statement, reflecting consideration of these comments, will be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing regulations. All written comments received by OCZM prior to the deadline will be included in the FEIS.

Copies of the DEIS may be obtained from the Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 (telephone: 202/634–4253).

(Federal Domestic Assistance Catalog No. 11.420 Coastal Zone Management Estuarine Sanctuaries)

Dated: June 18, 1981.

William Matuszeski,

Acting Deputy Assistant Administrator for Coastal Zone Management.

[FR Doc. 81–18556 Filed 6–22–81; 8:45 am]

BILLING CODE 3510–08–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing a New Export Visa Requirement and Exempt Certification for Cotton, Wool, and Manmade Fiber Textile Products From Mexico; Correction

Federal Register Doc. 81–15034 in the issue for Wednesday, May 20, 1981 (46 FR 27516) announced establishment of an export visa requirement and exempt certification for certain cotton, wool and man-made fiber textile products from Mexico. An enclosure to the letter to the Commissioner of Customs, which listed the items that are currently exempt from the bilateral agreement with Mexico, when properly certified, was omitted from publication. A copy of that list is published below.

In addition, the facsimiles of the visa and exempt certification stamps published on page 27517 were incorrectly labeled. The circular stamp is the export visa. The square stamp is the exempt certification.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

June 18, 1981.

MEXICAN TRADITIONAL FORKLORE HANDICRAFT TEXTILE PRODUCTS

"Mexican Items" are traditional Mexican products, cut, sewn, or otherwise fabricated by hand in cottage units of the cottage industry.

Name	Description
Abrigo Ramo	A lightweight, long sleeve coat made of crude looking natural cloth. It has buttons in front along the entire length of the coat. The sleeves and front of the coat are heavily embroidered with flowers.
	Regional handloomed costume dresses made from rough "cambaya" cloth, hand dyed and richly decorated with hand embroidered designs representing traditional regional motifs such as stars, key designs, pyramids, poppies, sunflowers and marigolds. All of the designs are richly and brilliantly colored.
Blusa Huahuaxtla Puebla.	An ample blouse worn extensively in the northern hills of the State of Puebla which is made of hand woven, crude greige cloth. It is pleated in the upper front and back and is heavily decorated around the collar, sleeves and bust with hand-embroidered, multi-colored crosses.
Blusa Huamantla Tlaxcala.	A blouse made of natural, plain, hand woven white cloth, traditionally worn in Tlaxcalteca and North Puebla regions of the country. It is heavily pleated around the bust, shoulders and cuffs and hand-embroidered in geometric motifs representing various farm animals and flowers.

Name	Description
Blusa Manta de Bolillo.	A hand made blouse, worn by peasant women in the Mexican highlands, which comes with a very wide round or square neckline. The neckline is overlapped by a hand made piece of lace. The front and back of the blouse are heavily pleated.
Blusa Oaxaca	An amply cut, loose fitting blouse of handwoven fabric. Worn extensively in the Mixterzapotec region of the State of Oaxaca, it is heavily pleated in the front and upper back and is completely edged in multi-colored lace with strips of lace along the sleeves.
Blusa Punto de Cruz.	A blouse hand made from crude fabric and adorned with traditional "cross stich" embroidery commonly used by peasants in the central states of Mexico. The neck of the blouse is cut in a square or rectangular shape and is embroidered in a geometric pattern with flowers and leaves. The fabric itself is uniquely woven to form an overall pattern of small squares.
Calzon Blanco	The most common peasant costume worn in Mexico. The two-piece outfit, consisting of pants and shirt, is made completely by hand in the cottage industry from unbleached griege cloth. The pants are baggy with two slits in the leg at the ankle. Narrow strips of cloth, attached at either end of the slits along the pants leg and at the waist, are used to hold the trousers in place. The shirt is decorated with long vertical pleats in front. A red, handwoven cotten band is worn loosely around the waist as an accessory.
Capa	A cape richly and extensively hand embroidered with vivid colors. When used by bull fighters, it is intricately hand embroidered with silver and gold thread.
Capote	A red cape lined in yellow worn by the "matador" in the bull ring.
Charro	A male costume consisting of a broad-brimmed hat made in cotton velvet, banded and decorated with silver or contrasting cotton ribbons. A shirt in white cotton percale embroidered with an eagle in the back and birds in the front. It is worn with a large multicolored bow tie called a "corbaton" made of a strip of cotton meterial more than a yard long and six inches wide. The jacket is fastened beneath the lapels with double frog linked silver buttons. The jacket is worn with close-fitting tapered trousers which have an inch wide flap along the outer sides that sometimes is studded with silver buttons, metal studs or sequins.
Chiapaneca	(From Chiapas). A richly embroidered handmade dress consisting of a "huipil" a very wide skirt and a petticoat. The skirt is made of a very wide strip of cotton lace embroidered with large, brightly colored flowers, which are sewn together with the blouse or "huipil". The petticoat is heavily edged with a hand drawn lace band.
Chinantoca	A female costume from Oaxaca completely handloomed by highland Indians. It consists of a "huipil" made of three long strips of cotton heavily decorated with ruffles and a wrap-around skirt hand embroidered in ancient geometric designs. An embroidered strip of ribbons in alternated colors is sewn or "appliqued" to the huipil.
China Poblana	A wide skirt called a "castor", made of red cotton flannel printed with black geometrical designs and profusely embroiderd with sequins. The top and lower edges of the skirt are made of green cotton satin. The blouse is trimmed at the neckline and shoulders with a wide strip of embroidery in a traditional flower design made with thread or with beads and spangles. A traditional multi-colored hand made "rebozo" and a headdress made of two strands of hand braided red, white and green ribbons complete the costume.
Deshilado	A heavy tablecloth or doilie containing intricate designs exclusively hand drawn from the fabric itself.
Fustan	A type of long skirt, sometimes used as a petticoat. Always has a decorative band called a "xmanikte" encircling the lower edge. The "fustan" is generally heavily hand embroidered in a cross stich with colorful geometric designs or flowers.
Hamacas	A handmade hammock from the Mexican Tropics uniquely constructed by a system of knots permitting simultaneous utilization by several people.
Huautleca	A "huipil" composed of three rectangular pieces of hand made cloth, heavily hand embroidered with geometric designs representing flowers and birds. From the region of Huautla, Oaxaca.
Huichol	A man's costume from Jalisco which is completely handwoven and embroidered in cross-stitch. It consists of a straw hat decorated with a "borlas" around the top of a flat crown, a long shirt with slit sleeves and wide-legged trousers also heavily hand embroidered. The trousers are held in place by a waistband called a "cosihuire" or "queitzaruame", which is decorated with a number of sashes. The entire costume is covered with a cape called a "tuhuarra," which is richly hand embroidered and decorated with ribbon applique. It is completed with an embroidered hand made carrybag or knapsack called a "morral".
Huipil	A very traditional, unshaped and sleeveless woman's dress heavily embroidered and formed by a rectangular piece of fabric with a hole or slot in the center for the head. In many cases the embroidered decoration is hand drawn from the fabric itself. The designs appearing in the huipil depict birds, flowers and geometric patterns of pre-Colombian Mexico.
Jorongo	A cloak made of a rectangular piece of cotton fabric with a hole in the center for the head to pass through. Heavily embroidered by hand with designs which appear mainly on that part of the fabric which covers the shoulders.
Jubon	An amply cut blouse from Campeche and Yucatan made of unbleached gray cloth richly embroidered around the neckline and lower edge with colored flowers and trailing vine designs. The decoration can also be made of lace or ribbons. A special festive type of Jubon is also used as part of the "Mestiza" costume.
Malacatera	A cotton dress consisting of two pieces. The skirt is hand made out of a large rectangular piece of cloth, pleated at the waist and horizontally stripped in a bold pattern. The "huipil" is hand made of shear transparent cotton richly hand embroidered in the front and at the bottom.
Mestiza	A female costume from Yucatan consisting of a traditional hand made multicolored "huipil", a "jubon" and a "fustan". The jubon is richly hand embroidered around the neckline and lower edge with colored flowers and trailing vines designs. A decorative band of drawn work which is called "xmanikte" encircles the lower edge of the "fustan". The costume is topped off by an elaborate hand woven cotton headdress called a "tuch".
Mixteca	A handloomed huipil, from the Mixteca region of Oaxaca consisting of three rectangular pieces of cotton cloth brightly embroidered with birds and sewn together by embroidered narrow bands one or two inches in width. The three pieces of cloth are held together by plain, hand made cotton bands.
Padas Amano	A rather primitive hand printed or hand painted fabric depicting rural or religious scenes. Often used as wall tapestry. Generally comes in two sizes 20" × 20" or 72" × 138".
Quetchquemetl	A type of closed cape made from two rectangular pieces of cloth formed into a square with a hole in the middle for the head. It covers the bust, the back and the shoulders and is handwoven in decorative designs.
Ranchera Jalisco	A very full dress, the bottom portion of which is made out of large pleated horizontal bands of brightly colored fabric. The bands of fabric are decorated with lace at the point they are sewn together. Handmade lace is also used extensively to decorate the top portion of the dress.
Rebozo	A long, narrow shawl, woven by hand in single or multi-colored designs. The edges are intricately hand knotted in the shape of balls.
Resplandor	The Tehuana headdress is of Zoque origin folded specially to allow the edge, made of beautiful, intricately designed lace, to remain rigid on top of the head in the shape of a halo. It is made of stiff cotton lace and ribbon, well starched, with pleats at the edges. It is also called "bida-moro.
Rodete de Tlacoyal	A very heavily knotted rope-like piece of material worn in a twisted configuaration on the head.
Sarape	A type of blanket made of rough, hand woven fabric in bright, multi-colored stripes.
Tehuana	A female costume from Oaxaca consisting of an ample white petticoat bound with hand made lace, a bright skirt with a wide starched and pleated lower edge made of wide cotton lace, embroidered all over with geometric or flower design, a short "huipil" which falls slightly below the waist, and a headdress hand made of cotton lace, heavily starched which is called a "resplandor".
Terno	A male costume consisting of pants and jacket, used by a bull fighter at the start of his career. It is hand embroidered on the sides of the pants and jacket with fancy, hand woven ribbon in contrasting colors. It is often heavily decorated in silver and gold.
Traje Regional Tarasco.	A Micuoacan peasant dress hand made from "cambaya" cloth. It has a unique yoke around the collar which is a elaborately hand-embroidered with flowers and animals utilizing a stitch patterm that gives the motif a very primitive appearance.
Vestido de la Costa del Golfo.	A dress made entirely by hand of delicate cotton lace, either white or in colors. Worn extensively in the State of Veracruz, Tabasco and Campeche at festivals and weddings.
Vestido Encaze	A very lightweight, transparent, heavily embroidered, hand made dress, made out of strips of lace which is often used for holidays and weddings.

Name	Description
Vestido Miraflores	An ankle length, long-sleeved woman's dress made from "cambaya" hand loomed and hand dyed fabric. The sleeves and bottom portion of the dress are delicately hand embroidered in brilliantly colored floral or bird motifs. Frequently the dress is also decorated with various colored ribbons sewn along the edges of the entire dress.
Yalalteca	A female costume from Oaxaca consisting of a very large "huipil" which falls almost to the knee, richly decorated with geometric designs and a loosely fitting skirt or wrap-around of stripped red and white cotton.

[FR Doc. 81-18560 Filed 6-22-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing Additional Import Controls on Certain Cotton Apparel From the Republic of the Philippines

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling cotton trousers in Categories 347 and 348, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1981, at respective levels of 236,391 dozen and 227,502 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121))

SUMMARY: Under the terms of the Bilaterial Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, the United States Government has decided to control imports of cotton textile products in Categories 347 and 348, produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1981, in addition to those categories previously designated.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Deaprtment of Commerce, Washington, D.C. 20230 (20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85498) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption during the twelve-month period beginning in January 1, 1981 and extending through December 31, 1981. Under the terms of the bilateral agreement, the United States Government has decided also to control imports of cotton textile products in Categories 347 and 348 during the same period. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption,or withdrawal from warehouse for consumption, of cotton textile products in Categories 347 and 348 in excess of the designated levels of restraint. The levels of restraint have not been adjusted to account for any imports after December 31, 1980. As the data becomes available, such charges will also be made for the period which began on January 1, 1981 and extends to the effective date of this action

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 18, 1981.

Commissioner of Customs, Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on June 23, 1981, and for the twelve-month period beginning January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 347 and 348, produced or manufactured in the Philippines, in excess of the following levels of restraints:

Category	12-Mo. level of restraint [1], dozen
347	236,391
348pt. [2]	227,502

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

[2] All T.S.U.S.A. numbers in Category 348 except 382.0087, 382.0691, 382.3349, 382.3355, 382.3359 and 382.3363.

Cotton textile products in Categories 347 and 348pt. which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Cotton textile products in Categories 347 and 348 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for Consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-18559 Filed 6-22-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

Correction

In FR Doc. 81-17440 appearing on page 31042 in the issue of Friday, June 12, 1981, on page 31043, first column, first line under "Stake, Wood". Should read as follows: "5510-00-NSH-0001 (⅜" x 1½" x 24")".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Corp of Engineers, Department of the Army

Draft Environmental Impact Statement (DEIS) for Ogdensburg Harbor, NY; Intent

AGENCY: Army Engineer District, Buffalo, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

PROPOSED ACTION: This study is being done under the Special Continuing Authorities Program as a Section 107 Project—a small navigation project authority, Section 107, River and Harbor Act of 1960, as amended. The proposed action and alternatives under consideration consist of channel improvements—which includes deepening the channel to 27 feet—that would enable larger vessels to enter and exit the harbor and channel. The considered plans also consist of channel extension which would increase the length of the existing pier face. This action would require extension of the existing steel sheet pile pier by the Ogdensburg Bridge and Port Authority, and it would significantly increase the total storage area and associated annual tonnage throughput.

Alternatives Considered: Five plans for improvement of Ogdensburg Harbor, NY, were considered—(1) enlarged local channel improvement; (2) enlarged local channel improvement with 200-foot channel extension; (3) enlarged local channel improvement with 600-foot channel extension; (4) enlarged local channel improvement with 1,000-foot channel extension; (5) no action.

Plan 1 consists of modifications to the existing locally-improved channel in order to achieve "safe and efficient" navigation conditions at the Port Authority dock. Locally-constructed improvements, completed in 1971, did not result in channel widths and depths compatible with Federal channel design standards. This plan would enlarge the approach channel widths and dredge several areas which were not initially deepened to 27 feet LWD. This would result in deeper drafts and allow the existing fleet to more fully utilize their maximum carrying capacity.

Plan 2 would enlarge the local channel and extend the channel by 200 feet to a depth of 27 feet. This plan would allow vessel operators to enter the lower entrance channel at deeper drafts but would not alleviate the present inefficiencies of using the Port Authority facility. No major change in tonnage throughput will be realized although a slight change in fleet characteristics are expected to occur with this plan. The near-term capacity constraint of about 67,000 tons will continue to restrain growth in bulk material movements under this plan. The present inefficiencies in stockpiling and loading procedures will also continue. However, under this alternative a slightly larger ship size can be used in future fleets without any portion of the vessel's length extending past the end of the dock face of the Marine Terminal Dock.

Plan 3 would enlarge the local channel and extend the channel by 600 feet at a depth of 27 feet. This plan consists of constructing general navigation improvements which would enable larger vessels to enter and exit the harbor. In addition, a channel extension and channel deepening feature would increase the available depths and length of the existing dock face. This plan require extension of the existing steel sheet pile dock by the Port Authority but would significantly increase the total storage area and associated annual tonnage throughput.

Plan 4 would enlarge the local channel and extend the channel by 1,000 feet at a depth of 27 feet. This plan consists of constructing general navigation improvements which would enable vessels to enter and exit the harbor. Associated channel modifications, including channel deepening 1,000 feet westward into the City Front channel, will also allow larger vessels or existing vessels to load to greater drafts.

Shoreside storage facilities could be expanded to accommodate future traffic movements and alleviate the present capacity constraint now experienced at the Marine Terminal Dock. Benefits for this plan also consist of cost reduction benefits for dry bulk commodities now moving or expected to move through the harbor in the future.

Plan 5 is a no-action plan. The no-action alternative implies that the Federal Government, acting through the Corps of Engineers, would take no action to improve the navigation channel at Ogdensburg Harbor. The no-action plan serves as a base condition to which all other plans are compared.

Public Involvement: An on-site reconnaissance was made on 1–2 June 1981 by a U.S. Fish and Wildlife Service representative (Cortland, NY, office) and Corps of Engineers personnel from the Planning Branch to observe the study site and discuss the potential project. At that time, the study was also discussed with a representative of the Ogdensburg Bridge and Port Authority as well. A public notice dated 29 May 1981, indicating that the Buffalo District, Corps of Engineers will be conducting a public workshop on 25 June 1981 at the Ogdensburg Bridge and Port Authority Building, Ogdensburg, NY, was recently mailed to local, State, and Federal interests, to allow the public an opportunity to participate in the plan formulation process for this study. All concerns expressed by the public during the workshop will be addressed in the Draft Detailed Project Report and Draft Environmental Impact Statement.

Issues: Significant issues to be analyzed in the DEIS include a determination of extent to which the selected plan and any reasonable alternatives might positively or negatively impact upon the human and natural environments, to include fish and wildlife habitats, plants, water and air quality, area aesthetics, prime and unique farmland, and cultural resources.

Scoping Meeting: Since local, State, and Federal interests have been involved in ongoing studies of Ogdensburg Harbor, NY, and since a public workship will be held in June 1981, no scoping meeting will be held.

Availability: This Draft Environmental Impact Statement will be made available to the public on or about 31 March 1982.

Address: Questions about the proposed action and DEIS can be answered by Tod D. Smith or Kathleen McDermott, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207, (716) 876–5454.

Dated: June 11, 1981.

George P. Johnson,

Colonel, Corps of Engineers, Commander and District Engineer.

[FR Doc. 81-18427 Filed 6-22-81; 8:45 am]

BILLING CODE 3710-GP-M

DEPARTMENT OF EDUCATION

Pell Grant Program; Eligibility Report Closing Dates

AGENCY: Department of Education.

ACTION: Closing dates for submission of the student eligibility report under validation procedures for the 1980–1981 school year.

The Secretary of Education gives notice of the following cutoff dates for determining an expected family contribution (student eligibility index) and for submitting a Student Eligibility Report (SER) under the verification procedures of the Pell Grant Program (formerly the Basic Educational Opportunity Grant Program). The calculation of an expected family contribution and the submission of a valid SER are prerequisites for receiving a Pell Grant award.

The Pell Grant Program assists students in the continuation of their training and education at the postsecondary education level by providing a foundation of financial aid to help defray educational costs.

The authority for the program is contained in Section 411 of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070a)

The verification procedures (validation) involve collecting documents from Pell Grant applicants and the applicants' parents to verify the information reported on the SER. It may also require the applicant to correct any inaccurate information on his or her SER, submit the corrected SER for reprocessing and resubmit the returned SER to the institution's student financial aid office.

This notice applies only to students undergoing validation and does not conflict with nor supersede the closing dates established by the Secretary in the closing date notice published in the Federal Register on March 5, 1981, 46 FR 15308.

Validation Process and Cutoff Dates

A student who is selected to have his or her application verified under the Validation Process must adhere to the following procedures and deadlines in order to receive a Pell Grant award for the 1980–81 award year:

Regular Disbursement System

1. If a student is selected to have his or her application verified under the Validation Process and that student attends an institution that participates in the Pell Grant program under the Regular Disbursement System, he or she has 90 days from his or her last day of enrollment or September 30, 1981, whichever comes first, to provide the requested documents to the institution.

2. If the SER of that student contains inaccurate information, he or she must make the correction on the SER, submit the corrected SER to the Department of Education's processing center at the address indicated on the SER and resubmit the returned valid SER to the institution by the closing date for the submission of documents indicated in paragraph 1.

3. If the student did not submit the corrected SER to the Department of Education's processing center by May 15, 1981, the student must submit the corrected SER to his or her institution along with the requested documents. The institution submits the corrected SER and documents to the U.S. Department of Education, Student Validation Branch, P.O. Box 23185, Washington, D.C. 20024.

The Secretary reviews the documents, reprocesses the SER and returns the reprocessed SER to the student. The student must resubmit the returned SER to the institution by the closing date for the submission of documents indicated in paragraph 1.

It should be noted that the Secretary requires about eight weeks to review the documents and reprocess the SERs. Therefore, students are advised to provide the appropriate documents and forms to their institutions within the first 30 days of the 90 day period.

Alternate Disbursement System

If a student is selected to have his or her application verified under the Validation Process and that student attends an institution that participates in the Pell Grant program under the Alternate Disbursement System, he or she has 90 days from his or her last day of enrollment or September 30, 1981 whichever comes first, to complete the Validation Process. In order to complete the Validation Process the student must—

1. Submit his or her SER along with requested documents to the Student Validation Branch, P.O. Box 23185, Washington, D.C. 20024;

2. Correct any inaccurate information reported on the SER;

3. Sign and return the corrected SER received from the Department of Education to the Student Validation Branch for reprocessing at the above address; and

4. Submit the new SER the student will receive from the Department of Education along with the ED form 304 or 304–1 to BEOG, Post Office Box F, Iowa City, Iowa 52243.

General Information

Application forms: Application forms and information brochures are available and may be obtained from college financial aid administrators, high school counselors, or Educational Opportunity Center counselors, or by writing to BEOG, P.O. Box 84, Washington, D.C. 20044.

Applicable regulations: The regulations applicable to this program are the Pell Grant (formerly the Basic Educational Opportunity Grant) regulations (34 CFR Part 690).

FURTHER INFORMATION: For further information contact Ms. Sheila Gary, Student Validation Branch, Office of Postsecondary Education, U.S. Department of Education (Room 4669, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245–2724.

(20 U.S.C. 1070a)

(Catalog of Federal Domestic Assistance No. 84.063 Pell Grant Program)

Dated: June 17, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–18557 Filed 6–22–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Assistant Secretary for Fossil Energy

Procon Inc.; Proposed Contract Award

ACTION: Notice of proposed contract award.

SUMMARY: In accordance with Department of Energy (DOE) Procurement Regulations, 41 CFR 9–1.5409, DOE gives public notice that a contract award, recognizing the existence of potential organizational conflicts of interest, is in the best interests of the United States.

FOR FURTHER INFORMATION CONTACT: Mr. Phillip Gallo, Office of Coal Resource Management, Room 3443, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633–9176.

FINDINGS, MITIGATION, AND DETERMINATION: Upon the basis of the following findings and determination, the proposed contract described below is being awarded recognizing the existence of potential organizational conflicts of interest pursuant to the authority of 41 CFR 9–1.5409(a)(3).

Findings

1. On November 19, 1980, the Department of Energy (DOE), issued a conditional commitment to the Great Plains Gasification Associates in response to a loan guarantee application submitted relative to a proposed commercial high-Btu coal gasification plant in Mercer County, North Dakota. In furtherance of the Department's goal to use its loan guarantee authority to maximize the production of alternative fuels at the earliest date practicable, DOE reviewed and is processing the loan guarantee application on an expedited basis.

2. Because of the urgency to make a decision on the amended loan guarantee application, it was necessary to utilize the services of Procon, Inc. to assist DOE in providing an assessment of project costs and developing a construction schedule. On September 9, 1980, Procon, Inc. was authorized to incur costs subject to organizational conflict of interest clearance.

3. In accordance with 41 CFR 9–1.5405, Procon, Inc. provided a statement disclosing relevant information concerning its interests related to the work performed for the agency and bearing on whether it has possible organizational conflicts of interest (1) with respect to being able to render impartial, technically sound and objective assistance or advice, or (2) which may give it an unfair competitive advantage.

4. Since Procon, Inc. is an architect and engineering firm with approximately 85 percent of its sales revenues from energy firms and has contracts with DOE dealing with coal gasification technology, it has been determined in accordance with 41 CFR 9–1.5409(a) that Procon, Inc. may have potential organizational conflicts of interest with regard to the work required by DOE.

5. Because Procon, Inc. had the exclusive capability to perform the work for DOE within the essential time constraints, it was neither feasible nor desirable to disqualify Procon from award pursuant to 41 CFR 9–1.5409(a)(1). Furthermore, it is not possible to avoid the potential organizational conflicts of interest by the inclusion of appropriate conditions in the resulting contract, pursuant to 41 CFR 9–1.5409(a)(2).

Mitigation

1. The contract will include the Organizational Conflicts of Interest Special Clause (41 CFR 9–1.5408–2(b)). The primary purpose of this clause is to aid in insuring that the Contractor is not biased because of its past, present, or currently planned interests (financial, contractual, organizational, or otherwise) which relate to the work under the contract, and does not obtain any unfair competitive advantage over other parties by virtue of its performance of this contract.

2. DOE will insert into the contract a special mitigating clause concerning organizational conflicts of interest which will prohibit Procon, Inc. from securing any business or work associated with the Great Plains Gasification Project located in Mercer County, North Dakota from any contractor or company associated with such project for a period three years from the commencement of work pursuant to this contract.

3. Procon's activity under the contract has been closely monitored by the DOE Independent Cost estimating Staff in the Controllers Office of Program and Project Management Assessment. All work performed by the contractor has been independently reviewed and is but one factor being considered in preparing the final DOE report to the DOE Application Approving Official. All final conclusions, recommendations, and decisions will be made by DOE officials.

Determination

In light of the above Findings and Mitigation, and in accordance with 41 CFR 9–1.5409(a)(3), the proposed contract award is in the best interests of the United States.

Dated: June 16, 1981.

Roger LeGassie,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 81–18453 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangement Between United States and Canada

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the supply of 3 grams of thorium metal to Atomic Energy of Canada, Ltd., for the measurement and correlation of vacancy formation energies in metals as a function of temperature.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material under Contract Number WC–CA–26 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 16, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–18445 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangement Between United States and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 5 micrograms of plutonium-242 for use as a tracer for the analysis of the plutonium content in various samples at the Centre d'Etude de l'Energie Nucleaire, Belgium.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material under Contract Number S–EU–690 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 16, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs International Nuclear and Technical Programs.

[FR Doc. 81–18446 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangements Between United States and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, the Agreements for Cooperation Between the Government of the United States of America and the Governments of the Philippines, Japan, Spain, Switzerland, and Sweden Concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Peaceful Application of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve contractual arrangements under which DOE will consent, if requested, to the assignments

of portions of various uranium enrichment services contracts held by various U.S. and foreign utilities in Yugoslavia, Switzerland, and the Philippines as shown below:

Utility/Location	Separative work units	Fiscal year
KRSKO, Yugoslavia	90,000	1987
Leibstadt, Switzerland	5,000	1985
Leibstadt, Switzerland	10,000	1986
Leibstadt, Switzerland	130,000	1987
Gosgen, Switzerland	20,000	1985
Gosgen, Switzerland	30,000	1986
Gosgen, Switzerland	140,000	1987
Philippines	40,000	1983

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that entering into these subsequent arrangements will not be inimical to the common defense and security. It has furthermore been determined that the assignment of these enrichment services complies with Pub. L. 96-280 permitting the supply of additional low enriched uranium under international agreements for cooperation in the civil uses of atomic energy.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 16, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-18447 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement between United States and Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 50 grams of uranium, enriched to 93% in U-235, to be used in the manufacture of fission chambers for nuclear reactor control.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material under Contract Number S-JA-294 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 16, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-18448 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangements Between United States and Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954 as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, the Agreements for Cooperation Between the Government of the United States of America and the Governments of Finland and Japan Concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve supply of nuclear materials as follows:

Contract Number WC-EU-190, to CEN, Grenoble, France, 65.18 grams of uranium enriched to 2.35% in U-235, and 11.8 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-191, to CEN, Grenoble, France, 105.6 grams of uranium enriched to 4.30% in U-235, and 23.6 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-192, to CEN/SACLAY, France, 2.99 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-193, to CEN/SACLAY, France, 5.98 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-194, to Bundesanstalt Fur Materialprufung, Berlin, Federal Republic of Germany, 65.18 grams of urnaium enriched to 2.35% in U-235.

Contract Number WC-EU-195, to Bundesanstalt Fur Materialprufung, Berlin, Federal Republic of Germany, 105.6 grams of uranium enriched to 4.30% in U-235.

Contract Number WC-EU-196, to ALKEN, Gmbh, Hanau, Federal Republic of Germany, 65.18 grams of uranium enriched to 2.35% in U-235, and 11.80 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-197, to ALKEN, Gmbh, Hanau, Federal Republic of Germany, 105.6 grams of uranium enriched to 4.30% in U-235, and 23.6 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-198, to the Institute Fur Radiochemie Analytische, Karlsruhe, Federal Republic of Germany, 11.80 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-199, to the Institute Fur Radiochemie Analytische, Karlsruhe, Federal Republic of Germany, 23.6 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-200, to the Institute for Chemische Technologie, Juelich, Federal Republic of Germany, 11.80 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-201, to the Institute for Chemische Technologie, Juelich, Federal Republic of Germany, 23.60 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-202, to British Nuclear Fuels, Ltd., England, 65.18 grams of uranium enriched to 2.35% in U-235, and 11.80 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-203, to British Nuclear Fuels, Ltd., England, 105 grams of uranium enriched to 4.30% in U-235, and 23.6 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-204, to the Ministry of Defense, England, 2.99 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-205, to the Ministry of Defense, England, 5.98 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-206, to AGIP Nucleaire, Bologna, Italy, 65.18 grams of uranium enriched to 2.35% in U-235, and 11.80 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-207, to AGIP Nuclearire, Bologna, Italy, 105.6 grams of uranium enriched to 4.30% in U-235, and 23.6 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-208, to Fabbricasioni Nucleari, Italy, 65.18 grams of uranium enriched to 2.35% in U-235.

Contract Number WC-EU-209, to Fabbricazioni Nucleari, Italy, 105.6 grams of uranium enriched to 4.30% in U-235.

Contract Number WC-EU-210, to the Netherlands Energy Research Institute, 65.18 grams of uranium enriched to 2.35% in U-235, and 11.80 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-211, to the Netherlands Energy Research Institute, 105.6 grams of uranium enriched to 4.30% in U-235, and 23.6 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-212, to SCK/CEN, Mol, Belgium, 65.18 grams of uranium enriched to 2.35% in U-235, and 11.80 grams of uranium enriched to 2.84% in U-235.

Contract Number WC-EU-213, to SCK/CEN, Mol, Belgium, 105.6 grams of uranium enriched to 4.30% in U-235, and 23.6 grams of uranium enriched to 2.84% in U-235.

Contract Number WC–EU–214, to CEN/BN, Mol Belgium, 65.18 grams of uranium enriched to 2.35% in U–235.
Contract Number WC–EU–215, to CEN/BN, Mol, Belgium, 105.6 grams of uranium enriched to 4.30% in U–235.
Contract Number WC–FI–7, to the Department of Radiochemistry, Helsinki, Finland, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.8 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–FI–8, to the Department of Radiochemistry, Helsinki, Finland, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–JA–30, to Japan Nuclear Fuel, Ltd., Japan 105.6 grams of uranium enriched to 4.30% in U–235.
Contract Number WC–JA–31, to the Safeguards Analytical Laboratory, Japan, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.8 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–JA–32, to the Safeguards Analytical Laboratory, Japan, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–JA–33, to the Tokai Works, Japan, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–JA–34, to the Tokai Works, Japan, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.80 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–JA–35, to the Japan Nuclear Fuel Co., Ltd., Japan, 65.18 grams of uranium enriched to 2.35% in U–235.
Contract Number WC–IA–119, to the Safeguards Analytical Laboratory, Vienna, Austria, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.80 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–IA–120, to the Safeguards Analytical Laboratory, Vienna, Austria, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.

The above materials are to be utilized in the Safeguards Analytical Laboratory Evaluation (SALE) Program. This program is designed to evaulate the capability of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle, and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangments will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 17, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–18454 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Ben P. Rollert, Jr. and H. K. Waddell d.b.a. Rollert-Waddell Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461; Telephone Number (202) 653–3517.

SUPPLEMENTARY INFORMATION: On September 27, 1979, the OE published notification in **Federal Register** that it executed a Consent Order with Rollert-Waddell Company (RWC) of Luling, Texas on September 12, 1979, 44 FR 55630 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by RWC pursuant to the Consent Order requested to submit notice of their claims to the OE.

One comment was received. The comment contained no new evidence which was materially inconsistent with evidence upon which the DOE's acceptance of the Consent Order was based. After review of that comment, the OE has determined that the Consent Order should not be modified.

Pursuant to the Consent Order, RWC refunded the sum of $90,000 by certified checks made payable to the United States Department of Energy. This sum has been received by the DOE and has been placed into a suitable account pending determination of its proper distribution.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $90,000, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals on June 11, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 16th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81–18461 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–01–M

Kirkpatrick Oil and Gas Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedues for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653–3517.

SUPPLEMENTARY INFORMATION: On April 28, 1980, the OE published notification in the **Federal Register** that it executed a Consent Order with Kirkpatrick Oil and Gas Company, (Kirkpatrick) of Oklahoma City, Oklahoma on April 14, 1980, 45 FR 28190 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund amount paid by Kirkpatrick pursuant to the Consent Order were requested to submit notice of their claims to the OE.

One comment was received. The comment contained no new evidence which was materially inconsistent with evidence upon which the DOE's acceptance of the Consent Order was based. After review of that comment, the Office of Enforcement has determined that the Consent Order should not be modified.

Pursuant to the Consent Order, Kirkpatrick is refunding the sum of $325,000, plus interest, by certified checks made payable to the United States Department of Energy in 24 monthly installments. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

The following persons submitted claims to the OE:

Defense Logistics Agency,
Mobil Oil Corp.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $325,000, plus interest, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals on June 8, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.208 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 16th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-18457 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Michaelson Producing Co., et al.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Program Operations Division, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461; Telephone Number (202) 653-3517.

SUPPLEMENTARY INFORMATION: On November 15, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Michaelson Producing Company, the working interest owners, and the royalty interest owner of the applicable properties (Michaelson, et al.) of Midland, Texas on October 24, 1979, 44 FR 65813 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Michaelson, et al. pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Michaelson, et al. agreed to refund the sum of $280,000, plus interest, by certified checks made payable to the United States Department of Energy within 24 months of the effective date of the Consent Order.

The following person submitted a notice of claim to the ERA: Defense Logistics Agency.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $280,000, plus interest, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on June 10, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refund and the amount owing to each of them. Persons who believe they are entitled to all or a portion of the refund should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 16th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-18458 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Northeast Petroleum Industries, Inc; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Adna Day, Program Manager for Product Resellers, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461 (202) 653-3511.

SUPPLEMENTARY INFORMATION: On July 19, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Northeast Petroleum Industries, Inc. (Northeast) of Chelsea, Massachusetts on June 19, 1979, 44 FR 42314 (1979). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by Northeast pursuant to the Consent Order were requested to submit notice of their claims to OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Northeast is refunding the sum of $459,635 by certified checks made payable to the United States Department of Energy in 6 semi-annual installments. All such funds received by DOE have been placed into a suitable account pending determination of their distribution.

The OE received no notices of claim to the refunds.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $459,635 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on June 11, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.208 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 16th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-18459 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Quintana Petroleum Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461 (202) 653–3517.

SUPPLEMENTARY INFORMATION: On October 29, 1979, the OE published notification in the **Federal Register** that it executed a proposed Consent Order with Quintana Petroleum Corporation (QPC) of Houston, TX., on August 31, 1979, which will not become effective sooner than 30 days after publication, 44 FR 61994 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund paid by QPC pursuant to the proposed Consent Order were requested to submit notice of their claims to the OE.

A second notice was published in the **Federal Register**, 44 FR 75206 (1979), which summarized the comment received and explained that the proposed Consent Order was finalized. A second comment was received which was erroneously omitted from that notice. The second commentor recommended that all of the refunds should be paid to the refiners and eligible firms that participate in the Entitlements Program. The OE also received notices of claim from three persons who are not participants in the Entitlements Program. Since the OE could not readily determine which of the competing claimants to the refunds, if any, are entitled to all or a portion of the refunds, the OE has requested the Office of Hearings and Appeals (OHA) to implement special refund procedures to distribute the refunds. If the OHA accepts jurisdiction it will determine the appropriate method to distribute the refunds to compensate those persons who have been injured by the overcharges, which may include the commentor's proposed distribution. The proposed Consent Order, therefore, was not modified to provide solely for compensation to participants in the Entitlements Program.

Pursuant to the Consent Order, QPC refunded the sum of $3,750,000 (interest included) by certified check made payable to the United States Department of Energy on January 11, 1980. This sum has been placed into a suitable account pending determination of its proper distribution.

The following persons submitted notices of claim to the OE: Texas Utilities Fuel Company, Defense Logistics Agency, Consumer Energy Counsel, Exxon Corporation.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $3,750,000 (interest included), or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals on June 8, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the remaining refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 16th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-18460 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

William Gruenerwald & Associates, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002 2000 M Street, N.W., Washington, D.C. 20461, Telephone Number (202) 653–3517.

SUPPLEMENTARY INFORMATION: On December 3, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with William Gruenerwald & Associates, Inc., (WGA) of Colorado Springs, Colorado on July 30, 1979, 44 FR 69321 (1979). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund or overcharges paid by WGA pursuant to the Consent Order were requested to submit notice of their claims to the OE.

One comment was received more than one month after the close of the comment period. The commentor presented no evidence which was materially inconsistent with evidence upon which DOE's acceptance of the Consent Order was based. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, WGA is refunding the sum of $46,906.55, plus interest, by certified checks made payable to the United States Department of Energy. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

The following timely notice of claim was submitted to the OE: Defense Logistics Agency. Late notices of claim were also submitted by Exxon Co., U.S.A., and Getty Crude Gathering, Inc.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $46,906.55, plus interest, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals on June 8, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et. seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 16th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-18456 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4651-000]

City of Ammon, Idaho; Application for Preliminary Permit

June 16, 1981.

Take notice that the City of Ammon, Idaho (Applicant) filed on May 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4651 known as the Upper Deer Flat Dam Hydroelectric Project located at the United States Bureau of Reclamations (USBR) Upper Deer Flat Dam on the Boise River in Canyon County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Wehmann, Mayor, City of Ammon, 3270 Molen Street, Ammon, Idaho 83401.

Project Description—The proposed project would utilize waters released from the USBR's Upper Deer Flat Reservoir and would consist of a powerhouse containing generating units with a total rated capacity of between 5.7 and 8.8 MW and appurtenant facilities. The Applicant estimates that the average annual energy output would be between 21.1 and 32.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the USBR and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated in the Application to be $60,000.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3732 filed on November 12, 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 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 that 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 15, 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. 4651. Any comments, protests, or petitions to intervene must be filed by providing the orignial 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. 81-18408 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4650-000]

City of Ammon, Idaho; Application for Preliminary Permit

June 16, 1981.

Take notice that the City of Ammon, Idaho (Applicant) filed on May 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4650 known as the Lower Deer Flat Dam Hydroelectric Project located at the United States Bureau of Reclamation's (USBR) Lower Deer Flat Dam on the Boise River in Canyon County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Wehmann, Mayor, City of Ammon, 3270 Molen Street, Ammon, Idaho 83401.

Project Description—The proposed project would utilize waters released from the USBR's Lower Deer Flat Reservoir and would consist of a powerhouse containing generating units with a total rated capacity of between 4.9 and 6.3 MW and appurtenant facilities. The Applicant estimates that the average annual energy output would be between 16.1 and 18.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report obtaining agreements with the USBR and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $60,000.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3737 filed on November 12, 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 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 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", 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. 4650. 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, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., 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. 81-18499 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4649-000]

City of Ammon, Idaho; Application for Preliminary Permit

June 17, 1981.

Take notice that the City of Ammon, Idaho (Applicant) filed on May 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4649 known as the Deadwood Dam Hydroelectric Project located at the United States Bureau of Reclamation's (USBR) Deadwood Dam on the Deadwood River in Valley County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Wehmann, Mayor, City of Ammon, 3270 Molen Street, Ammon, Idaho 83401.

Project Description—The proposed project would utilize waters released from the USBR's Deadwood Reservoir and would consist of a powerhouse containing generating units with a total rated capacity of betweeen 3.9 and 6.4 MW and appurtenant facilities. The Applicant estimates that the average annual energy output would be between 20.5 and 28.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the USBR and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $90,000.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company Inc.'s Project No. 3724 filed on November 12, 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 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 coments, 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. 4649. 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, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 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. 81-18507 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4666-000]

City of Cohoes, New York; Application for Preliminary Permit

June 17, 1981.

Take notice that the City of Cohoes, New York (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4666 known as the Mohawk River Project located on the Mohawk River in Saratoga and Albany Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Glen King, Planner, City of Cohoes, Mohawk and Ontario Streets, Cohoes, New York 12047.

Project Description—The proposed run-of-the-river project would consist of existing project works to include: (1) the New York State owned Champlain Street Dam, a concrete gravity structure 1,625 feet long and 16 feet high at spillway crest elevation 49.0 feet m.s.l.; (2) a concrete flow-control structure at the head of the "Old Champlain Canal"; (3) a power canal, about 20 feet wide and 55 feet long, located at the south (right) abutment of the dam and containing a 20-foot wide spillway at crest elevation 49.0 feet m.s.l., and inlet works on the south wall of the canal; (4) a reservoir of negligible storage with a surface area of 97 acres and extending about 1 mile upstream; and new project works to include; (5) intake structure and pressure conduits; (6) a powerhouse with an installed capacity of 6,000 kW; and (7) other appurtenances. The Applicant estimates the average annual energy production would be 35,500,000 kWh.

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 three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the

outcome of the studies, the Applicant would decide whether to proceed with an application for an FERC license. Applicant estimates the cost of studies under the permit would be $150,000.

Competing Applications—This application was filed as a competing application to Mohawk Paper Mill Project No. 3605 filed on October 24, 1980, by Mohawk Paper Mills, Inc. 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 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", "PROTESTS", 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. 4666. Any comments, protests, or petitions to intervene must be filed by providing the orignial 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. 81-18509 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4571-000]

City of Montrose, Colorado; Application for Preliminary Permit

June 16, 1981.

Take notice that the City of Montrose, Colorado (Applicant) filed on April 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4571 to be known as the South Canal Project (Sites 1, 3 & 4) located on the South Canal in Montrose, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City of Montrose, South 1st and Uncompahgre, Box 790, Montrose, Colorado 81402, and Mr. Jim Hokit, Uncompahgre Valley Water Users Association, 601 North Park, P.O. Box 69, Montrose, Colorado 81402. 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 Water and Power Resources Service's (WPRS) South Canal and would consist of the development of three sites. The three developments would involve construction of entirely new facilities.

Site 1, located at South Canal Station 19+50, would consist of: (1) a radial gated intake structure with trash rack; (2) an 8-foot diameter penstock, 1,325 feet long; (3) a powerhouse with an installed capacity of 3,100 kW; (4) a tailrace; (5) a transmission line 0.25 mile long; and (6) other appurtenances.

Site 3, located at South Canal Station 106+65, would consist of: (1) a radial gated intake structure with trash rack; (2) an 9-foot diameter penstock, 435 feet long; (3) a powerhouse with an installed capacity of 1,800 kW; (4) a tailrace; (5) a transmission line 0.75 mile long; and (6) other appurtenances.

Site 4, located at South Canal Station 181+10, would consist of: (1) a radial gated diversion-intake structure with trash rack; (2) a radial gated check structure; (3) an 9-foot diameter penstock, 2,610 feet long; (4) a powerhouse with an installed capacity of 2,300 kW; (5) a transition structure to the existing canal; (6) a transmission line 3 miles long; and (7) other appurtenances.

The Applicant estimates that the averge annual energy output would be 24.55 million kWh at Site 1, 14.25 million kWh at Site 3, and 18.22 million kWh at Site 4. Project energy would be sold to the Colorado-Ute Electric Association.

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 36 months, during which time it would perform hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under the permit would not exceed $54,000.

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 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 developing Sites 1, 3, and 4, was filed as a competing application to ENERGENICS SYSTEMS, INC.'s Projects Nos. 3817, 3815, and 3818, respectively, filed on December 3, 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.

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 protest may also be submitted by conforming 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 be come 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, protests, 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. 4571. 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 N.E., Washington D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any 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. 81-16500 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-535-000]

Cleveland Electric Illuminating Co.; Filing

June 16, 1981.

The filing company submits the following:

Take notice that on June 8, 1981, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 30 MW of power from the 345 kv interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on June 1, 1981.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18493 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-194]

Cleveland Electric Illuminating Co., Filing

June 16, 1981.

Take notice that on May 29, 1981, the Cleveland Electric Illuminating Company (CEI) submitted for filing copies of the Company's FERC Electric Tariff, Original Volume No. 1, applicable to transmission service rendered by CEI. According to CEI, the tariff has been revised to conform to the tariff language specified by the Initial Decision issued in this proceeding on April 27, 1979, as modified by the Commission's Opinion No. 84.

Any person desiring to be heard or to make any protests with reference to said application should on or before June 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18495 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No EC81-12-000]

Cliffs Electric Service Co.; Filing

June 17, 1981.

The filing Company submits the following:

Take notice that on June 4, 1981, Cliffs Electric Service Company (CESCO) filed an amendment (Amendment) to its application for authority to acquire securities of Upper Peninsula Generating Company (UPGC). Amendment 1 requests the addition of an exhibit (Exhibit K) to CESCO's application, providing a copy of any application filed with another state or federal agency regarding the securities to be sold by UPGC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to be heard or to protest said filing should file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18479 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-497-000]

Commonwealth Electric Co.; Filing

June 16, 1981.

The filing Company submits the following:

Take notice that on May 15, 1981, Commonwealth Electric Company has adopted, ratified and made its own in every respect all applicable rate schedules and supplements thereto, as listed below, hereto filed with the Federal Energy Regulatory Commission or its predecessors by New Bedford Gas and Edison Light Company, effective March 1, 1981.

New Bedford Gas and Edison Light Co.:

Rate Schedule FERC No. 4
Rate Schedule FERC No. 15
Rate Schedule FERC No. 21
Rate Schedule FERC No. 22
Rate Schedule FERC No. 34
Rate Schedule FERC No. 36
Rate Schedule FERC No. 37
Rate Schedule FERC No. 38

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10)). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18494 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-14-000]

Detroit Edison Co.; Filing

June 17, 1981.

The filing Company submits the following:

Take notice that on June 8, 1981, The Detroit Edison Company (Edison), 2000 Second Avenue, Detroit, Michigan 48226, submitted an Application For Authority To Sell Certain Public Utility Facilities and/or a declaration as to the exempt status of these facilities which are proposed to be conveyed to the Village of Sebewaing (Sebewaing) and for such further relief as may be appropriate.

Edison's filing states that the equipment consists of a small substation containing one transformer, one three-phase step regulator and miscellaneous supporting equipment located on property owned by Sebewaing in the Village of Sebewaing in Huron County, Michigan. The sales price is $42,000. Sebewaing is a wholesale for resale customer of Edison. Sebewaing is a municipal electric serving customer in the Village of Sebewaing, in the State of Michigan. Sebewaing owns and operates a municipal generating plant.

The sale and conveyance to Sebewaing of the equipment is proposed in order to effectuate economies available to Sebewaing by the elimination or reduction of certain facility charges based upon the wholesale for resale rates for electric service supplied by Edison to Sebewaing. Edison requests approval of its Application or the alternative, a determination by the Commission that the facilities are exempt from provisions of Section 203 of the Federal Power Act pursuant to Section 201(b)(1) of the Act. Edison also requests the acceptance for filing of the revised rate to be applicable upon completion of the sale.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18510 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-533-000]

Duke Power Co.; Filing

June 16, 1981

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 8, 1981 a supplement to the Company's Electric Power Contract with the City of Gastonia. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 227.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the termination of Delivery Point No. 3.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of May 6, 1981.

According to Duke Power copies of this filing were mailed to the City of Gastonia and the North Caraolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18489 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-13-000]

Florida Power Corp.; Filing

June 17, 1981.

The filing Co. submits the following:

Take notice that Florida Power Corp. on June 5, 1981, applied for authority under Section 203 of the Federal Power Act to sell 0.91 miles of a 230 kv (115 kV operated) single circuit transmission line in Bay County, Florida, to Gulf Power Co. for a consideration of $73,530.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to be heard or to protest said filing should file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18480 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4624-000]

Frankfort Electric and Water Plant Board; Application for Preliminary Permit

June 17, 1981.

Take notice that the Frankfort Electric and Water Plant Board filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4624 known as the Kentucky River Lock and Dam No. 2 located on the Kentucky River in Henry and Owen 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. Rodney R. Ratliff, Frankfort Electric and Water Plant Board, P.O. Box 308, Frankfort, Kentucky 40602.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' lock and dam. The project would consist of: (1) a proposed 11,300-foot-long transmission line and substation; (2) a proposed powerhouse containing an installed generating capacity of 6 MW; and (3) appurtenant facilities. The Applicant estimates the average annual energy generation to be 40 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 2 Project No. 3994 filed on January 13, 1981, by Energenics Systems, Inc. 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 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. 4624. 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. 81-18506 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-10-000]

Interstate Power Co.; Filing

June 17, 1981.

The filing company submits the following:

Take notice that on April 13, 1981, Interstate Power Co., a Delware corporation (Interstate) a public utility as defined in section 201 of the Federal Power Act, applied, pursuant to the provisions of section 203 of the Federal Power Act, for an order authorizing Interstate to sell to Central Iowa Power Cooperative approximately 26.95 miles of 69 KV transmission line located in the County of Delware, State of Iowa, and Approximately 1.25 miles of 69 KV transmission line located in the County of Dubuque, State of Iowa. The consideration to be paid by Purchaser to Interstate for the sale and transfer of said segment of transmission line is $176,569.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure, (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18481 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1962-000]

James T. Mayer; Filing

June 17, 1981.

The filing individual submits the following:

Take notice that on May 29, 1981, James T. Mayer filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant General Counsel, Cincinnati Gas & Electric Co.; Union Light, Heat & Power Co.; Miami Power Corp.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18482 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4297-001]

Metropolitan District; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

June 16, 1981.

Take notice that the Metropolitan District filed with the Federal Energy Regulatory Commission on May 5, 1981, an application for exemption for its Goodwin Project No. 4297 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part Section 408 of the Energy Security Act of 1980.[1] The

[1] Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 406 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2706).

proposed project would be located on the West Branch of the Farmington River in Hartford and Litchfield Counties, Connecticut. Correspondence with the Applicant should be directed to: Mr. Bernard A. Batycki, District Manager, The Metropolitan District, 555 Main Street, Hartford, Connecticut 06101.

Project Description—The proposed project would consist of: (1) the existing Goodwin Dam, having a height of 135 feet and a length of 820 feet; (2) an existing reservoir having a storage capacity of 8,500 acre-feet; (3) a proposed 425-foot-long penstock; (4) a proposed powerhouse which would have an installed generating capacity of 3,000 kW; and (5) appurtenant works. The existing facilities at the Goodwin Dam are currently owned by the Metropolitan District of the County of Hartford.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Goodwin-Colebrook Project No. 3270, filed on July 29, 1980, under 18 CFR 4.33 (1980) and, therefore, no further competing applications or notices of intent to file 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 29, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4297. Any comments, protests, or petitions to intervene must be filed by providing the orignial 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. 81-18502 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1963-000]

James R. Mosley; Filing

June 17, 1981.

The filing individual submits the following:

Take notice that on May 29, 1981, James R. Mosley filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant Treasurer, Cincinnati Gas & Electric Co.; Union Light, Heat & Power Co.; Miami Power Corp.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18483 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4637-000]

North Valley Land Corp.; Application for Preliminary Permit

June 16, 1981.

Take notice that North Valley Land Corporation (Applicant) filed on May 8, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4637 known as the Deer Creek Hydroelectric Project located on the Deer Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sam E. Nelson, 50 Wilshire Drive, Redding, California 96002.

Project Description—The proposed project would consist of: (1) a 4-foot high concrete diversion structure across the Deer Creek, diverting water into; (2) an intake structure within the south bank of the Creek; (3) a 13,000-foot long combination open ditch and low head pipeline; (4) a 1,000-foot long penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 2,500 kW; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 15.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 19, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 19, 1981.

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 August 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, 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 notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18501 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4638-000]

North Valley Land Corp.; Application for Preliminary Permit

June 16, 1981.

Take notice that North Valley Land Corporation (Applicant) filed on May 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4638 known as the Upper Mill Creek project located on Mill Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sam E. Nelson, 50 Wilshire Drive, Redding, California 96002.

Project Description—The proposed project would consist of: (1) a 6-foot high concrete diversion structure; (2) an intake structure; (3) a 7,800-foot long conduit; (4) an 800-foot long, 60-inch diameter steel penstock; (5) a powerhouse containing one generating unit rated at 3,000 kW; and (6) a 7-mile long transmission line. The average annual energy generation is estimated to be 17 million kWh.

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 which time it would conduct engineering, economic, feasibility, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be done under the preliminary permit is estimated to be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 19, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 19, 1981.

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 August 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, 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 notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18503 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-123, et al.]

Northwest Alaskan Pipeline Co.; Filing

June 17, 1981.

To all parties:

Pursuant to the Commission's instructions in its orders of April 28, 1980 [1] and June 20, 1980,[2] the Commission's Alaska Gas Project Office, in conjunction with the Office of the General Counsel, is in the process of preparing a report to the Commission on certain aspects of the "tracking" [3] of

[1] "Findings and Order Issuing Certificates of Public Convenience and Necessity and Authorizing the Importation of Natural Gas," Docket No. CP78-123, *et al.* (issued April 28, 1980), 11 FERC ¶61,088. *See*, especially, p. 112.

[2] "Order Granting Applications for Rehearing in Part", issued in the same proceeding on June 20, 1980, 11 FERC ¶61,302. *See*, especially, p. 40.

[3] "Tracking" refers to the pass-through, on an essentially automatic basis, of transportation charges incurred by the shippers into the rates the shippers charge to their customers, without

Continued

Alaskan and Canadian transportation charges in the rates of the shippers making use of the Alaska Natural Gas Transportation System (ANGTS). The question of tracking Canadian transportation charges has been found to have special significance for the financing of the Canadian segments of the ANGTS.[4] The report may constitute the first step in a new subproceeding related to the certification of the ANGTS.

The Chairman proposes to assign Jack Kaminsky to advise the Alaska Gas Project Office, the Office of the General Counsel, and the Commission on the above-described potential new subproceeding. Mr. Kaminsky might also be assigned to provide tariff advice and expertise in other subproceedings that are factually related to Docket No. CP78–123, *et al.* (but would not be assigned any advisory role in the Alaska segment cost estimate subproceeding in Docket No. CP80–435). Mr. Kaminsky participated as a Commission trial staff witness on tariff matters in the hearings culminating in certification of the "prebuild" segments of the Alaska Natural Gas Transportation System, in *Northwest Alaskan Pipeline Company*, Docket No. CP78–123, *et al.*, and has also participated on behalf of the trial staff in the technical conferences in Docket No. CP80–435.

Inasmuch as the potential new subproceeding described above is factually related to the adjudicatory "prebuild" proceedings in Docket No. CP78–123, *et al.*, the assignment of Mr. Kaminsky may require waiver of the Commission's separation of functions rule, 18 CFR 1.30(f).

No later than 30 days from the date of issuance of this notice, all parties to Docket No. CP78–123, *et al.*, may submit comments or objections to the contemplated assignment of Mr. Kaminsky as described above.

By direction of the Chairman.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18504 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–521–000]

Ohio Power Co.; Filing

June 16, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on June 5, 1981, tendered for filing on behalf of its affiliate Ohio Power Company (Ohio) Supplement No. 11 dated May 18, 1981, to the Interconnection Agreement dated January 1, 1952, between Ohio and Ohio Edison Company designated OPCo's Electric Rate Schedule FPC No. 25.

Ohio states that the Supplement includes a new Service Schedule which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to an from systems interconnected with the parties. The Service Schedule provides for a transmission service charge of 1.7 and 2 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving company is Ohio Edison Company or Ohio, respectively, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs, plus 2 mills when Ohio is the delivering party and (b) 6 mills per kilowatt-hour plus incremental costs, plus 2 mills when Ohio Edison Company is the delivering party.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon Ohio Edison Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18497 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER–81–534–000]

Otter Tail Power Co.; Filing

June 17, 1981.

The filing company submits the following:

Take notice that on June 8, 1981, Otter Tail Power Company (Otter Tail) tender for filing a Notice of Termination of the Upper Mississippi Valley Power Pool Agreement dated February 10, 1961, and effective July 21, 1961, designated FPC No. 106.

Otter Tail requests an effective date of June 30, 1981.

Any person desiring to be heard or to protest said filling should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commision and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18484 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ED81–537–000]

Puget Sound Power & Light Co.; Filing

June 17, 1981.

The filing Company submits the following:

Take notice that on June 9, 1981, Puget Sound Power & Light Co. (Puget), tendered for filing, an Agreement between Puget and Southern California Edison Co. (SCE).

The Agreement provided for Puget's sale to SCE of firm thermal energy during the period of January 17, 1981 to February 28, 1981. Pursuant to the Agreement, Puget sold to SCE 111,435,000 kilowatthours of firm thermal energy at a purchase price of 24.5 mills/kwh.

A copy of the filing was served upon the Southern California Edison Corp.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to

instituting a full Section 4 proceeding upon each change of their customer rates.

[4] *See, e.g.*, National Energy Board, "Statement in the Matter of the Hearing with Respect to Condition 12[1] of the Northern Pipeline Act," File No. 1045–4 (May, 1980), especially at pp. 3–4.

become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth Plumb,

Secretary.

[FR Doc. 81-18486 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4643-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

June 17, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on May 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] For Project No. 4643 to be known as the Mud Mountain Dam Project located on the White River in King and Pierce Counties, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The proposed project would consist of: (1) three 50-foot long penstocks to be connected to the three existing 8.5-foot diameter outlet pipes of the 425-foot high Corps of Engineers' Mud Mountain Dam; (2) three bifurcations; and (3) a powerhouse containing three generating units, each rated at 18 MW. The operation of the reservoir would be modified to create a power pool during the summer months. The average annual energy generation is estimated to be 126,000 MWh.

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 36 months during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $500,000.

Competing Applications—This application was filed as a competing application to the Mud Mountain Dam Project No. 3734 filed on November 12, 1980, by Mitchell Energy Company, Inc. 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 or before July 16, 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. 4643. 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. 81-18505 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 4554-000, 4556-000]

Rust Hydro Generation Co.; Applications for Preliminary Permit

June 17, 1981.

Take notice that Rust Hydro Generation Co. (Applicant) filed on April 20, 1981, applications for preliminatary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Projects Nos. 4554 and 4556 to be known as Pine Creek I and II Projects located on Pine Creek in Modoc County, California. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed Pine Creek II Project No. 4554 would consist of: (1) an existing 3-foot high natural fill diversion structure with a small impoundment; (2) an 11,250-foot long and 30-inch diameter steel penstock; (3) a powerhouse containing one generating unit rated at 1,000 kW; and (4) a 12-kV transmission line. The Applicant extimates that the average annual energy output would be 8.6 million kWh. The Pine Creek I Project No. 4556 would consist of: (1) an existing 3-foot high natural fill diversion structure with a small impoundment; (2) an 11,250-foot long conduct; (3) a 15,500-foot long open flume; (4) the existing Pine Creek Reservoir having a surface area of 20 acres; (5) a powerhouse containing one generating unit rated at 900 kW; and (6) a transmission line. The Applicant estimates that the average annual energy output would be 7.7 million kWh.

Purpose of Project—The energy generated by both projects would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of preliminary permits for periods of 24 months, during which time it would conduct engineering, economic, feasibility, and environmental studies, and prepare FERC license applications. No new roads would be required to conduct the studies. The cost of the work to be performed under each preliminary permit is estimated to be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power,

and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 23, 1981. A notice of intent must conform with the requirments of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all Capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTECT", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of applications for preliminary permit for Projects Nos. 4554 and 4556. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18500 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-536-000]

Tampa Electric Co.; Filing

June 16, 1981.

The filing Company submits the following:

Take notice that on June 9, 1981, Tampa Electric Co. (Tampa Electric) tendered for filing revised cost support schedules showing a change in the daily capacity charge for its scheduled interchange service provided under interconnection agreements with Florida Power & Light Co. and Florida Power Corp. The revised charge of $103.75 per MW per day is based on 1980 data, and is derived by the same method shown in the cost support schedules submitted with the original filing of the interconnection agreements. The current daily capacity charge is $92.19 per MW per day, based on 1979 data.

Tampa Electric requests that the revised daily capacity charge be made effective as of May 1, 1981. Accordingly, Tampa Electric requests that the Commission waive the 60-day notice requirement under § 35.3(a) of its Regulations, 18 CFR 35.3(a) (1980).

Copies of the filing have been served on Florida Power & Light Co., Florida Power Corp. and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18496 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85 -M

[Project No. 4618-000]

United American Hydropower Group; Application for Preliminary Permit

June 17, 1981.

Take notice that the United American Hydropower Group (Applicant) filed on May 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 4618 known as the George B. Stevenson Dam Project located on the First Fork Sinnemahoning Creek in Cameron and Potter 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. David Goodman, United American Hydropower Group, 1775 Broadway, Suite 2404, New York, New York 10019.

Project Description—The project would consist of: (1) the existing George B. Stevenson Dam, a rolled earthfill embankment with a maximum height of 166 feet above streambed elevation and an embankment length of 1,655 feet; (2) the existing reservoir having a storage capacity of 2,000 acre-feet; (3) a proposed powerhouse having an installed generating capacity of between 800 kW and 4,400 kW; and (4) appurtenant works. The George B. Stevenson Dam is owned and operated by the Commonwealth of Pennsylvania, Department of Environmental Resources. The Applicant estimates that the average annual energy output would be between 5,000,000 kWh and 30,000,000 kWh.

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 three years, during which time it would study the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending upon

the outcome of the studies, the Applicant would proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be at least $90,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before, either August 21, 1981 the competing application itself [See 18 CFR 4.33(a) and (d) 1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 20, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained 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 August 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, 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 notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18511 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-531-000]

Union Electric Co.; Filing

June 16, 1981.

The filing Company submits the following:

Take notice that on June 2, 1981, Union Electric Company (Union) tendered for filing a notice to Illinois Power Company revising the rate for transactions under the Boundary Line Agreement between the parties. The revision would increase the rate for transactions under Section 4 of the agreement from $2.63 to $2.72 per kwh.

Union requests a proposed effective date of March 27, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18492 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-532-000]

Union Electric Co.; Filing

June 16, 1981.

The filing Company submits the following:

Take notice that on June 8, 1981, Union Electric Company (Union) tendered for filing a notice to Missouri Power & Light Company revising the rate for transactions under the Boundary Line Agreement between the parties. The revision would increase the rate for transactions under Section 4 of the agreement from $2.63 to $2.72 per kwh.

Union requests a proposed effective date of March 27, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18487 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-19-000]

Vanceburg Electric, Light, Heat & Power Co.; Filing

June 17, 1981.

The filing Parties submit the following:

Take notice that on May 29, 1981, citizens and landowners of Vanceburg, Kentucky (Complainants), filed a complaint pursuant to § 1.6 of the Commission's Rules of Practice and Procedure (18 CFR 1.6), to challenge the proposed location of transmission lines of Vanceburg Electric Light, Heat and Power Company of Vanceburg, Virginia. Complainants have raised issues of safety hazards and economic loss and request that the Commission investigate alternative routes to the proposed location of the transmission lines.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18485 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-529-000]

Wisconsin Public Service Corp., Filing

June 16, 1981.

The filing Company submits the following:

Take notice that Wisconsin Public Service Corporation (WPS) on June 8, 1981, tendered for filing annual contract demand quantities to the "Partial Requirements Service Agreement" with Consolidated Water Power Company. This agreement will revise the contract demand quantities for peak load, in accordance with Exhibit 1 of the agreement, Paragraph 6, *Requirements*. WPS states that the agreement is to become effective on June 1, 1981.

Copies of this filing were served upon Consolidated Water Power Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18491 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-528-000]

Wisconsin Public Service Corp.; Filing

June 16, 1981

The filing Company submits the following:

Take notice that Wisconsin Public Service Corporation (WPS) on June 8, 1981, tendered for filing annual contract demand quantities to the "Partial Requirements Service Agreement" with the City of Manitowoc, Wisconsin. This agreement will revise the contract demand quantities for peak load, intermediate load, and base load in accordance with Exhibit 1 of the agreement, Paragraph 6, *Requirements*. WPS requests an effective date of June 1, 1981.

Copies of this filing were served upon the City of Manitowoc, Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18488 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-530-000]

Wisconsin Public Service Corp.; Filing

June 16, 1981.

The filing Company submits the following:

Take notice that Wisconsin Public Service Corporation (WPS) on June 8, 1981, tendered for filing annual contract damand quantities to the "Partial Requirements Service Agreement" with the City of Marshfield, Wisconsin. This agreement will revise the contract demand quantities for peak load, intermediate load, and base load in accordance with Exhibit 1 of the agreement, Paragraph 6, *Requirements*. WPS states that the agreement is to be effective June 1, 1981.

Copies of this filing were served upon the City of Marshfield, Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18490 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board.

Date and time: Thursday, July 9, 1981—9:00 a.m. to 5:00 p.m.; Friday, July 10, 1981; 9:00 a.m. to 5:00 p.m.

Place: Department of Energy, Forrestal Building—Room 4A110, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Contact: Georgia Hildreth, Chief, Advisory Committee Management Branch, Department of Energy, Forrestal Building—Room 4B222, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202-252-5187.

Purpose of the board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda

- Status Reports from ERAB Panels
- Discussion of Future Directions in Energy R&D
- Briefing on NEP III and Sunset Review
- Discussion of Issues for Board Consideration
- Public Comment (10 minute rule)

Public participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Branch at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Executive Summary

Available approximately 30 days following the meeting from the Advisory Committee Management Branch.

Issued at Washington, D.C. on June 18, 1981.

William S. Heffelfinger,

Assistant Secretary, Management and Administration.

[FR Doc. 81-18504 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders Week of June 1 through June 5, 1981

During the week of June 1 through June 5, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 16, 1981

Little America Refining Co., Washington, D.C., crude oil, DEX-0005

On June 2, 1981, the Department of Energy issued a Proposed Decision and Order to Little America Refining Co. (Larco) in which we reviewed the entitlements exception relief which the firm had been granted for its 1977 fiscal year. The Proposed Decision found that Larco had received insufficient exception relief and therefore proposed to grant Larco an additional entitlements sales obligation on the next Entitlement Notice issued by the DOE following the issuance of this Order in final form.

Little America Refining Co., Washington, D.C., crude oil, DEX-0116

On June 2, 1981, the DOE issued a Proposed Decision and Order to Larco that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1978 fiscal year. The Proposed Decision and Order determined that Larco received excessive relief during its 1978 fiscal year.

Ralph E. Moore, Inc., Livingston, Montana, reporting requirements, BEE-1646

Ralph E. Moore, Inc. filed an Application for Exception which, if granted, would relieve the firm of the requirement that it file Form EIA-9A, the No. 2 Distillate Price Monitoring Reporting Form with the DOE. On June 5, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Texaco, Inc., White Plains, New York, crude oil, BEE-1556

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212. The exception request, if granted, would permit Texaco, Inc. to recertify, effective June 1, 1979, the crude oil produced from certain "marginal properties" as that term is defined in 10 CFR 212.72. On June 5, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-18449 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Fryingpan-Arkansas Project; Power Marketing Plan

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Final plan.

SUMMARY: The Western Area Power Administration (Western) has adopted a marketing plan for power from the Mt. Elbert Pumped-Storage Powerplant of the Fryingpan-Arkansas Project (Fry-Ark). The Mt. Elbert Powerplant is a new power system. The first power unit of the powerplant is scheduled to commence operation in July 1981. Western expects to contract for the sale of Mt. Elbert power in July 1981.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, Department of Energy, 201 South College Avenue, Fort Collins, CO 80522, (303) 224-7201

Mr. H. E. Hood, Director, Division of Marketing and Rates, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401, (303) 231-1545

SUPPLEMENTARY INFORMATION:

Regulatory Procedural Requirements

1. *Determination Under Executive Order 12291.* The Department of Energy has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). This rule was submitted to the Director of the Office of Management and Budget for review prior to publication in the **Federal Register.**

2. *Regulatory Flexibility Analysis.* Pursuant to the Regulatory Flexibility Act of 1980 (Act) (5 U.S.C. 601, *et seq.*) each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact to the proposed rule on small entities. Western has determined that (1) this rulemaking relates to services offered by Western and therefore is not a rule within the purview of the Regulatory Flexibility Act; (2) there will be only a few qualifying applicants which will be small entities; and (3) the impacts of an allocation from Western would not cause an adverse economic impact to such entities. The requirements of the Act can be waived if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. For the reasons cited above, the Administrator of Western has certified that the Fryingpan-Arkansas Project power marketing plan is not a rule under the Regulatory Flexibility Act and will not, if promulgated, have a significant economic impact on a substantial number of small entities. The Administrator's certification is published herewith and has been sent to the Chief Counsel for Advocacy of the Small Business Administration.

3. *Environmental Assessment.* This marketing plan is not a major Federal action which significantly affects the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969.

Statutory Basis

The marketing plan for power from the Mt. Elbert Powerplant has been established by Western pursuant to the

Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*) and the Reclamation Act of 1902 (43 U.S.C. 372, *et seq.*), as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and the Fryingpan-Arkansas Project Acts (Pub. L. 87–590, 76 Stat. 399 (August 16, 1962) and Pub. L. 93–493, 88 Stat. 1486 (October 27, 1974)).

Western Area Power Administration

Western was established on December 21, 1977, under the Department of Energy Organization Act (DOE Act). The DOE Act transferred to the Secretary of Energy all the functions of the Secretary of the Interior with respect to the power marketing functions of the Bureau of Reclamation. Western was established to administer those functions transferred from the Bureau of Reclamation.

Western's Loveland-Fort Collins Area Office markets power generated at 15 hydroelectric powerplants in Colorado and Wyoming to 56 customers in a 200,000-square-mile service area.

Fryingpan-Arkansas Project

The Fryingpan-Arkansas Project is a multipurpose, transmountain diversion development in the central and southeastern part of Colorado. The project diverts water from the Colorado River Basin on the west slope of the Rocky Mountains to the Arkansas River basin on the east slope. The water diverted from the west slope, together with regulated Arkansas River water, will provide supplemental irrigation, municipal and industrial water supplies, and produce hydroelectric power. Flood control, fish and wildlife enhancement, and recreation development are other important purposes of Fry-Ark.

The Mt. Elbert Powerplant is the principal electrical power feature of the project. The Mt. Elbert Powerplant is a pumped-storage facility and is designed to operate by recycling water between two reservoirs. Water will be released from the higher reservoir, the Mt. Elbert Forebay, during hours when it is desired to produce electrical power—generally during the onpeak daytime and evening hours of high demand for electrical power. Approximately this same amount of water will then be pumped back from Twin Lakes, which is the lower reservoir, or afterbay, to the forebay during offpeak hours of low demand for electrical power.

An additional average 164,500 acre-feet of water per year will flow through the Mt. Elbert Powerplant and will not be pumped back into the Mt. Elbert Forebay. Because of this flow-through water, Mt. Elbert Powerplant is not a pure pumped-storage powerplant, but is an in-line powerplant, meaning that part of the generation is provided by the flow-through water. If Mt. Elbert Powerplant had been constructed as a conventional hydroelectric powerplant, this amount of flow-through water would have supported a hydropeaking powerplant with a capacity of about 30 MW, producing energy of about 60 million kWh each year based on 8 hours of operation daily for 5 days per week throughout the year. The additional capacity in Mt. Elbert Powerplant of 170 MW is provided by the afterbay and forebay arrangement of pumping back water during offpeak hours and using water to generate energy during onpeak hours.

The Mt. Elbert Pumped-Storage Powerplant will have two units. Each unit is rated 100 MW during the generating cycle and 130 MW during the pumping cycle. The scheduled inservice date for the first Mt. Elbert unit is July 1981, and the scheduled inservice date of the second unit is August 1983. There are environmental factors to be considered in the operation of the Mt. Elbert plant. Twin Lakes, the afterbay, is an excellent trout fishery, dependent upon the existence of Mysis shrimp in the food chain. To mitigate adverse impacts to the Mysis shrimp and, ultimately, the trout fishery, it may be necessary in June, July, and August, to restrict operation of the pumping mode of the powerplant between midnight and 2 a.m.

Marketing Plan Development

On March 9, 1976, the Bureau of Reclamation published a proposed marketing plan and rate for power from the Fryingpan-Arkansas Project (41 FR 10116).

After reviewing the proposal and the comments on that proposal, Western held a public meeting on April 12, 1978, and presented a modified plan for marketing Fry-Ark power. Delays in the scheduled date of commercial operation of the powerplant triggered corresponding delays in finalizing the marketing plan. Upon receipt of a new scheduled inservice date for the powerplant, Western reviewed the changing power supply conditions in the area and determined that additional public involvement was needed. On September 30, 1980, another public information meeting was held and comments were solicited.

The proposed marketing plan was revised and published in the **Federal Register** on March 31, 1981 (46 FR 19609). Public information and comment forums were held in Thornton, Colorado, on April 8 and April 29, 1981. Comments from interested parties were due by May 15. Copies of the comments are available for public inspection at either of the Western offices listed above.

Details of the final marketing plan for power from the Mt. Elbert Powerplant of the Fryingpan-Arkansas Project are given below. They will become effective on July 1, 1981.

Public Comments

1. One comment supported the proposed market area. Another comment preferred that the market area be restricted to the State of Colorado. Restricting the market area to the State of Colorado would be contrary to Western's policy of encouraging the most widespread use of Federal power consistent with sound business principles.

The description of the market area has been changed to precisely describe western Kansas. A precise description is necessary to enable preference entities to accurately identify for Western their market area loads for use in the Fry-Ark allocation procedures.

2. One commenter requested that its Fry-Ark power allocation be directly integrated into control area of Western's Montrose District Office. This control area is in Colorado west of the Continental Divide and, therefore, outside the Fry-Ark market area.

As discussed above, the only change being made in the description of the proposed market area is a clarification of the area described as western Kansas. Because the Montrose control area is outside the Fry-Ark market area, Fry-Ark power cannot be directly integrated into it.

3. One comment questioned the significance of establishing two service seasons. Two service seasons have been established to enable customers to take advantage of diversity in their loads.

In reviewing the proposed marketing plan, we noted that it was unclear that two allocations will be made of Fry-Ark power. One will be for the summer billing season and will be based on 1980 summer season peakloads. The other will be for the winter billing season and will be based on 1979–1980 winter season peakloads. Clarifying language has been added to the marketing plan.

4. Another comment asked if allocations will be split equally between the two Mt. Elbert power units. The entire anticipated capacity of both power units, 200 MW, will be allocated by the inservice data of the first unit. When less than 200 MW of capacity is available; e.g., because of maintenance in one unit or because one unit is not yet

in service, the amount available will be prorated among allottees based on the amount to which they are entitled by contract at the time of the deficiency.

5. Two comments expressed interest in using Fry-Ark capacity for ready reserves, spinning reserves, emergency assistance for the Inland Power Pool, and as interruptible load.

The only power service being marketed from the Fry-Ark Project is capacity without energy. Whether a customer can use Fry-Ark capacity without energy for ready reserves, spinning reserves, or an interruptible load under his power pool agreement must be determined by the customer in conjunction with the power pool members.

If it were determined that Fry-Ark capacity could be used for spinning reserve capacity and if it were scheduled as such, Western would determine the expenditure rate of kWh/kW required to support spinning reserves. This amount would be charged against the customer's energy account.

Fry-Ark capacity cannot be sold to others as emergency assistance. Selling Fry-Ark capacity as emergency assistance would violate Western's contract prohibitions against sales for resale.

6. One comment questioned the need to limit the rate at which energy can be returned and the maximum accumulation permitted in each customer's energy account, and suggested that a project operating agreement is needed.

The rate at which energy can be returned and the maximum energy accumulation permitted are functions of the physical characteristics of the Fry-Ark resource. Western will net all individual pumping and generation schedules in order to establish an actual operating schedule for the Mt. Elbert Powerplant. Such netting procedures recognize the fact that some allottees will not be pumping at the maximum rate. Permitting deviation from the rate of energy return and the maximum energy accumulation stated in the marketing plan would require use of Western's other hydroelectric power projects to store the excess energy and return it to the allottee at a later time.

After the Fry-Ark power contracts are executed, Western will meet with the customers to develop the scheduling and accounting procedures that will achieve the most efficient mode of operating the powerplant. That meeting should produce the type of operating agreement suggested by the comment.

7. Two comments were received concerning transmission arrangements for Fry-Ark capacity. The thrust of the comments was:

a. The United States should negotiate on behalf of Fry-Ark customers for transmission arrangements in addition to those established in the United States-Public Service Company of Colorado (Public Service) wheeling contract.

b. The costs of such present and future Fry-Ark transmission arrangements should be incorporated into the Fry-Ark power rate. Existing transmission arrangements were negotiated at a time when most of the interest in Fry-Ark power was expressed by entities interconnected with Public Service Company of Colorado's transmission system. Additional transmission arrangements are needed to adequately serve the expanded group of entities now requesting Fry-Ark capacity. Western has initiated discussion with other non-Federal owners of transmission in the market area in an attempt to expand the transmission service that the United States contracts for on behalf of Fry-Ark customers.

Upon completion of the allocation process, it will be necessary to determine the impact on the rate before Western can consider incorporating transmission costs into the Fry-Ark rate.

8. One comment questioned whether Fry-Ark allottees would be required to take and/or pay for their total allocations for the entire contract term. Fry-Ark allottees may take their allocations on a staged basis during an approximate 3-year buildup period. The buildup period will end with the beginning of the first full service season occurring 1 year after the second Mt. Elbert power unit commences operation. At the end of the buildup period, allottees must take and/or pay for their full allocation of Fry-Ark power.

The revised market plan for power from the Fry-Ark Project appears below.

Fryingpan-Arkansas Project Power Marketing Plan

1. *Market Area:* The market area for power from the Fryingpan-Arkansas Project shall be the portion of the States of Colorado and Wyoming east of the Continental Divide, the portion of the State of Nebraska west of the 101st meridian, and the portion of the State of Kansas west of the eastern boundaries of those counties intersected by the 100th meridian.

2. *Service Seasons:* The summer season shall be the 6-month period from the first day of the April billing period to the last day of the September billing period. The winter season shall be the 6-month period from the first day of the October billing period to the last day of the March billing period of the next succeeding calendar year.

3. *Resource Available:* The resource available for sale from Fry-Ark, after project use, is expected to be 200 MW of capacity. The resource available for sale from the first day of commercial service of the first unit until the first day of commercial service of the second unit shall be 100 MW of capacity. Actual operating experience may reveal that the amount of capacity actually available after completion of the second unit will be greater or less than the 200 MW anticipated. Any change in the 200 MW of anticipated capacity will be prorated among the allottees in the ratio of each allottee's allocation to the total allocation.

Western will be obligated to deliver capacity only during hours in which the Mt. Elbert Powerplant would normally be in the generation mode or could be placed in the generation mode without adversely affecting project operations, as determined by Western. Western will not be obligated to deliver the contract rate of delivery (CROD) when either power unit is down for maintenance. When less capacity is available than is under contract, e.g., because a unit is down or is not yet in service, the capacity available will be prorated among the allotties in the ratio of the amount they are entitled to by contract to the total amount under contract at that time.

4. *Services Available:* Initially, 200 MW of capacity without energy will be allocated. Customers will be required to furnish reserves, emergency and maintenance service, and pump-back energy. Energy produced by flow-through water will be used to reduce the amount of pump-back energy required to be returned by each customer.

Western will also offer to assist customers in obtaining any reserves needed for Fry-Ark capacity, return energy, emergency assistance, and maintenance services.

5. *Scheduling and Accounting:* Electric service may be scheduled at any time the plant is or can be placed in the generating mode if the customer has a positive balance in his energy account. Each customer will be deemed to have 14 kWh/kW of CROD in his energy account on the date of first delivery.

Each customer must supply the energy to replenish the energy in his account. Based upon projected equipment efficiencies and crediting flow-through water proportionately, the initial replenishment to utilization ratio is 1.2 to 1. This means that each kWh of return energy will be credited as divided by 1.2

kWh of energy in the customer's energy account. The replenishment to utilization ratio may be adjusted based on actual versus estimated equipment efficiencies. Customers may not accumulate more than 14 kWh/kW of CROD in their energy account and may not schedule return energy at a rate greater than 1.2 times their CROD.

Pump-back energy to replenish energy accounts may be scheduled when the powerplant is or can be placed in the pumping mode. Pumping may be restricted between the hours of midnight and 2 a.m. during the months of June, July, and August for environmental reasons.

Western will meet with customers, after the contracts are executed, to further develop the operating and accounting procedures which will effect the most efficient mode of operating the plant in coordination with the allottees' peakload needs and the scheduling of return energy.

6. *Allocation Procedures:* Allotment of available capacity will be made first to preference entities in the market area.

a. *Undersubscription:* If preference entities in the market area do not subscribe for all the capacity available, the remaining capacity will be offered in a 3-year basis, subject to withdrawal, first to preference entities outside the market area, then to non preference entities.

b. *Oversubscription:* If the total amount of capacity applied for exceeds the capacity available, a percentage of the total available capacity shall be reserved for the group of requesting preference entities having 1980 market area peakloads of 20 MW or less. The percentage to be reserved for this group of small customers shall be determined by considering the number of members of this group, the total number of requesting preference entities, the total capacity requested by members of this group, and the total capacity requested by all preference entities.

If all of the capacity reserved for this group is not subscribed for, the remainder will be added to the amount available for the group with loads greater than 20 MW.

Capacity available for each group shall be apportioned among the members of the group using the following formula:

$$\frac{\text{Fry-Ark Allocation} + \text{CROD}_i}{\text{Load}_i} = \frac{\text{CROD}_T + \text{CROD}_A}{\text{Load}_T}$$

Fry-Ark Allocation = amount of Fry-Ark capacity allocated to the individual group member for the service season

Load_i = 1980 market area seasonal load of individual group member

CROD_i = Federal resources serving load_i

Load_T = total 1980 market area seasonal load of all members of the group

CROD_T = total Federal resources serving load_T

CROD_A = total Fry-Ark capacity available for allocation to the group

If use of this formula results in a negative allocation to any group member, that member shall receive a zero allocation. The remaining allocations shall then be recomputed using the above formula. Separate allocations will be made for the winter season and summer season. No entity shall receive an allocation larger than that for which it applies.

7. *Delivery Conditions:*

a. Fry-Ark power will be delivered over project transmission facilities from Mt. Elbert Powerplant to the high-voltage side of Public Service's Malta Substation. The customer shall bear transmission costs and losses incurred in transmitting generation and pumping energy between the Malta Substation and the customer's point(s) of delivery.

The United States and Public Service has entered into long-term contractual agreements which provide for Public Service to transmit Fry-Ark generation from the Nalta Substation to other points of interconnection between the United States and Public Service and to transmit pumping energy from the points of interconnection to Malta Substation. The cost of the transmission to and from the Fry-Ark points of interconnection under the United States-Public Service contract is 1 mill/kWh and 5-percent losses in each direction.

The initial Fry-Ark points of interconnection are as follows:

Malta Substation, 230kV bus
Midway Substation, 115 kV, 230 kV bus
Weld Substation, 115 kV, 230 kV bus
Rifle Substation, 230 kV bus
Beaver Creek Substation, 115 kV bus
Erie Substation, 115 kV bus
Summit Substation, 115 kV bus
Poncha Junction, 115 kV bus

Additional Fry-Ark points of interconnection may be established if mutually agreed upon by the owner of the additional transmission facilities and the United States.

b. Additional transmission beyond Fry-Ark points of interconnection will require arrangements to be made by the customer.

8. *Dates of Availability of Power:* Dates of availability of power to be allocated will be determined by the actual commercial operation date of each of the two generating units at the Mt. Elbert Powerplant. One hunderd MW of capacity will be available on the inservice date of the first unit, scheduled for July 1981. An additional 100 MW of capacity will be available on the inservice date of the second unit, scheduled for August 1983.

9. *Term of Contract:* Contracts for allocated Fry-Ark capacity will be entered into on or before the inservice date of the first Mt. Elbert pumped-storage unit. The term of these contracts will be through the 1989 summer season.

Western reserves the right to rescind any allotment of power if, by the inservice date of the first Mt. Elbert unit, an allottee has not entered into a contract to take and/or pay for his allotted capacity from and after the times specified in such contract. Power which is allocated, but not contracted for by the allottee before the inservice date of the first Mt. Elbert unit, will be reallocated in accordance with section 6 above.

Allottees may contract to take the allocated capacity on a staged basis, until the first full service season which occurs 1 year after the inservice date of the second Mt. Elbert unit. Power available during the buildup period because of allocations being taken on a stepped-up basis may be sold by Western, on a short-term basis, subject to withdrawal.

Issued at Golden, Colorado, June 9, 1981.

Robert L. McPhail,

Administrator.

Certification of Compliance with the Regulatory Flexibility Act of 1980

I, Robert L. McPhail, Administrator of the Western Area Power Administration, certify that the "Fryingpan-Arkansas Project Power Marketing Plan" which will be published on or about June——, 1981, is not a rule within the meaning of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*), will not have a significant economic impact on a substantial number of small entities, and therefore complies with the requirements of the Regulatory Flexibility Act without the preparation of a regulatory flexibility analysis.

Issued at Golden, Colorado, June 9, 1981.

Robert L. McPhail,

Administrator.

[FR Doc. 81-18451 Filed 6-22-81; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51270; TSH-FRL-1859-7]

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 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 81-236 & 81-239—July 12, 1981

PMN 81-241—July 13, 1981

PMN 81-244—July 17, 1981

PMN 81-249 & 81-250—July 18, 1981

ADDRESS: Written comments, identified by the document control number "[OPTS-51270] 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 and room No.
81-236	Michael Brown	(202-755-1150), E-335
81-239	Kirk Maconaughey	(202-426-2601), E-210
81-241	Rick Green	(202-426-2601), E-208
81-244	Robert Jones	(202-426-2601), E-208
81-249 & 81-250.	George Bagley	(202-426-2601), E-210

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Susbtances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-236

Close of Review Period. August 11, 1981.

Manufacturer's Identity. Claimed confidential business information

Special Chemical Identity. Claimed confidential business information. Generic name provided: organohalo modified silica.

Use. The manufacturer states that the PMN substance will be used in an idustrial use as elastomer additive.

Production Estimates

	Kilograms per year
1981	6,400
1982	15,000
1983	16,000

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. The manufacturer states that the LD_{50} of the PMN substance is greater than 5 gm/kg based on analogous substances.

Exposure. The manufacturer states that workers manufacturing and processing the new substance could have skin and inhalation exposure at an average concentration of 1.1 mg/m³ and a peak concentration of 1.65 mg/m³. Workers engaged in quality control testing could have skin exposure.

Environmental Release/Disposal. The manufacturer states that the average amount of the new substance to be released during 1981 through 1983 will be 116 kg/yr into the air and 125 kg/yr to land.

PMN 81-239

Close of Review Period. August 11, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: carboxylated arylalkene alkadiene copolymer.

Use. The manufacturer states that the PMN substance will be used as a polymer component in industrial adhesive formulations.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	200,000	400,000
2d year	1,000,000	2,000,000
3d year	2,000,000	4,000,000

Physical/Chemical Properties

Appearance—White liquid
Viscosity (Brookfield 50 rpm)—<100 centipoise
pH—7-8
Specific gravity (60° F)—1.04
% Volatiles (water)—52±2 wgt. percent
Boiling point (760 mm Hg)—100° C
Melting point—0° C
Surface tension—55 dynes/cm

Environmental Test Data

Movement—Dispersible in water
Fish toxicity, 96-hr LC_{50} (*Pimephales promelas Rafinesque*)—23,238 mg/l
Invertebrate toxicity, 48-hr LC_{50} (*Daphnia magna* Straus)—54 mg/l

Toxicity Data

Acute oral toxicity LD_{50} (male rats)—>5,000 mg/kg
Acute oral toxicity LD_{50} (female rats)—>5,000 mg/kg
Eye irritation (rabbits)—Nonirritating
Skin irritation (intact and abraded skin, rabbits)—Primary irritation score of 0.70 out of a possible 8.0
Acute percutaneous absorption LD_{50} (rabbits)—>5,000 mg/kg
Skin sensitization (guinea pig)—None observed

Exposure. The submitter states that from 9 to 30 workers manufacturing, processing, and using the new substance could have skin exposure for 1 to 8 hr/da, 4 to 200 da/yr, during filtering operations and loading tank trucks.

Environmental Release/Disposal. The submitter states that none of the new substance will be released into the environment from manufacturing, processing, or user sites. Disposal will be less than 0.5 percent to landfill at manufacturing sites and less than 1.0 percent to landfill at processing and user sites.

PMN 81-241

Close of Review Period. August 12, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organizational description provided:

Annual sales—In excess of $500 million.

Standard Industrial Classification Code—#28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polymer of phenol, formaldehyde, and substituted benzene.

Use. The manufacturer states that the PMN substance will be used in an industrial use as a polymer in friction binding resin.

Production Estimates. Claimed confidential business infromation.

Physical/Chemical Properties

Appearance—Light pink, powdered solid
Melting point range—83-85°C
Density—1.20 g/cm³
Solubilities:
Acetone—Soluble
THF—Soluble
Ethanol—Soluble
n-Octanol—Partially soluble

Gas chromatography (% free phenol)—3.3
Water solubility—1.4 ppm
Partition coefficient (*n*-Octanol/water)—>9118
Acid hydrolysis—1.4 ppm
Molecular weight—843
Molecular number—413
Dispersity—2.043

Environmental Test Data

Aquatic toxicity LD_{50} (fathead minnows)—>1,000 mg/kg
BOD ultimate to COD ratio—0.023
In vitro assays—Nonmutagenic and non-recombinogenic, with and without metabolic activation

Toxicity Data

Acute oral LD_{50} (rat)—>5 g/kg
Eye irritation (rabbits)—Minimally irritating (3.3 on a scale of 110)
Skin irritation (rabbits)—Mildly irritating (0.9 on a scale of 8)

Exposure. The manufacturer states that two manufacturing and processing workers could have skin exposure to the new substance for 1 hr/da, 93 da/yr, at an average concentration of 0 to 1 ppm during sampling and packaging operations. Exposure to consumers and commercial users will be negligible.

Environmental Release/Disposal. The manufacturer states that none of the new substance is expected to be released into the air, land, or water.

PMN 81-244

Closed of Review Period. August 16, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—$500,000,000 and up.
Manufacturing site—East Central U.S.
Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: ester of dioic acid and substituted diols.

Use. The manufacturer states that the PMN substance will be used in an industrial use as protective coating resin for industrial applications.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	298,000	896,000
1982	1,790,000	3,583,000
1983	1,790,000	3,583,000

Physical/Chemical Properties

Viscosity—X-Z_1
Solids—80.0%
Weight per gallion—8.83
Acid value—10-15
Color—2-4
Flash point (setaflash)—89°F
Red. vis.—G-J at 70% in xylene
Solubilities:
Water—Insoluble
Ketones—Soluable.
Alcohols—Soluable.
Aromatic hydrocarbons—Soluable.
Petroleum napthas—Slightly soluable.
Ether—Soluable.

Toxicity Data. No data were submitted.

Exposure. The submitter states that at 2 sites, 34 manufacturing and processing workers could have skin exposure to the new chemical for 8 to 24 hr/da, 247 to 250 da/yr, during filling, sampling, and cleaning operations. At a site not controlled by the submitter, 200 workers using the new chemical will have skin exposure for 24 hr/da, 250 da/yr, during application operations.

Environmental Release/Disposal. The manufacturer states that at two sites, more than 11,000 kg/yr of the new substance will be released into the land and none into the air and water. Mix tank rinse will be disposed of by a licensed industrial waste hauler. At a site not controlled by the submitter, 1,000 to 10,000 kg/yr will be released into the land. Cleaning solvents, spills, and waste will be recycled, incinerated, or landfilled.

PMN 81-249

Closed of Review Period. August 17, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: pentasubstitutedpentanamide.

Use. Claimed confidential business information. Generic use information provided: a minor constituent in a commercial and consumer article, with a very low potential for exposure.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	10,000
2d year	10,000	18,000
3d year	10,000	18,000

Physical/Chemical Properties

Solubilities:
Water—0.0005%
Octanol—<0.1%
Melting point—87°C

Environmental Test Data

Chemical oxygen demand (COD)—2.02 g/g
Secondary waste treatment compatability study—A saturated test solution with a measured organic carbon content of 1.4 ppm did not affect microbiological carbon metabolism
Acute effects on six aquatic species—A saturated solution containing less than 500 ppb (the detection limit) showed no effects on the six species tested

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg
Acute dermal LD_{50}—>1,000 mg/kg
Skin irritation—Slightly irritating
Repeated (10-day) skin application—No exacerbation
Skin sensitization potential—Low
Eye irritation—Slight to moderate—washing is palliative
Repeated 2-week feeding study, 0.1% and 1.0% in diet—There were no effects on weight gain, feed intake, hematology, clinical chemistry, organ weights, gross, and histopathology

Exposure. The submitter states that 40 manufacturing and processing workers may have skin and inhalation exposure to the new substance for 2 to 5 hr/da, 25 to 50 da/yr, at average concentration 0 to 10 mg/m^3 and peak concentration of 1 to 10 and 10 to 100 mg/m^3 during transfer and processing operations.

Environmental Release/Disposal. The manufacturer states that at sites controlled by the submitter, none of the new substance will be released into the land, less than 10 kg/yr into the air, and less than 80 kg/yr into the water. A customer may release 0.14 kg/yr into the land of a typical landfill. Vapors will be passed through a scrubber, waste water will be collected for treatment, and combustible solid and liquid wastes will be incinerated.

PMN 81-250

Close of Review Period. August 17, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: disubstitutedbenzenamine.

Use. Claimed confidential business information. Generic use information provided: a minor constituent in a commercial article, with a very low potential for exposure.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1	10
2d year	2	20
3d year	3	30

Physical/Chemical Properties

Solubilities:
Water—<0.1%
Octanol—<0.1%
Melting point—196°C

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg
Acute dermal LD_{50}—>1,000 mg/kg
Skin irritation—Slightly irritating
Ames *Salmonella* mutagenicity assay with and without metabolic activation—Weak to moderately positive

Exposure. The submitter states that eight manufacturing and processing workers may have skin and inhalation exposure to the new chemical substance for 0.1 to 3 hr/da, 4 to 50 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentratioin of 1 to 10 mg/m³ during transfer operations.

Environmental Release/Disposal. The manufacturer states that negligible amounts of the new chemical will be released into the air and water and none into the land. Vapors will be passed through a scrubber, wastewater will be collected for treatment, and combustible solid and liquid wastes will be incinerated.

Dated: June 16, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-18473 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51105B; TSH-FRL-1859-6]

Polyisobutenyl Succinic Anhydride Reaction Products With Substituted Ethanol; Termination of Extended Premanufacture Notice Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is terminating the extended review period for premanufacture notice (PMN) P-80-172. The initial 90-day review period commenced on July 16, 1980 and was extended for an additional 90 days on October 10, 1980 (45 FR 69034, October 17, 1980) under section 5(c) of the Toxic Substances Control Act (TSCA). Following the extension, the submitter suspended the review period (46 FR 1333, January 6, 1981) until certain concerns raised by the Agency could be addressed. Subsequent data provided by the manufacturer mitigate the Agency's concerns, and render further extension of the review period unnecessary.

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, any person who intends to manufacture in, or import into, the United States a new chemcial substance for commercial purposes must submit a premanufacture notice (PMN) to EPA 90 days prior to commencement of manufacture or import. In general, section 5 provided that EPA must complete its review of a PMN within 90 days of its receipt by the Agency. However, under section 5(c), EPA may extend the notice period for good cause for additional periods, not to exceed an aggregate of 180 days from the date of receipt.

The generic identity of the substance covered by PMN P-80-172 is polyisobutenyl succinic anhydride reaction products with substituted ethanol. The PMN described a chemical substance that would be manufactured for a use claimed confidential. The submitter of the PMN also claimed his identify to be confidential along with individual expsoure, environmental release, processing, byproducts, disposal, and production volume.

EPA's initial evaluation of the new substance entailed review of information that the manufacturer supplied in the PMN and in subsequent submissions to EPA. EPA developed additional data during its review. When EPA completed this initial screening of the substance, the Agency concluded that it needed to conduct a more detailed review of certain aspects to focus on the concerns. The PMN substance, when used as intended, might generate a highly toxic chemical to which there would be significant human exposure.

Therefore, the Agency issued in the **Federal Register** of October 17, 1980 (45 FR 69034) a notice of an extension of the review period for an additional 90 days. Following the extension, the submitter of the PMN suspended the review period in order to develop and submit to EPA additional data to address the Agency's concerns. That information and detailed discussions with the submitter have adequately demonstrated that the toxic byproduct will not be formed at levels of concern, and that human exposure to the substance will not be significant. The Agency has therefore terminated its review of this PMN.

Dated: June 16, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic substances.

[FR Doc. 81-18474 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 81-182]

Interim Direct Broadcast Satellite Applications

June 1, 1981.

1. In the *Notice of Proposed Policy Statement and Rulemaking* in Gen. Docket 80-603, adopted on April 21, 1981 (46 FR 30124; June 5, 1981) the Commission stated that it would now accept applications for interim Direct Broadcast Satellite (DBS) system. The Commission also indicated that it would specify a 45 day time period (cut-off date) for filing of applications by applicants who desire to have their proposals considered in conjunction with the first proposal.

2. On December 17, 1980, Satellite Television Corp (STC) submitted an application for a satellite-to-home subscription television service. Upon initial review, the application filed by STC has been found to be acceptable for filing as an interim DBS system application. In the course of processing STC's application, the Commission may, of course, request additional information. The Commission also reserves the right to return STC's application if upon further examination it is determined that the application is defective and not in conformance with the Commission's proposal interim policies in Gen. Docket 80-603 or the interim policies ultimately adopted in that proceeding.

3. Applications filed on or before July 16, 1981 shall be considered to have equal priority with STC's application. Applications will be accepted at any time, however, and it is not necessary to file proposals now unless consideration with the initial application is desired. If applications include requests for particular frequencies or orbital positions, this cut-off date shall be considered in establishing the priority of such requests. The Commission shall generally consider all frequencies and orbital positions to be of equal value, and conflicting requests for frequencies

and orbital positions will not necessarily give rise to comparative hearing rights as long as unassigned frequencies and orbital slots remain. Comments or petitions to deny regarding STC's application must be on file with the Commission not later than the close of business on July 16, 1981.

Action by the Commission April 21, 1981. Commissioners Lee (Chairman), Quello, Washburn, Fogarty, and Jones.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-18548 Filed 6-22-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA 641-DR]

Pennsylvania; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Commonwealth of Pennsylvania (FEMA-641DR), dated June 15, 1981, and related determinations.

DATED: June 15, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7800.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of June 15, 1981, the President declared a major disaster as follows:

The damage in certain areas of the Commonwealth of Pennsylvania resulting from severe storms and flooding beginning on June 8, 1981, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Commonwealth of Pennsylvania. In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal funds under Pub. L. 93-288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Robert McFerren of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Commonwealth of Pennsylvania to have been affected adversely by this declared major disaster:

For Individual Assistance and Public Assistance, the Counties of Clarion, Crawford, Jefferson, Mercer and Venango.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance. Billing Code 6718-02)

James P. Dokken,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-18443 Filed 6-22-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Proposed Definition of Bank Capital To Be Used in Determining Capital Adequacy; Request for Comments

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Notice.

SUMMARY: The Federal Financial Institutions Examination Council is proposing to recommend a uniform definition of capital for use by the three federal bank supervisory agencies (Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corp. and Office of the Comptroller of the Currency) for purposes of determining the adequacy of bank capital for supervisory purposes. The Examination Council is taking this action in order to promote uniformity in supervisory policies among the bank regulatory agencies.

Extensive analysis of the proper role of bank capital and the appropriate components of bank capital has been carried out by the Examination Council and its interagency Staff Task Force on Supervision. This analysis placed special emphasis on the types of financial instruments that should be considered components of bank capital as well as appropriate restrictions to be applied to the use of particular types of financial instruments. A major conclusion of this analysis is that bank capital should be divided into two components, primary and secondary, for purposes of defining bank capital for making supervisory determinations regarding capital adequacy. The primary components are characterized principally by their permanence and include common and perpetual preferred stock, surplus, undivided profits, contingency and other capital reserves, mandatory convertible instruments, and 100 percent of the allowance for possible loan losses. The secondary components of capital include limited-life preferred stock and subordinated notes and debentures. These financial instruments posses certain features of capital, but they lack permanence because they have maturity or redemption dates. Furthermore, in the case of subordinated debt instruments, any default on required interest payments could result in accelerating the maturity date. It is recognized that preferred stock carries a contractual obligation to pay dividends; but so long as omission of such payments does not mandate retirement of the issue in the case of perpetual preferred, or acceleration of the redemption date in the case of limited-life preferred, such contractual obligations should not be considered in making the distinction between primary and secondary components of capital.

The Examination Council seeks public comment on the proposed definition of bank capital to be used in determining capital adequacy and on the various issues related to this definition and the implementation of the proposed definition by the federal bank supervisory agencies.

EFFECTIVE DATE: Comments on the proposed definition of bank capital must be received on or before August 31, 1981.

ADDRESS: Comments should be sent to Executive Secretary, Federal Financial Institutions Examination Council, 490 L'Enfant Plaza, SW, Washington, DC 20219, (202) 447-0939. Comments will be available for public inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: David K. Schweitzer, Deputy Executive Secretary, Federal Financial Institutions Examination Council, 490 L'Enfant Plaza, SW, Washington, D.C. 20219, (202) 287–4206.

SUPPLEMENTARY INFORMATION: The principal drafter of this document was Robert J. Lawrence, Executive Secretary, Federal Financial Institutions Examination Council. The Federal Financial Institutions Examination Council proposes to recommend a definition of bank capital for use by the three federal bank regulatory agencies in determining the adequacy of bank capital for supervisory purposes.

Functions of Bank Capital

The primary functions of bank capital are to: (1) help ensure that the bank can continue its operations during the periods when it experiences low earnings or losses; (2) provide protection for uninsured depositors and unsecured creditors of a bank; (3) help ensure that the inherent risks in banking are appropriately distributed between the public and private sectors; (4) help maintain public confidence in individual banks and in the banking system; and (5) provide a source of funds for banking operations.

The principal features of bank capital that enable it to serve these functions are: its permanence; the absence of contractual payments that, if omitted, could accelerate the maturity date of an issue; and the status of its holders as residual claimants to the assets of the bank. Financial instruments that have envolved in financial markets have these three features in widely varying degrees. Consequently, delineating all financial instruments as either capital or non-capital instruments would be overly arbitrary because it would fail to provide for some gradation in the capital-like qualities found among the myriad financial instruments available in the markets. The Examination Council believes, therefore, it is desirable to allow for two categories of capital in banks; these are referred to in the proposed definition as the primary components and secondary components of bank capital.

Primary Components of Capital

The components that the Council regards as being in the primary category are those having all or virtually all of the three features of capital. Clearly, common and perpetual preferred stock, surpulus, and undivided profits possess these features. Mandatory convertible instruments, i.e., those with convenants mandating conversion into common or perpetual preferred stock, ultimately will possess them, though for an interim period there may be some required contractual payments which make them slightly less perfect as capital instruments than, say, common stock. With the capital reserves (other than contingency reserves) and allowances for possible loan losses, there is some lack of permanence because the reserves or allowance are established with the expectation that there will be some drawings on them in the normal course of a bank's operations. Generally, however, the loan loss and other capital reserves are quickly rebuilt because of the close scrutiny paid to such matters in financial markets and by the supervisory agencies. Thus, such reserves and allowances tend in reality to have a high degree of permanence, which justifies their inclusion as a primary component of capital. In the case of contingency reserves, they are established out of undivided profits for possible liabilities. Generally, the probability that such reserves will be drawn down is not known; hence, their inclusion in primary capital is warranted.

Secondary Components of Capital

The secondary components of capital included in the proposed definition, i.e., limited-life preferred stock and subordinated notes and debentures, possess some of the features of bank capital, but in one or more respects fall below those encompassed in the primary components. Both subordinated debt and limited-life preferred stock lack permanence and subordinated debt involves required interest payments as well. On the other hand, they possess to a considerable degree some of the important attributes of capital. Although they stand ahead of common stock holders in their claim on the bank's assets, their subordinate position to depositors and other creditors of a bank provides important protection to those parties. Also, while the two secondary components are not permanent, they provide relatively long-term protection to depositors and other creditors if the maturity, redemption or payment dates are several years or more in the future.

Because the secondary components do not have the features of bank capital to the degree that the primary components do, the Examination Council believes that four restrictions should be placed upon the use of such financial instruments in order for them to be counted as capital in determining capital adquacy. First, to provide a sufficient degree of continuance to a secondary capital instrument, any issuance must have an original final maturity of at least ten years and an original, weighted average maturity of at least seven years. Second, to help ensure that the desired continuance is achieved, the Council proposes to require—in the case of an obligation or issue that provides for any type of scheduled repayments of principal—that once repayment begins, all repayments shall be made at least annually and the amount repaid each year shall be no less than in the previous year. Third, the Council believes there should be an upper limit on the amount of secondary components that can be counted as capital and is proposing a limit equal to 50 percent of the amount of primary capital. Fourth, the Council believes that as the secondary components approach maturity, or interim payments become due, there must be clear recognition of the progressive loss of the "permanence" aspect of the instrument. The Council proposes to take this factor into account by amortizing secondary components with a remaining life of less than 5 years. Specifically, the Council proposes to count fully the secondary components as capital as long as their maturity, redemption or payment dates are 5 years or more away. Below 5 years, the qualifying balance of secondary capital instruments approaching maturity, redemption or payment would be reduced by 20 percentage points per year; for example, only 80 percent of the amount of the secondary components maturing or due for payment between 4 and 5 years would be counted as capital, 60 percent between years 3 and 4, and so forth, with those maturing or due in less than one year not counted as capital at all.

Supervisory Agency Flexibility

The definition being proposed by the Examination Council has, as one of its purposes, promoting uniformity in supervisory policies among the federal banking agencies represented on the Council. The individual supervisory agencies, however, may approve issuances that do not fully conform to the definition or may insist on more stringent conditions than those proposed if the circumstances of a particular case warrant such action. In particular, because the secondary capital components do not possess the characteristics of capital to the extent that the primary components do, the agencies will continue to stress the importance of an adequate level of primary capital for the safe and sound operation of banks.

In reviewing applications by banks to issue secondary captial instruments, the three federal bank supervisory agencies will continue to take into account,

among other things, the following factors: (1) the overall condition of the bank, including trends in that condition, with particular scrutiny accorded to problem banks; (2) the ability of the bank to meet all principal and interest payments on the financial instrument; (3) if an applicant bank is a subsidiary of a holding company, the overall condition of the consolidated organization, especially its consolidated level of debt and capital; and (4) any provision of the financial instrument, such as the imposition of operating restraints on the bank, that would impair the bank's or the supervisory agency's flexibility to deal with changed circumstances.

It should be noted that, in the event of liquidation of a bank, the claims of the holders of secondary capital instruments are subordinated to any claims of the Federal Deposit Insurance Corporation arising out of the depositors' subrogation of their claims to the FDIC, or are subordinated to claims of the FDIC against any of the assets of the bank associated with a merger or purchase and assumption transaction pursuant to Section 13(e) of the Federal Deposit Insurance Act.

Specific Requests for Public Comment

The Examination Council welcomes comment on any aspect of its proposal. The Council would, however, appreciate specific comments on the following questions and issues.

(1) Should limited-life preferred stock be regarded as primary rather than secondary capital? In the proposed definition, both limited-life preferred stock and subordinated noted and debentures are regarded as secondary capital components. Both types of financial instruments lack permanence, and, therefore, would in any event be amortized as they approach their redemption or maturity dates in accordance with the amortization schedule for the secondary capital components. There is a difference, however, in that subordinated debt is a liability and preferred stock is an equity instrument. Also, subordinated debt involves interest payments, while preferred stock does not; and any default on required interest payments could result in accelerating the maturity date of the subordinated debt instruments. Are the differences in the two types of instruments of sufficient importance to warrant counting the eligible amount of limited-life preferred stock as "primary" capital; or, as the Examination Council is proposing, should the lack of permanence be the controlling factor in the decision on whether a financial instrument is considered a primary or secondary component of bank capital?

(2) Should securities that are convertible, but do not have a mandatory convertible feature, be treated differently from non-convertible securities? The proposed definition draws no distinction, but the fact that a debt instrument might be converted to common stock could make such an instrument move akin to capital than a debt instrument without a provision for convertibility. The Examination Council requests comment on the factors that should be taken into account, other than simply the convertibility feature, if such a distinction were to be made.

(3) Federal reserve Regulations D and Q and FDIC Regulation 329.10 currently impose a minimum size of $500 on subordinated debt issues if they are to be exempt from reserve requirements and interest rate limitations. Should there be a higher, more restrictive, minimum size, for example $25,000? A higher minimum size would help ensure that such issues are not confused by their purchasers with insured deposit instruments.

(4) Should there be a limit placed on the amount of subordinated debt that a bank can sell to other banks, such as $5 million? When one bank sells its subordinated debt to other banks, the increase in capital of the issuing bank does not result in any real increase in capital for the banking system. It may be desirable, therefore, to impose some type of limit on the amount an individual bank can sell to other banks.

The Council's proposed definition of bank capital, issued pursuant to the authority of section 1006 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (12 U.S.C. section 3305), follows.

Primary Components of Bank Capital

The federal bank regulatory agencies consider the primary components of bank capital to be:

- Common stock
- Perpetual preferred stock
- Surplus
- Undivided profits
- Contingency and other capital reserves
- Mandatory convertible instruments (capital instruments with covenants mandating conversion into common or perpetual preferred stock.)
- Allowance for possible loan losses

Secondary Components of Bank Capital

That agencies recognize that other financial instruments can, with certain restrictions, be considered as part of bank capital because they posses some, though not all, of the features of capital. These instruments are:

- Limited-life preferred stock
- Subordinated notes and debenture

Restrictions Relating to Secondary Components

The agencies will consider the secondary components as bank capital under the conditions listed below.

- The issue must have an original final maturity of at least ten years and original, weighted average maturity at least seven years.
- If the issue has a serial or installment repayment program, all scheduled repayments shall be made at least annually, once contractual repayment of principal begins, and the amount repaid in a given year shall be no less than the amount repaid in the previous year.
- The aggregate amount of limited-life preferred stock and subordinated debt qualifying as secondary capital may not exceed 50 percent of the amount of primary capital.
- As the secondary components approach maturity, redemption or payment, the outstanding balance of all such instruments—including those with serial note payments, sinking fund provisions, or an amortization schedule—with be amortized in accordance with the following schedule:

Years to maturity	Percent of issue considered capital
Greater than or equal to 5	100
Less than 5 but greater than or equal to 4	80
Less than 4 but greater than or equal to 3	60
Less than 3 but greater than or equal to 2	40
Less than 2 but greater than or equal to 1	20
Less the 1	

Note.—No adjustment in the book amount of the issue is required or expected by this schedule. Adjustment will be made by a memorandum account.

Dated June 17, 1981.

Robert J. Lawrence,

Executive Secretary/FFIEC.

[FR Doc. 81-18514 Filed 6-22-81; 8:45 am]

BILLING CODE 6722-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 13, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 2846–48.

Filing party: John R. Attanasio, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 2846–48, entered into by the member lines of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, would amend the "Bank Guarantee" provision; i.e., Article 22, of the basic agreement for the purpose of providing for an additional variable amount beyond the $50,000 fixed amount presently required of each member line. Said guarantee, in the aggregate, will not exceed $100,000.

Agreement No.: 2846–49.

Filing party: John R. Attanasio, Esquire, Billing, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 2846–49 modifies the basic agreement of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference by amending the geographical scope of the basic agreement, including providing for inland authority in the United States.

By order of the Federal Maritime Commission.

Dated: June 17, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18465 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

Certificates of Financial Responsibility (Alaska Pipeline); Certificates Issued

Notice is hereby given that the following operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by subsection (c) of section 204, Trans-Alaska Pipeline Authorization Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Alaska Pipeline) pursuant to Part 543 of Title 46 CFR.

Certificate No. and Operator and Vessels

99002 International Bulktank Corp.:
- Overseas Alaska
- Overseas Alice

99003 Overseas Bulktank Corp.:
- Overseas Artic
- Overseas Juneau
- Overseas Valdez

99004 First Shipmor Associates:
- Overseas Chicago

99005 Natalie Tankships Corp.:
- Overseas Natalie

99006 Sun Transport Inc.:
- America Sun
- Eastern Sun
- Pennsylvania Sun
- Western Sun

99007 Exxon Company USA:
- Exxon Albany
- Exxon Baltimore
- Exxon Barge No. 33
- Exxon Baton Rouge
- Exxon Benicba
- Exxon Boston
- Exxon Galveston
- Exxon Houston
- Exxon Jamestown
- Exxon Lexington
- Exxon New Orleans
- Exxon Newark
- Exxon North Slope
- Exxon Philadelphia
- Exxon San Francisco
- Exxon Washington

99008 American Trading and Transportation Co. Inc.:
- Baltimore Trader
- Washington Trader

99012 Interocean Management Corp.:
- Brooks Range
- Thompson Pass

99013 Mobil Oil Corp.:
- Mobil Aero
- Mobil Arctic
- Mobil Fuel
- Mobil Lube
- Mobil Meridian
- Mobil Power
- Mobilgas
- Mobiloil
- Socony Vacuum

99014 United Carriers Inc.:
- Hercules

99016 Manhattan Tankers Co. Inc.:
- Manhattan

99019 Overseas Oil Carriers Inc.:
- Overseas Joyce

99021 Gulf Oil Corp.:
- American Independence
- American Spirit
- Gulfcrest
- Gulfdeer
- Gulfking
- Gulfnight
- Gulfoil
- Gulfpride
- Gulfprince
- Gulfqueen
- Gulfsolar
- Gulfspray
- Gulfsupreme

99022 Monticello Tanker Co.:
- Monticello Victory:

99023 Montpelier Tanker Co.:
- Montpelier Victory

99024 Mount Vernon Tanker Co.:
- Mount Vernon Victory

99025 Mount Washington Tanker Co.:
- Mount Washington

99026 Cove Trading Inc.:
- Cove Trader

99027 Queensway Tankers Inc.:
- Stuyvesant

99029 Shipco 668 Inc.:
- Tonsina

99030 Chevron USA Inc.:
- Chevron Arizona
- Chevron California
- Chevron Colorado
- Chevron Louisiana
- Chevron Mississippi
- Chevron Oregon
- Chevron Washington

99031 Harbor Tug & Barge Co.:
- 21
- Barge 23
- Barge 25
- Barge 50
- Barge 51
- Skilak

99032 Bay Cities Transporation Co.:
- 24
- Barge 14
- Barge 16
- Barge 22

99033 San Diego Transportation Co.:
- 450 1
- 450 5
- Barge 450 2

99034 Puget Sound Tug & Barge Co.:
- 19
- Barge 254

99036 Cove Tankers Corp.:
- Cove Communicator
- Cove Explorer
- Cove Navigator

99037 Shipco 2295, Inc.:
- Atigun Pass

99038 Hess Oil Virgin Islands Corp.:
- Salt Cay
- Sandy Cay
- Thatch Cay

99039 Dixie Carriers Inc.:
- Barge 103
- Offshore 2402
- Offshore 2404

99040 Second Shipmor Associates:
- Overseas Ohio

99041 Texaco Inc.:
Texaco California
Texaco Connecticut
Texaco Florida
Texaco Georgia
Texaco Kansas
Texaco Maryland
Texaco Massachusetts
Texaco Minnesota
Texaco Mississippi
Texaco Montana
Texaco New Jersey
Texaco New York
Texaco North Dakota
Texaco Rhode Island
Texaco Wisconsin
99042 Keystone Tankship Corp.:
Golden Gate
99044 Connecticut Transport Inc.:
Connecticut
Ogden Yukon
99046 Wabash Transport Inc.:
Ogden Wabash
99047 SHIPCO 2296 Inc.:
Keystone Canyon
99049 Third Shipmor Associates:
Overseas New York
99050 West Coast Shipping Co.:
Avila
Lompoc
Sansinena II
Santa Clara
Santa Paula
99052 Fourth Shipmor Associates:
Overseas Washington
99054 Interocean Tanker Corp.:
Southern Lion
99056 Ocean Transportation Co., Inc.:
Overseas Aleutian
Overseas Ulla
99058 Ingram Tankships Inc.:
Carole G. Ingram
IOS 3301
IOS 3302
Martha R. Ingram
99059 Interstate and Ocean Transport Co.:
Elk River
Interstate 138
Interstate 140
Interstate 36
Interstate 37
Interstate 50
Interstate 52
Interstate 53
Interstate 54
Interstate 72
Interstate I
Ocean 155
Ocean 90
99061 Chas. Kurz & Co., Inc.:
Petersburg
99062 Sabine Towing & Transportation Co., Inc.:
Brazos
Colorado
Concho
Guadalupe
Llano
Neches
Pecos
Red River
Sabine
San Jacinto
San Marcos
Trinity
99069 Bouchard Transportation Co., Inc.:
B No. 105
B No. 115
B No. 50
B No. 55
B No. 70
B No. 75
B No. 80
B No. 85
B No. 90
B No. 95
99070 Amerada Hess Corp.:
Chesapeake
99071 American Foreign Steamship Corp.:
American Eagle
American Hawk
99072 Off Shore Services Corp.:
Achilles
99073 Shipco 669 Inc.:
Kenai
99074 Cove Ventures Inc.:
Cove Leader
99075 Moran Towing & Transportation Co., Inc.:
Connecticut
Maine
New Jersey
Rhode Island
Sea Horse 2
99076 Getty Refining & Marketing Co.:
Delaware Getty
New York Getty
Wilmington Getty
99077 Lee Vac Ltd.:
CECO 2501
DOMAR 118
DOMAR 2502
DOMAR 2503
DOMAR 6501
DOMAR 7001
Z 100
Z 110
Z 112
Z 120
Z 71
99078 Montauk Oil Transportation Corp.:
Cibro Norfolk
Cibro Philadelphia
Cibro Savannah
99079 Marine Transport Lines Inc.:
Alaska
San Diego
99080 Western Hemisphere Corp. and Tosco Corp.:
Lion of California
99081 First United Shipping Corp.:
Western Lion
99082 Second United Shipping Corp.:
Northern Lion
99083 Third United Shipping Corp.:
Eastern Lion
99085 Trinidad Corp.:
Glacier Bay
Prince William Sound
Sohio Intrepid
Sohio Resolute
99086 Serpentsea Corp.:
Cabrite
99087 Swansea Corp.:
Saint Lucia
99088 American Shipping Inc.:
Beaver State
99090 Cove Ships Inc.:
Cove Sailor
99091 Rio Grande Transport Inc.:
Ogden Charger
99092 Sequoia Tankers Inc.:
Coastal California
99093 Ogden Leader Transport Inc.:
Ogden Leader
99094 Pointresolute Corp.:
Point Revere
99095 San Diego Gas & Electric Co.:
Jovalan
99098 Gran Reunion Co.:
Reunion
99099 Cove Carriers Inc.:
Cove Spirit
99100 Cove Tank Ships Inc.:
Cove Engineer
99101 CMC Tankers Inc.:
Cove Ranger
99103 Richmond Tankers Inc.:
Bay Ridge
99104 A/S Siljestad Inc.:
Sangstad
99105 Anchorage Tankship Corp.:
Overseas Anchorage
99106 Vivian Tankships Corp.:
Overseas Vivian
99107 Arco Marine Inc.:
Arco Alaska
Arco Anchorage
Arco California
Arco Endeavor
Arco Fairbanks
Arco Heritage
Arco Juneau
Arco Prestige
Arco Prudhoe Bay
Arco Sag River
Oasis Hawaii
99108 Birch Shipping Corp.:
Point Julie
99109 Eklof Marine Corp.:
E 12
E 13
E 14
E 18
E 20
E 21
E 22
E 23
E 24
E 25
E 57
E 67
Hudson
Jet Trader
John J. Tabeling
Mary A. Whalen
Motor Barge No. 31
Reliable
99110 Boston VLCC Tankers Inc. II:
Massachusetts
99111 Boston VLCC Tankers Inc. IV:
New York
99112 Boston VLCC Tankers Inc. VI:
Maryland
99113 Cove Tide Corp.:
Cove Tide
99114 Nepco Bahamas Corp.:
Bahamas
99115 Gateway Offshore One Limited:
Domar 6502
99116 Dotco One Inc.:
Domar 115
99117 Cambridge Tankers Inc.:
Overseas Boston
99118 Juneau Tanker Corp.:
Overseas Juneau
99119 Fredericksburg Shipping Co.:

Fredericksburg
99120 Ogden Willamette Transport Inc.:
Ogden Willamette
99121 Ogden Champion Transport Inc.:
Ogden Challenger
99122 Ogden Challenger Transport Inc.:
Ogden Challenger
99123 Mu Petco Shipping Co., Inc.:
Michelle F
Princess B
Queen B
99124 Ariadne Marine Co.:
Charleston

By The Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18404 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

[License No. 2012]

Aeromarine Cargo System, Inc.; Order of Revocation of Independent Ocean Freight Forwarder License

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 Aeromarine Cargo System, Inc., 229 Utah Avenue, So. San Francisco, CA 94080 was cancelled effective June 13, 1981.

By letter dated June 1, 1981, Aeromarine Cargo System, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2012 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Aeromarine Cargo System, Inc. 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), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2012 be and is hereby revoked effective June 13, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2012 issued to Aeromarine Cargo System, Inc. 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 Aeromarine Cargo System, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-18403 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

[License No. 358]

Black & Geddes, Inc.; Order of Revocation of Independent Ocean Freight Forwarder License

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 Black & Geddes, Inc., 114 Liberty Street, New York, NY 10805 was cancelled effective June 10, 1981.

By letter dated May 12, 1981, Black & Geddes, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 358 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Black & Geddes, Inc. 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), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Idependent Ocean Freight Forwarder License No. 358 be and is hereby revoked effective June 10, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 358 issued to Black & Geddes, Inc. 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 Black & Geddes, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-18466 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

[License No. 1474-R]

D. L. Buchanan, Inc.; Order of Revocation of Independent Ocean Freight Forwarder

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 D. L. Buchanan, Inc., 101 Beachmont, Port Lavaca, TX 77979 was cancelled effective May 28, 1981.

By letter dated May 12, 1981, D. L. Buchanan, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 1474-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

D. L. Buchanan, Inc. 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), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1474-R be and is hereby revoked effective May 28, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1474-R issued to D. L. Buchanan, Inc. 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 D. L. Buchanan, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-18467 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

[License No. 2180]

Global Cargo Service, Inc.; Order of Revocation of Independent Ocean Freight Forwarder License

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 Global Cargo Service, Inc., P.O. Box 010283, Flagler Station, Miami, FL 33101 was cancelled effective June 12, 1981.

By letter dated May 13, 1981, Global Cargo Service, Inc. was advised by the

Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2180 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Global Cargo Service, Inc. 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), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2180 be and is hereby revoked effective June 12, 1981.

It is order, that Independent Ocean Freight Forwarder License No. 2180 issued to Global Cargo Service, Inc. 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 Global Cargo Service, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-18468 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

American Republic Bancorp; Formation of Bank Holding Co.

June 17, 1981.

American Republic Bancorp, Gardena, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Co. Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Republic Bank, Gardena, California. 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 San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 15, 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 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18521 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

BonState Bancshares, Inc.; Formation of Bank Holding Co.

BonState Bancshares, Inc., Bonham, 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 80 percent or more of the voting shares, less directors' qualifying shares, of Bonham State Bank, Bonham, 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 15, 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 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18522 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Brannen Banks of Florida, Inc.; Formation of Bank Holding Co.

Brannen Banks of Florida, Inc., Inverness, Florida, 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 Dunnellon State Bank, Dunnellon, Florida. 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 Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 15, 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 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18523 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Canadian Commercial Bank; Formation of Bank Holding Co.

Canadian Commercial Bank, Edmonton, Alberta, Canada, 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, through its wholly-owned subsidiary, CCB Bancorp, Inc., Los Angeles, California, 40.12 percent of the voting shares of Westlands Bank, Santa Ana, California. 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 San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 17, 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 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18524 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Canadian Commercial Bank; Proposed Acquisition of CCB Realty, Inc.

Canadian Commercial Bank, Edmonton, Alberta, Canada, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire

voting shares of CCB Realty, Inc., Los Angeles, California.

Applicant states that the proposed subsidiary would engage in the activities of making, acquiring and servicing loans and other extensions of credit secured by real estate mortgages and deeds of trust such as would be made by a mortgage company. These activities would be performed from offices of Applicant's subsidiary in Los Angeles, California, and the geographic area to be served is the United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 17, 1981.

Board of Governors of the Federal Reserve System, June 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18525 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

CCB Bancorp, Inc.; Formation of Bank Holding Co.

CCB Bancorp, Inc., Los Angeles, California, 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 40.12 percent of the voting shares of Westlands Bank, Santa Ana, California.

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 San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 17, 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 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18528 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Culbertson Ban Corp.; Formation of Bank Holding Co.

Culbertson Ban Corp., Culbertson, Montana, 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 83 percent of the voting shares of Culbertson State Bank of Culbertson, Montana. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 15, 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 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18527 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Kimball Bancshares, Inc.; Formation of Bank Holding Co.

Kimball Bancshares, Inc., Kimball, Minnesota, 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 82.67 percent of the voting shares of State Bank of Kimball, Kimball, Minnesota. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than July 15, 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 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18528 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Midwest Bancorp; Formation of Bank Holding Co.

June 17, 1981

Midwest Bancorp, Columbus, Indiana, 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 97.09 percent of the voting shares of First National Bank of Columbus, Columbus, Indiana. 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 16, 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 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18529 Filed 6-22-81; 8:45am]

BILLING CODE 6210-01-M

Northwest Funding, Inc.; Formation of Bank Holding Co.

June 17, 1981

Northwest Funding, Inc., Rockford, 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 100 percent of the voting shares of Northwest Bank of Rockford, Rockford, Illinois. 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 16, 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 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18530 Filed 6-22-81; 8:45am]

BILLING CODE 6210-01-M

SBT Bancorp, Inc.; Formation of Bank Holding Co.

SBT Bancorp, Inc., Mt. Carmel, 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 100 percent of the voting shares of Security Bank and Trust Co., Mt. Carmel, Illinois. 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 16, 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 17, 1981.

D. Michael Maines,

Assistant Secretary of the Board.

[FR Doc. 81-18531 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Texplaza Bancshares, Inc.; Formation of Bank Holding Co.

Texplaza Bancshares, Inc., Lubbock, 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 80 percent or more of the voting shares of Texas Bank and Trust Company, Lubbock, 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 16, 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 17, 1981.

D. Michael Maines,

Assistant Secretary of the Board.

[FR Doc. 81-18532 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Timothy Mellon

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Timothy Mellon is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Maine Central Railroad Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Timothy Mellon. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-18549 filed 6-22-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Marriott Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Marriott Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Del E. Webb Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Marriott. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade

Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–18550 Filed 6–22–81; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Norwich-Eaton Pharmaceuticals, Inc.; Furacin Suppositories; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration withdraws approval of a new animal drug application (NADA) sponsored by Norwich-Eaton Pharmaceuticals, Inc., providing for use in large animals of Furacin (nitrofurazone) Suppositories as an aid in the prevention or treatment of female reproductive tract infections caused by organisms sensitive to Furacin. Norwich-Eaton Pharmaceuticals has requested the withdrawal of approval.

EFFECTIVE DATE: On or before July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mohammad I. Sharar, Bureau of Veterinary Medicine (HFV–214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3183.

SUPPLEMENTARY INFORMATION: Norwich-Eaton Pharmaceuticals, Division of Morton-Norwich Products, Inc., P.O. Box 191, Norwich, NY 13815, is the sponsor of NADA 8–129 which provides for use in large animals of Furacin (nitrofurazone) Suppositories as an aid in the prevention or treatment of female reproductive tract infections caused by organisms sensitive to Furacin. The application originally became effective July 20, 1951. By letter of March 23, 1981, the sponsor requested withdrawal of approval of the NADA because the product is no longer being manufactured or marketed. Section 514.115(d) of the animal drug regulations (21 CFR 514.115(d)) normally does not apply if the holder of the application whose withdrawal has been requested already has been afforded an opportunity for hearing on a proposal to withdraw the subject drug (41 FR 34899; August 17, 1976). In this case, however, Norwich's request is being granted because of the extended time interval which has elapsed since the notice of opportunity for hearing concerning NADA 8–129 was published. The Director of the Bureau of Veterinary Medicine has determined that the public interest will be served and that the sponsor's interests will not be prejudiced by the withdrawal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1, see 46 FR 26052; May 11, 1981)) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with section 514.115, *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 8–129 and all supplements for Norwich-Eaton Pharmaceuticals' Furacin (nitrofurazone) Suppositories is hereby withdrawn, effective on or before July 6, 1981.

Dated: June 16, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–18489 filed 6–22–81; 8:45 am]

BILLING CODE 4110–03–M

Radiological Health and Safety Advisory Committee; Request for Nominations of Voting Members

Correction

In FR Doc. 81–15002, appearing at page 28012 in the issue for Friday, May 22, 1981, please make the following correction:

On page 28012, in the first column, in the "Summary" paragraph, in the fifth line, insert the word "Standards" between the words "Safety" and "Committee".

BILLING CODE 1505–01–M

Advisory Committees; Meetings

Correction

In FR Doc. 81–17567 appearing on page 31517 in the issue of Tuesday, June 16, 1981; on page 31518, first column, insert the following heading below the second line of the paragraph designated *"Applications for reimbursement."*:

"OPHTHALMIC DEVICE SECTION OF THE OPHTHALMIC EAR, NOSE, AND THROAT; AND DENTAL DEVICES PANEL"

BILLING CODE 1505–01–M

Office of Human Development Services

Privacy Act of 1974; Report of New System of Records

AGENCY: Office of Human Development Services (HDS), DHHS.

ACTION: Notification of new system of records.

SUMMARY: In accordance with 5 U.S.C. 522a(e)(4), we are issuing public notice of our intent to consolidate several systems of records into a new umbrella system of records: HDS Publication Distribution Mailing List, HHS/HDS/OPA, 09–80–0020. We are proposing also to include routine uses with the system in accordance with 5 U.S.C. 552a(e)(11). The proposed new system of records will consolidate all of the HDS mailing lists under one uniform system to permit annual updating of the information and greater accuracy and efficiency in the distribution of the HDS public information materials. We invite public comments on the routine uses of this system of records on or before July 23, 1981.

DATES: We filed a report of new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget (OMB) on June 16, 1981. The system will become effective on August 17, 1981. The routine uses will become effective August 17, 1981, unless HDS receives comments which would result in a contrary determination.

ADDRESS: Address comments to the HDS Privacy Act Officer, Department of Health and Human Services, 736E Humphrey Bldg., 200 Independence Avenue, S.W., Washington, D.C. 20201. We will make comments received available for public inspection in room 734D.2 Humphrey Bldg. at the above address.

FOR FURTHER INFORMATION CONTACT: Director, Division of Publications and Graphic Services, Office of Public Affairs, 329D Humphrey Bldg., 200 Independence Avenue, S.W., Washington, D.C. 20201, (202) 472–7257.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Human Development Services proposes to initiate a new system of records which will consolidate five existing systems of records covering HDS mailing lists and will add additional mailing lists which have not been covered to this point. The system notices which will be replaced by this system of records are:

09–80–0006—National Center on Child Abuse and Neglect Mailing List. HHS HDS ACYF CB
09–80–0014—Runaway Youth Act Mailing List. HHS HDS ACYF YDB
09–80–0015—AoA Public Information Mailing Keys. HHS HDS AoA OPI
09–80–0016—Children's Bureau General Mailing List. HHS HDS ACYF CB
09–80–0017—Children Today Mailing List. HHS HDS ACYF CB

These system notices were last published in the **Federal Register** on Monday, December 22, 1980 (45 FR 84472).

HDS is in the process of updating and consolidating all of its mailing lists. A form will be mailed to all those currently on the HDS mailing lists asking them to indicate whether they still want to remain on the mailing list and, if so, to further indicate their areas of interest in HDS programs. If they are other than an interested individual, they are also aksed to indicate what type of organization or level of government they are with; the kinds of services provided by that organization; whether they are a grantee or potential grantee; and if they are media related, the type of media.

In revising these mailing lists, HDS will eliminate names wherever possible and utilize titles. Names will have to be retained where it is an interested individual, or the person has a title that is common enough in the organization that the material would not reach them without their name appearing on the mailing label (e.g., caseworker).

As a result of this canvass we anticipate a 40 percent drop of addressees from the existing lists, resulting in 50, 289 addressees on the new data base, down from the current 83,814 addressees. The expected 40 percent drop is based on the amount of duplication within the existing systems and lists, the length of time since these lists were last canvassed, and experiences of other Federal agencies who have canvassed their mailing lists.

Once responses to the survey are received, they will be entered in the data system for use in distribution of HDS publications and information and policy documents. This will create a much more efficient process for handling this responsibility than the fragmented one that currently exists.

Dated: June 16, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

09–80–0020

SYSTEM NAME:

HDS Publications Distribution Mailing List. HHS/HDS/OPA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 356G, Hubert Humphrey Bldg., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State and local governmental units, organizations, individuals and grantees who ask to receive HDS publications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, title, address, interest in HDS programs, addressee's field of activity, type of organization, scope of organization, whether provide information or services or both, and media affiliation, if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Titles IV–B, IV–E, and XX of the Social Security Act; Developmental Disabilities Assistance and Bill of Rights Act, Pub. L. 94–103, as amended by Pub. L. 95–602; Title VIII of Pub. L. 93–644, as amended, Native American Programs; Pub. L. 95–266, The Child Abuse Prevention and Treatment Act; Children's Bureau Act of 1912; Pub. L. 93–644, as amended, Headstart—Follow Through Act; 42 U.S.C. 5701, Runaway and Homeless Youth Act; and Older Americans Act of 1965, as amended.

PURPOSE(S):

To assist HDS programs in carrying out their responsibilities to disseminate program information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. 2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape.

RETRIEVABILITY:

Addresses will be retrieved by name, interest in HDS programs, field of activity, type of organization or level of government, scope of organization, whether the addressee provides information or services or both, or type of media.

SAFEGUARDS:

Access by authorized personnel only.

RETENTION AND DISPOSAL:

List is annually circularized as required by the Joint Committee on Printing and those not responding are dropped from the list.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Publication and Graphic Services, Office of Public Affairs, 329D, Hubert Humphrey Bldg., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding this system of records should be in writing and should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notifiction procedure. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Response to canvass form, letters, grant applications, individuals, and governmental units.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-18415 Filed 6-22-81; 8:45 am]

BILLING CODE 4110-92-M

Office of the Secretary

Office of Human Development Services; Statement of Delegation of Authority

This notice amends Part D of the statement of organization, functions, and delegations of authority of the Department of Health and Human Services, Office of Human Development Services (OHD) (45 FR 64253) to add authority to conduct the White House Conference on Children and Youth through conferences convened and administered by the States.

The amendment to effect this delegation is to be inserted at the end of D.30(a) and reads as follows:

21. The authority vested in the Secretary by the Reorganization Plan No. 1 of 1953 to conduct the White House Conference on Children and Youth through conferences convened and administered by the States.

Dated: June 12, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-18476 Filed 6-22-81; 8:45 am]

BILLING CODE 4110-92-M

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859-22869, May 27, 1975) is amended to reflect the retitling of the National Institute of Arthritis, Metabolism and Digestive Diseases, to the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases. This action is being taken to administratively implement the Institute's title change which is mandated by Section 434(a) of the Public Health Service Act [42 U.S.C. 289c-1(a)] as amended by section 203(b)(1) of Public Law 96-538.

Sec. HN-B, Organization and Functions, is amended by changing the heading *National Institute of Arthritis, Metabolism and Digestive Diseases (HN-N),* to read *National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (HN-N).*

Dated: June 15, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-18478 filed 6-22-81; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

Intent To Grant Exclusive License

Pursuant to 45 CFR, 8.2(b) and 41 CFR, 1-9.107-3, Notice is hereby given of an intent to grant to Aerojet Strategic Propulsion Company an exclusive license to make, use and sell the invention disclosed and claimed in United States Patent Application Serial No. 182,632, for "Method for producing 3,6-bis(carboethoxyamino)-2,5-diaziridinyl-1,4-benzoquinone" by Stephen J. Backlund and Robert E. Olsen. Copies of the patent application may be obtained upon written request addressed to the Chief, Patent Branch, Department of Health and Human Services, Room 5A-03, Westwood Building, National Institutes of Health, Bethesda, MD 20205.

The proposed license will have a duration of five (5) years, may be royalty-bearing, and will contain other terms and conditions to be negotiated by the parties in accordance with Department of Health and Human Services regulations. The Department will grant the license unless, within sixty (60) days of this Notice the Chief, Patent Branch, named hereinabove, receives in writing any of the following, together with supporting documents:

1. A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license and waiver; or

(2) An application for a nonexclusive license to manufacture, use or sell the invention in the United States submitted in accordance with 41 C.F.R. 101-4—104-2, and the applicant states that he has already brought the invention to practical application, or is likely to bring the invention to practical application expeditiously.

The Assistant Secretary for Health of the Department of Health and Human Services will review all written notices to this Notice.

(45 CFR, 8.2(b) and 41 CFR, 101-4)

Dated: June 17, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 81-18477 Filed 6-22-81; 8:45 am]

BILLING CODE 4110-12-M

Social Security Administration

Income Maintenance Research and Demonstrations; Community Work Experience Projects; Availability of Grants

Correction

In FR Doc. 81-17463, published on page 30895, on Thursday, June 11, 1981, in the third column, in the second paragraph, in the second line, "CSWP" should be corrected to read "CWEP".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-81-1072]

President's Commission on Housing; Meeting

The President's Commission on Housing will meet at the White House, Washington, D.C., on July 7, 1981, at 10:00 a.m. and on July 8, 1981, at 9:00 a.m. The purpose of the meeting is to establish an agenda for advising the President and the Secretary of Housing and Urban Development with respect to options for the development of a national housing program consistent with the President's Economic Recovery Program.

Following a personal greeting by the Vice President in the Roosevelt Room on July 7, the Commission's further sessions will be held in Room 2110 of the New Executive Office Building. The meeting will be open to the public. Due to security requirements, however, members of the public who wish to attend should call (202) 755-5111 during business hours no sooner than June 29 and no later than July 2, 1981 and ask for the President's Commission on Housing to arrange for access to the meeting. Following the public meeting, the Commission may hold a closed session to discuss such topics as relation of financial institutions to a national housing policy. *See* 5 U.S.C. 5526(c)(4), (8) and (9).

Further information on the Commission may be obtained from: Jean M. Freeze, Administrative Officer, telephone: 202-755-5202.

(Sec. 10(a)(2), Federal Advisory Committee Act, as amended (5 U.S.C. App. I))

Issued at Washington, D.C., June 19, 1981.

Samuel R. Pierce, Jr.,

Secretary, Housing and Urban Development.

[FR Doc. 81-18695 Filed 6-22-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Desert Conservation Area Plan; Semi-Annual Review

Notice is hereby given that the Bureau of Land Management is initiating review of the California Desert Conservation Area Plan in Accordance with the review procedures outlined in Chapter 7 of that Plan. The purpose of this review is to consider the need for possible amendments to the Plan based on requests from individuals, public and private organizations, and the Bureau's own observations since the Plan's approval six months ago.

Requests for amendments to or changes in the California Desert Plan are now being solicited from public agencies and interested individuals and organizations for the next 60 days. These requests will be considered in light of the following criteria:

(1) Does the information represent a new issue? The supporting rationale must show that there is a complete set of circumstances around a central problem or program that was not considered in the approved Plan decision process.

(2) Does the information represent new and significant data on an existing issue? The supporting rationale must show that the information is new, was not considered during previous decisions, and would now change previous decisions.

(3) Does the information represent a formal change in State or government or other agency plans? The supporting rationale must show that State or local government approved plans or major official changes in other Federal agency plans or policies made since the Desert Plan's approval would affect Plan decisions.

(4) Does the information represent a change in legal or regulatory mandate? The support rationale must show that changes in Federal statute, regulation, or formal policy would change or otherwise affect Plan decisions when applied to the Desert Plan.

An additional thirty days over the required thirty day notification period has been provided to insure that interested parties have an opportunity to review the final printed version of the Plan. Copies of the Plan are available upon request from the California Desert District, Bureau of Land Management, 1695 Spruce Street, Riverside, CA 92507; telephone (714) 787–1462. Comments regarding proposed amendments to the Plan should also be sent to this address.

Dated: June 15, 1981.

Wesley T. Chambers,

Acting District Manager.

[FR Doc. 81–18516 Filed 6–22–81; 8:45 am]

BILLING CODE 4310–84–M

Grazing Management, Calif.; Request for Public Comments

AGENCY: Bureau of Land Management, Interior.

ACTION: Request for comments.

SUMMARY: The Ukiah District of the Bureau of Land Management has been directed to prepare an environmental impact statement (EIS) on its livestock grazing program (*National Resources Defense Council* vs. *Morton*, 388 F. Supp. 829). The EIS would cover approximately 412,000 acres of public land in northwestern California, of which 71,000 acres are leased for livestock grazing with annual receipts of about $12,000.

Before an EIS is written, it is necessary to identify the significant issues related to grazing in the specific area under consideration. Comments have been solicited from many people in the local area who embrace many different viewpoints. To date, no one has identified any significant issues involving grazing on public land in the Ukiah District.

Before a further course of action is decided upon, it is necessary to ask for comments from a wider geographic area. By means of this notice and letter to regionally and nationally-based groups and to educational and governmental entities outside the local area of the Ukiah District is requesting ideas on this conclusion: There are no significant issues related to livestock grazing on public land under the jurisdiction of the Bureau of Land Management, Ukiah District Office.

DATE: Comments will be accepted until July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Van W. Manning, District Manager, Ukiah District Office, Bureau of Land Management, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482. Phone: (707) 462–3873.

SUPPLEMENTARY INFORMATION: An analysis of the issue-scoping process to date is available from the Ukiah District Office (above address).

Dated: June 12, 1981.

Van W. Manning,

District Manager.

[FR Doc. 81–18428 Filed 6–22–81; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

Oil and Gas Sulphur Operations in the Outer Continental Shelf; Tenneco Oil Exploration & Production

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 1019 and OCS 0821, Blocks 182 and 183, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that is is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 15, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–18429 Filed 6–22–81; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following propeties being considered for listing in the National Register were received by the National Park Service before June 12, 1981. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these

properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by July 8, 1981.

Carol Shull,

Chief, Registration Branch.

INDIANA

Marshall County

Plymouth, *Plymouth Fire Station*, 220N. Center St.

MAINE

Penobscot County

Stetson, *Stetson Union Church*, ME 222

MICHIGAN

Dickinson County

Iron Mountain, *Chapin Mine Steam Pump Engine*, Kent St.

Marquette County

Ishpeming, *Ishpeming Municipal Building*, 100 E. Division St.

Oakland County

Highland, *Highland United Methodist Church*, 205 W. Livingston Rd.

MONTANA

Bighorn County

Decker vicinity, *Lee Homestead*, NE of Decker

Broadwater County

Townsend vicinity, *McCormick's Livery and Feed Stable Sign*, W of Townsend

Flathead County

Olney vicinity, *Stillwater Ranger Station Historic District*, U.S. 93

Powell County

Avon vicinity, *Fitzpatrick Ranch Historic District*, NW of Avon

NORTH CAROLINA

Davidson County

Thomasville, *Thomasville Railroad Passenger Depot*, W. Main St.

New Hanover County

Wilmington, *USS North Carolina (battleship)* West bank of Cape Fear River

Pitt County

Greenville, *Humber, Robert Lee, House*, 117 W. 5th St.

Robeson County

Lumberton, *Carolina Theatre*, 319 N. Chestnut St.

Transylvania County

Brevard, *Silvermont*, E. Main St.

PENNSYLVANIA

Lancaster County

Lancaster, *United States Post Office*, 50 W. Chestnut St.

VIRGIN ISLANDS

St. John Island

VIRGIN ISLANDS NATIONAL PARK MULTIPLE RESOURCE AREA. This area includes: Brown Bay, *Brown Bay Plantation Historic District;* Cinnamon Bay, *Rustenberg Plantation South Historic District;* Dennis Bay, *Dennis Bay Historic District;* East End vicinity, *More Hill Historic District;* Hurricane Hole vicinity, *Hermitage Plantation Historic District;* Leinster Bay, *Annaberg Historic District;* Maho Bay vicinity, *America Hill Historic District;* Reef Bay *Reef Bay Great House Historic District; Reef Bay Sugar Factory Historic District;* Reef Bay vicinity, *Jossie Gut Historic District; L'Espefance Historic District;* Brown Bay vicinity, *Rendering Plant, Liever Marches Bay;* Cruz Bay, *Lind Point Fort;* Cruz Bay vicinity, *Cathrineberg-Jockumsdahl-Herman Farm*, E of Cruz Bay (previously listed in the National Register 3-30-78); *Cinnamon Bay Plantation*, NE of Cruz Bay-on Cinnamon Bay (previously listed in the National Register 7-11-78); *Lameshur Plantation*, E of Cruz Bay on Little Lameshur Bay (previously listed in the National Register 6-23-78); *Mary Point Estate*, NE of Cruz Bay (previously listed in the National Register 5-22-78); Maho Bay vicinity, *Annaberg School;* and Trunk Bay, *Trunk Bay Sugar Factory.*

WISCONSIN

Bayfield County

Salmo vicinity, *Bayfield Fish Hatchery*, WI 13

[FR Doc. 81-17956 Filed 6-22-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[No. 37488]

American Trucking Association—Petition for Declaratory Order—Electronic Transmission of Freight Bills by Motor Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision in declaratory order proceeding.

SUMMARY: Electronic instead of paper transmission of freight bills by motor carriers to shippers is found to be desirable, but in conflict with a number of Commission rules. A separate rulemaking proceeding will be instituted to consider amending the rules.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By notice published October 20, 1980 in the **Federal Register** (45 FR 69298) we instituted this declaratory order proceeding, at the request of the American Trucking Association, to determine the lawfulness of motor carriers' substituting electronic freight bill data for the standard paper document when the shipper and carrier agree.

The comments filed in response to our notice lead us to conclude (1) the electronic transmission of freight bills in lieu of paper documents by both rail and motor carriers is desirable when agreed to by the affected shippers; (2) electronic billing would conflict with some Commission rules; and (3) a rulemaking should be initiated to remove any barriers.

We believe that electronic (in lieu of paper) billing, when agreed to by carrier and shipper, will result in cost savings and efficiencies to all concerned. To accommodate electronic billing, some (but not all) of our rules can be interpreted in such a manner as to avoid any conflict. Thus, the term "freight bill," when not specifically designated as being a *paper* document, can be construed to include electronically transmitted data. This broad interpretative approach makes extensive modification of our rules unnecessary as illustrated by reviewing, for example, our credit regulations at 49 CFR 1322.1. These credit regulations currently provide: "When the freight bill . . . is presented . . ." As this regulation does not prescribe the form of the freight bill, we can and will interpret "freight bill" to include electronic data and "presentation" to include electronic transmission to shipper. We note that this interpretative approach is consistent with our action in reopening Ex Parte No. MC-1, *Payment of Rates and Charges of Motor Carriers (Extension of Credit to Shippers)*, and Ex Parte No. 73, *Regulations For Payment of Rates and Charges*, 45 FR 39519, June 11, 1980, in order to allow carriers to tailor credit terms to their own needs. (We do not evision that any resulting modification of our credit regulations would preclude interpreting them to encompass electronic data. However, if any problems do, in fact, arise, they can be resolved in the reopened proceedings.)

Third, the conclusion appears unavoidable that the freight bill requirements applicable to motor carriers and described in 49 CFR 1008.4 (b) and (c) and 49 CFR 1051.1(b) presently preclude the electronic transmission of freight bills because a paper document is clearly indicated. However, we will propose removing these barriers by a concurrently published separate notice of proposed rulemaking, to be docketed as Ex Parte No. 406. Moreover, in view of the

potential benefits of electronic billing to all concerned, we plan not to limit the rulemaking needed to accommodate the technology to motor carriers, but instead, also propose to make it an option for railroads, and freight forwarders as well.

A number of parties supporting electronic billing did so conditionally. Some urge, as one example, additional safeguards to ensure that shipper acceptance of electronic data is voluntary. However, in our view such safeguards are unnecessary since existing administrative mechanisms can remedy any abuses. Others urge that we specify details relating to the electronic transmission agreement or informational requirements; such as including the reference number in the freight bill. We are not adopting this suggestion because we believe that details are best worked out by the shippers and carriers involved, without Commission action.

We also deem it unnecessary to require that the voluntary agreement be published in the carrier's tariff. The proliferation of many varied agreements in tariffs is unjustified and would retard carrier flexibility as well as counter our goal of tariff simplification. We also see no need to impose additional audit controls since the carriers must preserve the electronic data, make it available for inspection, and otherwise comply with the record retention rules at 49 CFR 1220. Moreover, any requirement for carriers to prepare freight bills in paper form for purposes of retention would negate the economies and efficiencies achieved through the electronic transmission of information.

We find:

The electronic transmission of freight bills by motor carriers to shippers in place of paper documents, when shipper and carrier agree, is desirable to consider further even though in conflict with several of our rules calling specifically for paper documents. A rulemaking will be instituted with a view toward revising our rules to accommodate electronic billing. This rulemaking will not be limited to motor carriers but will also consider extending the option of electronic billing, when the shipper agrees, to railroads and freight forwarders.

This proceeding is discontinued.

This decision does not significantly affect the quality of the human environment or conservation of energy resources.

This decision is issued under the authority of 49 U.S.C. 10101, 10101a, 10321, 10501, 10521, and 5 U.S.C. 554(e).

Decided: June 16, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

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[Volume No. 105]

Motor Carriers; Permanent Authority Decision, Restriction Removals, Decision-Notice

Decided: June 17, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 1759 (Sub-No. 43)X, filed May 20, 1981. Applicant: FROEHLICH TRANSPORTATION CO., INC., Danbury, CT. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. Applicant seeks to remove restrictions from its Sub-Nos. 3, 13, 20, 24, 25, 26, 27, 30, 31, 32, 33, 35, 38F, 40F, 41F, and 42F certificates and Sub-No. 36 which was issed pursuant to MC-F-13335 to (1) remove all exceptions to its general commodities authority except classes A and B explosives in Sub-Nos. 33 and 36; (2) expand commodity descriptions from: (a) specified fresh and stale bakery products, containers and/or various related products, tomato juice, meat and meat products and packinghouse products, etc., to "food and related products" in Sub-Nos. 3, 13, 20, 24, 25, 26, 27, 30, 31, 32, 33, 35, 38, 40; (b) new tires and tire tubes to "rubber and plastic products" in Sub-No. 27; (c) from empty containers, to "containers, carriers, or devices" in Sub-No. 3; (d) paper and paper products to "pulp, paper and related products" in Sub-No. 42; (3) change one-way movements to radial authority between points located throughout the northeastern portion of the U.S.; (4) delete plantsite limitations wherever they appear in each certificate; (5) change city to county-wide authority as follows: Port Chester, NY, to Westchester County, NY; Greenwich, CT, and Norwalk, CT, to Fairfield County, CT; Pittsfield, MA, to Berkshire County, MA, in Sub-No. 3; Long Island City, NY, to Nassau County, NY; Portchester, NY to Westchester County, NY; Norwalk, CT, to Fairfield County, CT; Bennington, VT, to Bennington County, VT; Totowa, NJ, to Passaic County, NJ; and Pittsfield, MA, to Berkshire County, MA, in Sub-No. 13; Greenwich, CT, to Fairfield County, CT; Long Island City, NY, to Nassau County, NY and Totowa, NJ, to Passaic County, NJ in Sub-No. 20; Greenwich, CT, to Fairfield County, CT; Long Island City to Nassau County, NY, Totowa, NJ, to Passaic County, NJ; and Watkins Glen, NY, to Schuyler County, NY, in Sub-No. 24; Greenwich, CT, to Fairfield County, CT; Brentwood, Riverhead, and Shirley, NY to Suffolk County, NY; Franklin Square, Garden City, Plainview, Syosset, and Valley Stream, NY, to Nassau County, NY; Mt. Vernon, New Rochelle, Tuckahoe, and Yonkers, NY, to Westchester County, NY; Clifton, NJ, to Passaic County, NJ; Emerson, NJ, to Bergen County, NJ; Fairfield, NJ, to Essex County, NJ; in Sub-No. 26; Cranbery, NJ, to Middlesex County, NJ, in Sub-No. 27; Bridgeport, CT, to Fairfield County, CT, and Landover, MD, to Prince Georges County, MD, in Sub-No. 30; Hauppauge, NY to Suffolk County, NY; Newark, NJ, and Cedar Grove, NJ, to Essex County, NJ; Totowa, NJ, and Carlstadt, NJ, to Passaic and Bergen Counties, NJ; Kearney, and Secaucus, NJ to Hudson County, NJ, and North Haven, CT, to New Haven County, CT, in Sub-No. 31; Totowa, NJ, to Passaic County, NJ, in Sub-No. 32; Newark, NJ, to Essex County, NJ; and Syosset, NY, to Nassau County, NY, in Sub-No. 33; Danbury, CT, to Fairfield

County, CT; and Marysville, PA, to Perry County, PA, in Sub-No. 35; Newark, NJ, to Essex County, NJ, in Sub-No. 36; and Bedford, MA, to Middlesex County, MA; Manchester, NH; to Hillsboro County, NH; and Springfield, MA, to Hampden County, MA, in Sub-No. 40; Dunkirk, NY, to Chatauqua County, NY, in Sub-No. 41; and St. Albans, VT, to Franklin County, VT, in Sub-No. 42.

MC 2876 (Sub-2)X, filed June 2, 1981. Applicant: W. J. BEITLER COMPANY, 3379 Stafford Street, Pittsburgh, PA 15204. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)" in each certificate; (2) remove the facilities limitation at Pittsburgh, PA, in Sub-No. 1; (3) change city to county-wide authority from: Pittsburgh to Allegheny County, PA, in the lead and Sub-No. 1; Youngstown and Warren to Mahoning and Trumbull Counties, OH, in the lead: and Anmoore to Harrison County, WV in Sub-No. 1; and (4) replace one-way with radial authority between (a) Allegheny County, PA, and, Mahoning and Trumbull Counties, OH, and points and places in PA within 75 miles of Pittsburgh, in the lead; and (b) Allegheny County, PA, and, Harrison County, WV, points in WV on and north of US Hwy 50, and points in OH on and east of a line beginning at the WV–OH State Boundary line, then along Interstate Hwy 77 to junction with the Cuyahoga River, at or near Cleveland, OH and then along the Cuyahoga River to Lake Erie, in Sub-No. 1.

MC 7228 (Sub-48)X, filed June 2, 1981. Applicant: COAST TRANSPORT, INC., 349 Grand Blvd., Vancouver, WA 98661. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-Nos. 6, 37, 39, 43, 45F certificates and 47F permit to (1) broaden the commodity description from (a) in Sub-No. 6, from fruits and vegetables, fresh, frozen and those partially processed preparatory to freezing or canning, sheet 1, fruits and vegetables, sheet 2, feed concentrate, flour and salt, frozen fruits, frozen berries, and frozen vegetables, and frozen foods and potato products, not frozen, sheet 3, to "food and related products"; from box shooks, sheet 2, and shingles, shakes, and trim, sheet 3, to "lumber and wood products"; paper, sheet 2, to "pulp, paper and related products"; machinery and machinery parts, and machinery parts, sheet 2, and heavy farm and contractors' machinery, sheet 3, to "machinery"; acids, sheet 2, to "chemicals and related products"; hay, sheet 2, livestock, and fresh farm produce, sheet 3, to "farm products"; rough and dressed lumber, shingles, cement, and silica, and lumber, shingles and cement, sheet 3, to "building materials"; (b) from bananas in Sub-Nos. 37 and 43, frozen foods, in Sub-No. 39, bananas and exempt agricultural commodities in mixed loads, in Sub-No. 45F, and frozen bakery goods and materials and supplies used in their manufacture and distribution, in Sub-No. 47F, to "food and related products"; (2) expand the territorial authority, (a) in Sub-No. 6, from Milton and Freewater, OR to Umatilla County, OR; from Stockton, Los Angeles, and Huntington Park, CA, to San Joaquin and Los Angeles Counties, and Los Angeles, CA; (b) in Sub-No. 37, from Long Beach, CA, Bellevue, WA, and ports of entry on the United States-Canada boundary line at or near Blaine, WA, to Los Angeles County, CA, King County, WA, and ports of entry on the international boundary line between the United States and Canada, in Whatcom County, WA; (c) in Sub-No. 39, from named facilities at Weston and Hermiston, OR and Connell and Quincy, WA to Umatilla County, OR and Franklin and Grant Counties, WA; (d) in Sub-No. 43F, from Long Beach, CA, to Los Angeles County, CA; (e) in Sub-No. 45F, from named facilities at Port Hueneme, CA, to Ventura County, CA; (3) provide radial service in lieu of one-way service in Sub-Nos. 6, 37, 39, 43F and 45F between various points in California, Oregon, and Washington; (4) remove the restriction that limits the carrier to the transportation of traffic having a prior movement by water in Sub-No. 45F.

MC 9859 (Sub-9)X, filed June 12, 1981. Applicant: KANE TRANSFER COMPANY, 4661 Hollins Ferry Road, Baltimore, MD 21227. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Applicant seeks to remove restrictions in its permit No. MC–67583 Sub-No. 11 to broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 47149 (Sub-21)X, filed May 27, 1981. Applicant: C. D. AMBROSIA TRUCKING CO., R.D. #2, Lowellville, OH 44436. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its lead and Sub-Nos. 12, 13, 15, 17, 19F, 20F, E1 and E2 certificates to: (1) broaden the commodity descriptions to: (a) "commodities in bulk"; from such bulk commodities, as are transported in dump trucks, and coal, limestone, slag and dirt, in the lead; (b) "clay, concrete, glass or stone products" from pulverized limestone, in bulk, in tank vehicles, in Sub-No. 12; (c) clay, concrete, glass or stone products, "ores and minerals, and chemicals and related products," from limestone and limestone products, insecticides, herbicides, fungicides, fertilizer and fertilizer ingredients and materials (other than such commodities in liquid bulk form), and iron bearing agglomerates in Sub-Nos. 13, E1 and E2; (d) "waste or scrap materials not identified by industry producing" from iron-bearing fines in Sub-No. 13 and E1 (paragraph 3); (e) "coal and coal products" from coal in Sub-No. 15 and 20F; (f) clay, concrete, glass or stone products from lime and dry lime (except in bulk, in dump truck equipment) in Sub-No. 17; (g) "lumber and wood products" from wooden pallets in Sub-No. 17; (h) "metal products" from iron and steel articles in the Sub-No. 19F; (2) change city and township to county-wide authority: (a) Mahoning Township, PA to Lawrence County, PA in Sub-Nos. 12 and 13; (b) Chester, WV to Hancock County, WV in Sub-No. 12; (c) Branchton, PA to Butler County, PA in Sub-No. 17; (d) New Castle, PA to Lawrence County, PA; in Sub-No. 19F (e) portions of Columbiana County, OH to Columbiana County, OH in Sub-No. E1 (Sub-paragraphs 1(a), 2(d) and 3(d) and E2; (3) replace one-way service with radial authority in Sub-Nos. 12, 13, 15, 17, 20, E1, and E2; (4) remove a restriction against transportation of cement in the lead; (5) remove a restriction requiring the use of dump trucks in the lead and Sub-Nos. 20F, E1, and E2; (6) remove a bulk restriction in Sub-Nos. 12 and E1 (paragraph 3); (7) remove a restriction against commodities in bulk liquid form in the Sub-Nos. 13, E1 (paragraph 1) and E2; (9) remove a restriction against transporting bulk commodities in the Sub-No. 13; (10) remove facilities restrictions in Sub-No. 15, 19F and 20F; (11) remove a restriction against transporting bulk shipments in dump trucks in Sub-No. 17 (paragraph 4) and E1 (paragraph 2); (12) remove an "originating at and/or destined to" restriction in Sub-No. 15; and (13) remove a restriction requiring transportation of dry lime in bags in Sub-No. 17 (paragraph 3).

MC 103993 (Sub-1077)X, filed June 4, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Indiana 46515. Representative: James B. Buda and Kenneth M. Hays, 28651 U.S. 20 West, Elkhart, Indiana

46515. Applicant seeks to remove restrictions in its Sub-Nos. 580, 561, 954, and 234 certificates as follows: (1) to broaden the commodity description in Sub-No. 580 from plywood to "lumber and wood products"; in Sub-No. 561 from buildings, building sections, and building materials to "lumber and wood products, metal products and building materials"; in Sub-No. 954 iron and steel articles to "iron and steel articles and materials, equipment and supplies used in the manufacture or distribution thereof"; and in Sub-No. 243 from buildings in sections when transported on wheeled undercarriages equipped with hitchball connectors to "metal products and lumber and wood products"; (2) eliminate the plantsite limitations in Sub-Nos. 243, 561, 580, and 954F; (3) replace city with county-wide authority from Parkersburg to Wood County, WV, in Sub-No. 561, and Quincy to Adams County, IL, in Sub-No. 954F; (4) expand one-way to radial authority between (a) Wood County, WV, and, points in the U.S. in Sub-No. 561; (b) San Bernardino County, CA, and, points in the U.S. in Sub-No. 580; and (c) Adams County, IL, and, points in the U.S. in Sub-No. 954F; and (5) remove the restrictions (a) except oilfield and industrial buildings, from origins which are points of manufacture, in Sub-No. 243; (b) except in bulk in Sub-No. 561; and (c) against service to (1) AK and HI in Sub-Nos. 243, 561, and 580; and (2) HI in Sub-No. 954F.

MC 105501 (Sub-54)X, filed June 3, 1981. Applicant: TERMINAL TRANSPORT, INC., 1851 Raddison Road, N.E., Blaine, MN 55434. Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-Nos. 26, 27, 44F, 49F and 50F certificates to: (1) in Sub-Nos. 26 and 50, remove all exceptions from its general commodities authority except classes A and B explosives; (2) in Sub-Nos. 26, and 50 eliminte the "ex-rail restriction", (3) in Sub-No. 27, broaden the commodity description from iron and steel articles to "metal products"; (4) in Sub-No. 44, broaden the commodity description from liquor to "food and related products"; (5) in Sub-No. 49, broaden the commodity description from glass containers to "clay, concrete, glass or stone products"; (6) replaced a described portion of county, facilities limitations and/or specific point authority with county-wide authority as follows: in Sub-No. 26, replace a described portion of St. Louis County, MN, with St. Louis County, MN; in Sub-No. 27, La Crosse, WI, with La Crosse County, WI; in Sub-No. 44, facilities at Minneapolis, MN, with Minneapolis, MN, and Fargo and Bismarck, ND, with Cass and Burleigh Counties, ND; in Sub-No. 49F, Shakopee, MN, with Scott County, MN; (7) in Sub-No. 26, eliminate the "in containers or trailers" restriction; and (8) replace one-way authority with radial authority between named cities or counties in MN, and, points in several north central States in the above numbered certificates.

MC 105636 (Sub-41)X, filed May 15, 1981. Applicant: ARMELLINI EXPRESS LINES, INC., P.O. Box 2394, Stuart, FL 33494. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 2(M1)F, 22, 23(M1)F, 24, and 39F certificates to (1) change commodity descriptions (a) in Sub-Nos. 2(M1)F and 23(M1)F by eliminating all exceptions to general commodities except classes A and B explosives; (b) in Sub-Nos. 2(M1)F, and 22, from baskets, boxes, crates, hampers and containers for agricultural products to "containers"; (c) in Sub-No. 2(M1)F, from various foodstuff items, such as fresh fruits and vegetables, fish, etc., to "food and related products"; (d) in Sub-Nos. 2(M1)F and 22, from flower bulbs and horticultural shading materials to "farm products"; in Sub-No. 24, (e) from florist supplies and equipment, etc., to "such commodities as are dealt in or used by florists"; from fertilizer to "chemicals and related products"; from poultry vaccines, drugs, insecticides, and equipment used in the raising of poultry to "chemicals and such other commodities as are used in the raising of poultry"; and (f) in Sub-No. 39F, from petroleum products to "petroleum and coal products"; (2) remove restrictions on commodities, such as "in packages" and "in containers", wherever they appear in each certificate; (3) in Sub-No. 39F, delete exwater restriction; (4) replace city-wide with county-wide authority wherever the following appear in each certificate: Murfreesboro with Hertford County, NC; Charlotte with Mecklenburg County, NC; Raleigh with Wake Coutny, NC; Florence with Florence County, SC; Columbia with Richland County, SC; Savannah with Chatham County, GA; Jacksonville with Duval County, FL; West Palm Beach and Rivieria Beach with Palm Beach County, FL; Miami with Dade County, FL; Baldwin with St. Croix County, WI; Thorp with Clark County, WI; Westfield with Marquette County, WI; Tampa with Hillsborough County, FL; Orlando with Orange County, FL; Exmore with Northampton County, VA; Charleston with Charleston County, SC; Trenton with Mercer County, NJ; Wilmington with New Castle County, DE; Ft. Lauderdale with Broward County, FL; Eatontown with Monmouth County, NJ; Meriden with New Haven County, CT; Vineland with Cumberland County, NJ; Gainesville with Hall County, GA; Sewaren with Middlesex County, NJ; Hanover with Morris County, NJ; and Marcus Hook with Delaware County, PA; (5) delete facilities limitations in Sub-No. 39F; (6) remove ex-motor vehicle restriction in Sub-No. 2(M1)F; and (7) authorize radial authority wherever one-way exists in each certificate between specified points located in the eastern portion of the U.S.

MC 106775 (Sub-48)X, filed May 27, 1981. Applicant: ATLAS TRUCK LINE, INC., 15015 East Freeway, Houston, TX 77015. Representative: Sam Hollman, 4555 First National Bank Bldg., Dallas, TX 75202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 28, 29, 37, 39, 41, 42F, 44F, 45F, certificates and E1, E2, E3, E4 and E5 letter notices to (1) broaden the commodity descriptions to "Mercer commodities" from machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, in parts 1, 2, 3, and 4 of the lead and Sub-No. 42F; from machinery, materials, supplies and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, in part 6 of the lead; from machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main piplines), in Sub-No. E5; to "metal products" from steel water tanks,

and materials and supplies used in the construction of steel water tanks, in part 9 of the lead; from structural steel, metal castings, and reinforcing rods, in part 13 of the lead and Sub-No. E4; to "metal products and Mercer commodities" from structural steel, metal castings, reinforcing rods, and machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, in part 7 of the lead; to "machinery" from electrical transformers and and electrical-transformer coils and cases, in part 14 of the lead; to "cement asbestos pipe and rubber and plastic products" from cement asbestos pipe and plastic pipe, in part 18 of the lead; to "rubber and plastic products" from plastic pipe, in part 21 of the lead; and to "cement asbestos pipe and rubber and plastic products" from cement asbestos pipe and plastic pipe, in Sub-No. 37, (2) remove the "in bulk, and in tank vehicle" restrictions, in part 11 of the lead; (3) remove restiction to the transportation of shipments moving to or from pipeline rights of way, in parts 5 and 11 of the lead, (4) remove the originating at and/or destined to restrictions, in part 19 of the lead and Sub-Nos. 28, 39, and 41, (5) remove the ex-water restriction, in Sub-No. 29, (6) remove the restriction against the transportation of specified commodities to specified points, when such commodities are intended for use in construction, repairing or dismantling of water pipelines, in part 17 of the lead, (7) replace one-way authority with radial authority in the lead and Sub-Nos. 28, 29, 37, 39, 41, 44F, E1, E2 and E3, (8) remove the facilities restrictions in the lead and Sub-Nos. 37, 39, 41, E1 and E2 and broaden the territorial authority by substituting county-wide authority for city-wide authority as follows: Morris County, TX (for Lone Star, TX) and Cass County, TX (for Bond, TX), in parts 12 and 16 of the lead; Hill County, TX (for Hillsboro, TX), in part 17 of the lead and Sub-No. E3; Crawford County, AR (for Van Buren, AR), in part 18 of the lead and Sub-Nos. 37 and 41; Cooke County, TX (for Gainesville, TX) in part 19 of the lead and Sub-No. E-1; Fort Bend County, TX (for Rosenberg, TX), in part 20 of the lead and Sub-No. E-2; Pulaski County, AR (for Little Rock, AR), in Sub-No. 29 and Sebastian County, AR (for Ft. Smith, AR), in Sub-No. 29.

MC 111940 (Sub-75)X, filed June 4, 1981. Applicant: SMITH'S TRUCK LINES, P.O. Box 88, Muncy, PA 17756. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Applicant seeks to remove restrictions in its Sub-Nos. 9, 16, 29, 36, 38, 39, 42, 45, 46, 49, 50, 52, 54, 56, 63, 65, 67, 69, 72F, and 73F certificates to (1) broaden its commodity descriptions in Sub-Nos. 9 and 39, to "primary metal products", from steel and steel products, and iron and steel articles (with exceptions); in Sub-Nos. 16 part (1), 45, 49, 65 part (1) and 72F, to "chemicals and related products", from salt, paints and paint materials (with exceptions), salt products, and solar salt; in Sub-No. 29, to "forest products", from lumber (except plywood and veneer); in Sub-No. 52, to "farm products", from soy bean meal; and to "clay, concrete, glass or stone products", from brick; in Sub-No. 56, to "fabricated metal products, except ordinance", from metal castings, pipe fittings, and accessories thereof; in Sub-No. 69, to "petroleum, petroleum products, and coal products", from petroleum and petroleum products (except in bulk); and in Sub-No. 73F, to "food and related products", from flour; (2) remove the facilities limitation in Sub-Nos. 39, 42, 49, 52, 56, 67, and 69; (3) replace cities with county-wide authority: in Sub-Nos. 9, 38, 39, and 67, Williamsport, PA, with Lycoming County, PA; in Sub-Nos. 16 and 65, Silver Springs, Watkins Glen, Ludlowville, and Retsof, NY, with Wyoming, Schuyler, Tompkins, and Livingston Counties, NY, respectively; in Sub-No. 36, Watkins Glen, NY, with Schuyler County, NY; in Sub-No. 39, Milton, PA, with Northumberland County, PA; Buffalo, Rochester, and Syracuse, NY, with Erie, Monroe, and Onondaga Counties, NY; Muncy and Williamsport, PA, with Lycoming County, PA; and Warren and Youngstown, OH, with Trumbull and Mahoning Counties, OH; in Sub-No. 42, Farmers Valley and Bradford, PA, with McKean County, PA; and Buffalo, NY, with Erie County, NY; in Sub-No. 45, Williamsport, PA and Dyersburg, TN, with Lycoming County, PA, and Dyer County, TN; in Sub-No. 46, Silver Springs, Retsof, and Watkins Glen, NY, with Wyoming, Livingston, and Schuyler Counties, NY; in Sub-No. 49, Milo, NY, with Yates County, NY; in Sub-Nos. 50 and 63, Emlenton, PA, with Venango County, PA; in Sub-No. 52, Delphos and Bellevue, OH, with Allen and Huron Counties, OH; Royalton Borough, Susquehanna Township, Delaware Township, and Spring Garden Township, PA, with Dauphin, Northumberland, and York Counties, PA; in Sub-No. 54, Congo, WV, with Hancock County, WV; in Sub-No. 65, Horseheads, NY, with Chemung County, NY; and in Sub-No. 69, New Kensington, PA, with Westmoreland and Allegheny Counties, PA; (4) change one-way to radial authority between the above named counties, and specified points in the U.S., in all of the above sub-numbers except Sub-Nos. 29, 38, 45, 67, and 73F; (5) eliminate: in Sub-No. 38, the restriction prohibiting the transportation of sand, sand products, and gravel from points in Ocean and Monmouth Counties, NJ, liquids in bulk, in tank vehicles, and articles which because of size, shape or weight require the use of special equipment; in Sub-Nos. 50 and 67, the originating at and/or destined to specified origins restriction; in Sub-No. 54, the restriction against the transportation of petrochemicals; and in Sub-No. 67, the size and weight, and commodities in bulk restrictions.

MC 113861 (Sub-84)X, filed, June 3, 1981. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, TN 38106. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Applicant seeks to remove restrictions in its Sub-Nos. 1, 25, 26, 28, 31, 32, 33, 37, 38, 39, 40, 44, 46, 49, 51, 53, 54, 55, 58, 61, 65, 66, 67, 69, 71F, 74F, 75F, 77F, 80F, 81F, and 82F, to (1) broaden its commodity descriptions: in Sub-Nos. 1, 25, 28, 33, 37, 40, 46, 49, 51, 53, 54, 55, 58, 61, 66, 67, 71F, 74F, 75F, 77F, 81F, and 82F, to "commodities in bulk", from petroleum and petroleum products, pine oil and pine oil derivatives, anhydrous ammonia, asphalt, asphalt products, coal tar, propane and butane, and mixtures thereof, lubricating oil, drainings, liquefied petroleum gas, nitrogen fertilizer solutions, acids, ammonium nitrate, urea, fertilizer and ingredients, gasoline, kerosene, jet fuel, tractor and diesel fuel, fuel oils, (all of the commodities named above are in bulk and/or in tank vehicles), boiler slag aggregates, dry grain products, fertilizer solutions, liquid corn syrup (in bulk, in tank vehicles), liquid sugar and blends (in bulk, in tank vehicles), liquid and dry wood preservatives, and solvent blends used in formulating wood preservatives (in bulk), and liquefied petroleum gas; in Sub-Nos. 32, 38, and 69, to "petroleum, natural gas, and their products", from liquefied petroleum gases, anhydrous ammonia, and fuel oils, in bulk, in tank vehicles; and in Sub-No. 65, to "food and related products", from corn products, and blends containing corn products (with exceptions); (2) remove the facilities limitations in Sub-Nos. 1, 25, 26, 33, 37, 39, 46, 65, 66, and 69; (3) replace cities with county-wide authority; in Sub-Nos. 1, 49, 74F, and 82F, West Memphis, AR with Crittenden

County, AR; in Sub-No. 1, New Madrid, MO with New Madrid County, MO, Jackson, TN with Madison County, TN, and Millington, TN with Shelby County, TN; in Sub-Nos. 26, 28, 33, 39, 40, 44, 51, 54, 55, 58, 65, 66, 67, 75F, 77F, 80F, and 81F, Memphis, TN with Shelby County, TN; in Sub-Nos. 25, 53, and 71F, Nashville, TN, with Davidson County, TN; in Sub-No. 31, Barfield, AR, with Mississippi County, AR; in Sub-No. 32, Tullahoma, TN with Coffee County, TN; in Sub-No. 38, El Darodo, AR, with Union County, AR; in Sub-No. 46, Crawfordsville, AR, with Crittenden County, AR; and Parma, MO, with Madrid County, MO; and in Sub-No. 61, Memphis and Nashville, TN with Shelby and Davidson Counties, TN; (4) change one-way to radial authority between specified points in the U.S., in all of the above sub-numbered authorities; and (5) eliminate: in Sub-No. 31, the restriction against the transportation of (a) nitrogen fertilizer solutions from facilities at Blytheville, AR, to points in IL, MS, MO, and TN, (b) dry chemicals, to St. Louis, MO–East St. Louis, IL, to Houston, TX, to points within 50 miles thereof, (c) spent catalyst, to points in LA and TX, and (d) liquid hydrogen, liquid oxygen, and liquid nitrogen when moving to missile storage or launching sites, etc.; in Sub-Nos. 37 and 51, the originating at or destined to restrictions; in Sub-No. 49, the restriction limiting transportation to traffic having an immediately prior movement by rail; and in Sub-No. 54, the restriction against transportation to points in the St. Louis, MO–East St. Louis, IL, commercial zone.

MC 124141 (Sub-55)X, filed, May 29 1981. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-No. 36F certificate to (1) broaden the commodity description to "food and related products" from wine and brandy (except commodities in bulk); (2) remove "except AK and HI" restriction; and (3) change its one-way to radial authority between points in CA and the U.S. Applicant also seeks to remove restriction in its MC-140717 Sub-No. 5 permit to (1) broaden the commodity description to "food and related products" from meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk); and (2) change its territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 124692 (Sub-368)X, filed, June 3, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-Nos. 93, 99, 138, 170, 180, 208F, 216F, 222F, 223F, 268F, and 309F, to (1) broaden the commodity descriptions from plastic pipe, bituminous fibre pipe and conduit, fibre vaults, fiberglass siding, sheets, panels, accessories, and materials, aluminum pipe, plastic and rubber liquid containment systems, to "rubber and plastic products" in all sub-numbered authority; (2) delete the exception of service to AK and HI in Sub-Nos. 222, 223, 268, and 309; (3) remove plantsite restrictions in Sub-Nos. 93, 99, 138, 170 208, 268, 309; (4) eliminate the originating at and/or destined to restriction in Sub-Nos. 93, 99, 170, 180, 268; (5) broaden cities to counties: Springfield, IL with Sangamon County, IL, in Sub-No. 93; West Bend, WI, with Washington County, WI, in Sub-Nos. 99, and 208, Berlin, WI, with Green Lake County, WI, in Sub-No. 138; McPherson, KS, with McPherson County, KS, in Sub-No. 170; Fairbault, MN, with Rice County, MN, in Sub-No. 180; Bristol, IN, with Elkhart County, IN, in Sub-No. 216; Lubbock, TX, with Lubbock County, TX, in Sub-No. 222; Grand Island, NE, with Hall County, NE, in Sub-No. 223; Grinnell, IA, with Poweshiek County, IA, in Sub-No. 309; (6) authorize radial authority in place of existing one-way authority, and (7) remove the restriction against the transportation of oil field commodities in Sub-No. 93.

MC 124835 (Sub-30)X, filed June 8, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 2, 5, 7, 9, 12F, 13F, 14F, 21F, 24F, and 27F certificates to (1) broaden its commodity descriptions to "commodities in bulk", from cement, limestone and limestone products, and sodium sulfate, in all of the above sub-numbers; (2) replace its cities and facilities with city or county-wide authority: in Sub-Nos. 2 and 5, facilities at Richard City, TN, with Marion County, TN; in Sub-Nos. 7, 9, 12F and 13F facilities at Nashville, TN, with Nashville, TN; in Sub-No. 9, facilities at Knoxville, TN, with Knox County, TN; in Sub-No. 14F, Luttrell, TN, with Union County, TN; in Sub-No. 21F, facilities at Cowan, TN, with Franklin County, TN; and in Sub-No. 24F, Lowland, TN, with Hamblen County, TN; and (3) change one-way to radial authority between specified cities and counties in TN, and several specified points in the U.S.

MC 126104 (Sub-1)X, filed June 8, 1981. Applicant: TRAMCOR CORPORATION, 2711 Midland Dr., Ogden, UT 84401. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description to "clay, concrete, glass or stone products, and metal products" from concrete products, and corrugated metal pipe; and (2) broaden its territorial authority to between points in the United States under continuing contract(s) with a named shipper.

MC 133078 (Sub-2)X, filed June 4, 1981. Applicant: T. ACHENBERG TRANSPORTATION CO., 208 Sheridan Street, Perth Amboy, NJ 08861. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its lead certificate and from its No. MC–112613 Sub-Nos. 1, 2, 4, 6, 7, 8, 9F, and 10F, permits to: (1) in its lead certificate broaden the commodity description from carbolic acid, phthalic amhydride, sodium maleic anhydride, and paris green synthetic resin and ester gum to "chemicals and related products" and from empty containers to "containers"; (2) in its permits, Sub-No. 1 broaden the commodity description from cosmetics and toilet preparations to "chemicals and related products"; from cough syrup to "food and related products"; Sub-No. 2, broaden the commodity descriptions from cough syrup to "food and related products"; from medicinal petroleum products and hair tonic and cosmetics to "chemicals and related products"; from petroleum jellies to "petroleum, natural gas and their products"; from used wooden pallets to "lumber and wood products"; Sub-No. 4; broaden the commodity description from materials and supplies, used in the manufacture, sale, and distribution of toilet preparations to "such commodities as are dealt in or used by manufacturers of toilet preparations"; Sub-No. 6, broaden the commodity description steel bars, rods, structural steel, sheet piling, column forms and fittings, wire, wire rope and wire fittings, strand and guy rope wire rope reels, guard rail cable, steel joists, bolts, nuts and nails to "metal products"; Sub-No. 7, broaden commodity descriptions from medicinal petroleum products, toilet preparations and cosmetics to "chemicals and related products", and from cough syrup to

"food and related products", and from materials and supplies used in the manufacture, sale and distribution of the aforesaid commodities to "such commodities as are dealt in or used by manufacturers of toilet preparations"; Sub-No. 8, broaden the commodity description from medicines and toilet preparations to "chemicals and related products"; from wood, paper or plastic swabs to "instruments and photographic goods"; from materials and supplies used in the manufacture, sale and distribution of the commodities above to "such commodities as are dealt in or used by manufacturers of medicines or toilet preparations"; Sub-No. 9F, broaden the commodity description from petroleum oils to "petroleum, natural gas and their products"; Sub-No. 10F, broaden its general commodities authority with the usual exceptions, to "general commodities (except Classes A and B explosives)"; (3) remove all commodity and vehicle restrictions in the above-numbered certificates and in each permit; (4) broaden the territorial description in permit No. MC–112613 Sub-Nos. 1, 2, 4, 6, 7, 8, 9, and 10 to "between points in the United States under continuing contract(s) with a named shipper; and (5) in No. MC–133078, replace existing one-way authority with radial authority between Elizabeth, NJ, and New York, NY, and points in Nassau and Suffolk Counties, NY.

MC 134329 (Sub-7)X, filed June 2, 1981. Applicant: FISCUS MOTOR FREIGHT, INC., Route 9, Box 201, Yakima, WA 98901. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Applicant seeks to remove restrictions in its lead and Sub-No. 3 and 5F permits to (1) broaden the commodity descriptions in its lead to "chemicals and related products and metal products" from zinc sulphate and zinc products; in Sub-No. 3 to "lumber and wood products" from lumber; and in Sub-No. 5F to "petroleum, natural gas and their products and ores and minerals" from asphalt composition roofing, asphalt shakes, asphalt roll roofing and asphaltum; to "clay, concrete, glass or stone products, pulp, paper and related products, rubber and plastic products and textile mill products" from insulation; and to "lumber and wood products" from hardwood lumber (2) remove the in bulk restriction in Sub-No. 5F; and (3) broaden the territorial description in its lead and Sub-Nos. 3 and 5F to between points in the U.S. under continuing contract(s) with named shippers.

MC 141406 (Sub-3)X, filed June 5, 1981. Applicant: COAST COUNTIES EXPRESS, INC., 3306 Glendale Blvd., Los Angeles, CA 90039. Representative: David B. Roseman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Applicant seeks to remove restrictions in its Sub-No.2 certificate to (1) remove (a) the Naval Air Station at Alameda, CA, and replace with Alameda County, CA; (b) the Naval Air Station at North Island (San Diego), CA, and replace with San Diego County, CA; (c) the Naval Air Station at Point Mugu, CA, and replace with Ventura County, CA; (d) McClellan Air Force Base at Sacramento, CA, and replace with Sacramento County, CA; (e) Norton Air Force Base at San Bernardino, CA, and replace with San Bernardino County, CA; and (f) Travis Air Force Base at Fairfield, CA, and replace with Solano County, CA., authorizing radial authority between Alameda, San Diego, Ventura, Sacramento, San Bernardino, and Solano Counties, CA, and, points in CA; and (2) remove the restriction against transportation of traffic having a prior or subsequent movement by air, and the restriction except from the Naval Air Station at Point Mugu to the Naval Air Station at Long Beach, CA, the Marine Corps Air Station at El Toro, CA, and the Naval Air Station at North Island (San Diego).

MC 141532 (Sub-113)X, filed May 18, 1981. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Highway, Rancho Cucamonga, CA 91730. Representative: Ramona Vance, 1905 South Redwood Road, Salt Lake City, UT 84104. Applicant seeks to remove restrictions in its Sub-Nos. 17, 18F, 19F, 23F, 24F, 26F, 27F, 29F, 30F, 32F, 33F, 35F, 38F, 41F, 43F, 44F, 47F, 49F, 63F, 68F, 72F, 82F, 84F, 87F, 93F, 96F, 99F, and 105F, certificates (A) to broaden the commodity description in Sub-Nos. 18F, 19F, 26F, and 82F, from flat glass to "clay, concrete, glass or stone products"; in Sub-Nos. 17, 29F, and 30F, from wood and wood products and lumber and wood to "lumber and wood products"; in Sub-Nos. 24F, 38F, 47F, 49F, and 63F, from gypsum, wallboard, lath and plaster; gypsum products, prefinished panel siding and materials and supplies; roofing materials and roofing supplies to "building and construction materials"; in Sub-No. 23F, from plastic pipe and plastic pipe fittings to "rubber and plastic products"; in Sub-Nos. 27F, 41F, 43F, and 44F, from refractories and refractory products, construction materials and refractories and refractory products to "clay, concrete, glass or stone products and building and construction materials"; in Sub-No. 32F, from asbestos cement, plastic pipe, asphalt roofing, asphalt shingles and asphalt rolls to "building materials and rubber and plastic products"; in Sub-No. 84F, from tanks, machinery, construction equipment, mining equipment and commodities which because of size or weight require the use of special equipment to "machinery, metal products, and those commodities which because of size or weight require the use of special handling or equipment"; in Sub-No. 87F, from (1) machinery and machinery parts, (2) oil seals and motor mounts, (3) rubber products, (4) environmental control equipment, air conditioning units, air cooling, heating and purifying systems, and (5) materials, equipment and supplies (except in bulk in tank vehicles) used in the manufacture and distribution of the commodities in (1) through (4) above to "machinery, rubber and plastic products, environmental control equipment, air conditioning units, air cooling, heating and purifying systems and metal products"; in Sub-No. 93F, from machinery, equipment materials and supplies used in the construction, repair and maintenance of facilities for the development, manufacture, processing, refining or distribution of synthetic fuels, as defined in 42 U.S.C. 8702(17) to "lumber and wood products, clay, concrete, glass or stone products, metal products, machinery, rubber and plastic products and building materials"; in Sub-No. 96F, from off-road construction equipment, mining equipment and yard trucks to "machinery and transportation equipment"; in Sub-No. 99F from equipment, materials and supplies used in the manufacture and installation of air pollution control systems to "lumber and wood products, clay, concrete, glass or stone products, rubber and plastic products, metal products, and machinery"; and in Sub-No. 105F, from (1) primary metal products; including galvanized, except coating or other allied processing, (2) fabricated metal products, except ordnance, and (3) machinery, except electrical, to "metal products and machinery"; (B) to expand one-way authority to radial authority between points located throughout the U.S.; (C) to eliminate named plantsites wherever they appear in each certificate; (D) to replace specified cities with countywide authority as follows: in Sub-Nos. 18F, and 26F, Kingsburg, CA to Fresno County, CA; in Sub-No. 19F, Fresno, CA to Fresno County, CA; in Sub-No. 23F, Bakersfield, Santa Ana and Sun Valley, CA to Kern, Orange and Los Angeles Counties, CA, Sub-No. 24F, Blue Diamond, NV to Clark, County, NV; in Sub-No. 27F Moss Landing, CA to Monterey County, CA; Sub-No. 33F (1)

Las Vegas, NV to Clark County, NV and (2) from Amarillo, Dallas, Ft. Worth, Lubbock, Denton and Sweetwater, TX to Potter, Dallas, Tarrant, Lubbock, Denton and Nolan Counties, TX; in Sub-No. 38F Phoenix, AZ to Maricopa County, AZ; in Sub-No. 41F Ontario, CA to San Bernardino County, CA and Lehi, UT to Utah County, UT in Sub-No. 43F Pittsburg, CA to Contra Costa County, CA; in Sub-No. 44F Victorville, CA to San Bernardino County, CA; in Sub-No. 47F Santa Clara, CA to Santa Clara County, in Sub-No. 49F North Little Rock, AR to Pulaski County, AR; in Sub-No. 63F from Stroud, OK to Lincoln County, OK; in Sub-No. 68F from Lewisville, AR and Dallas, TX to Lafayette County AR and Dallas County, TX; in Sub-No. 72F from Sumas, WA to Whatcom County, WA; in Sub-No. 82F Cumberland, MD and Crystal City, MO to Allegany County, MD and Jefferson County, MO; in Sub-No. 84F Jacksonville, TX and Ontairo, CA with Cherokee County, TX and San Bernardino County, CA; and (E) to eliminate the restrictive language in Sub-Nos. 23F, 35F, and 84F, "restricted to traffic originating at and destined to the named points"; the restriction against bulk in Sub-Nos. 27F, 41F and 87F and to eliminate the restriction against service to AK and HI in Sub-Nos. 84F and 96F.

MC 143836 (Sub-3)X, filed June 8, 1981. Applicant: B.K.K. CORPORATION, d.b.a. CHANCELLOR & OGDEN, 2550 237th Street, Torrance, CA 90510. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to change one-way to radial authority between points in the U.S., and points in CA and NV.

MC 144115 (Sub-20)X, filed May 29, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th Street NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Applicant seeks to remove restrictions in its Sub-Nos. 6, 7, and 11 certificates to broaden the commodity descriptions in those certificates from general commodities, with exceptions, to general commodities (except classes A and B explosives), in connection with its operations to serve between points in the US, restricted to the transportation of traffic orginating at or destined to named facilities.

MC 145667 (Sub-2)X, filed June 5, 1981. Applicant: TRANSPORT PLANNING AND SERVICE, INC., 53 Evelyn St., North Dartmouth, MA 02747. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) broaden its commodity descriptions to "chemicals and related products, petroleum, natural gas and their products, textile mill products, and rubber and plastic products", from latex, latex calcium carbonate clay, slurries, aluminum hydrate, and fillers; and (2) broaden its territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 146999 (Sub-3)X, filed May 29, 1981. Applicant: RATLIFF TRUCKING CORPORATION, INC., 6816 Devonshire Dr., Canton, MI 48187. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the commodity description from motor vehicle parts and components and related packaging and shipping supplies and materials to "transportation equipment and components and related packaging and shipping supplies and materials", and (2) change the territorial description to between points in the U.S., under contracts with a named shipper.

MC 150956 (Sub-64)X, filed June 10, 1981. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box A.D., Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312.Applicant seeks to remove restrictions in its No. MC 128246 Sub-Nos. 33, 34F, 39F, 40F, 41F, 55F, 56F, and 61F permits to (1) broaden the commodity descriptions from foodstuffs in Sub-Nos. 33 and 56F, from frozen fruits, frozen vegetables, and frozen berries in Sub-No. 34F, and from prepared foodstuffs in Sub-No. 61F, to "food and related products"; (2) remove the in bulk restriction in Sub-Nos. 33, 39F, 40F, 41F, 55F, and 61F; (3) remove the restriction against the transportation of hides in Sub-Nos. 40F and 41F; (4) remove the restriction against the transportation of hides, skin and pieces thereof in Sub-No. 55F; (5) remove the restriction requiring the transportation be provided in vehicles equipped with mechanical refrigeration in Sub-Nos. 39F and 61F; and (6) broaden the territorial scope in all permits to between points in the U.S. under continuing contract(s) with the named shippers.

[FR Doc. 81-18552 Filed 6-22-81; 8:45 am]

BILLING CODE 7035-01-M

[EX PARTE NO. 311]

Expedited Procedures For Recovery of Fuel Costs; Decision

Decided: June 18, 1981.

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operators traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.2-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 6.8-percent surcharge for the bus carriers, or the 2.1-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered

This decision shall become effective Friday 12:01 a.m. June 19, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

June 16, 1981.

Appendix—Fuel Surcharge

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

June 16, 1981 ..... 132.0¢

	Transportation performed by—			
	Owner operator [1]	Other [2]	Bus carrier	UPS
	1	2	3	4
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3

	Transportation performed by—			
	Owner operator [1]	Other [2]	Bus carrier	UPS
Percent surcharge developed	18.2	3.1	6.8	[3] 2.9
Percent surcharge allowed	18.5	3.1	6.8	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The precentage surcharge developed for UPS is calculated by applying 81 percent of the precentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-18551 Filed 6-22-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State of Ohio

This notice announces the ending of the Extended Benefit Period in the State of Ohio, effective on June 20, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Ohio of February 17, 1980, and has now triggered off.

Determination of "Off" Indicator

The head of the employment security agency of the State of Ohio has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on May 30, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on June 20, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Ohio should contact the nearest State Employment Office of the Ohio Bureau of Employment Services in their locality.

Signed at Washington, D.C., on June 17, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-18562 Filed 6-22-81; 8:45 am]
BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State of South Carolina

This notice announces the ending of the Extended Benefit Period in the State of South Carolina, effective on June 20, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will triger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of South Carolina on July 20, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of South Carolina has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on May 30, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on June 20, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of South Carolina should contact the nearest State Employment Office of the South Carolina Employment Security Commission in their locality.

Signed at Washington, D.C., on June 17, 1981.

Albert Angrisani

Assistant Secretary of Labor.

[FR Doc. 81-18563 Filed 6-22-81; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

[V-80-2]

Ford Motor Co.; Grant of Variance

AGENCY: Occupational Safety and Health Administration, Labor

ACTION: Grant of variance.

SUMMARY: OSHA has granted the Ford Motor Company's application for a permanent variance from certain paragraphs of 29 CFR 1910.1025, Occupational Exposure to Lead, and 29 CFR 1910.1018, Occupational Exposure to Inorganic Arsenic.

DATES: The effective date of this grant of variance is June 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor Third Street and Constitution Avenue NW., Room N3662, Washington, D.C. 20210, Telephone: (202) 523-7144 or the following Regional and Area Offices.

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036

U.S. Department of Labor, Occupational Safety and Health Administration, Building T3, Belle Mead GSA Depot, BELLE Mead, New Jersey 08502

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I. Background

On May 3, 1978, The Occupational Safety and Health Administration, ("OSHA") issued an occupational safety and health standard for exposure to inorganic arsenic [29 CFR 1910.1018; 43 FR 19584, May 5, 1978]. An occupational safety and health standard for exposure to lead was issued on November 13, 1978 [29 CFR 1910.1025; 43 FR 52952, November 14, 1978]. In April, 1979, Ford Motor Company ("Ford") applied, pursuant to section 6(d) of the Occupational Safety and Health Act [29 U.S.C. 655(d)] and 29 CFR 1905.11, for a permanent variance from several provisions of these standards. Ford also requested an interim order pending a decision on the application. The variance application pertains to the lead and inorganic arsenic exposure that occurs on the automobile assembly line during the soldering process. The addresses of the places of employment that will be affected by the application for inorganic arsenic and lead are as follows:

Pilot Plant, 17000 Oakwood, Allen Park, Michigan 48101

Atlanta Assembly Plant, 340 S. Central Avenue, Hapeville, Georgia 30354

Chicago Assembly Plant, 12600 S. Torrence, Chicago, Illinois 60633

Dearborn Assembly Plant, 3001 Miller Road, Dearborn, Michigan 48120

Kansas City Assembly Plant, Highway 69, Claycomo, Missouri 64169

Lorain Assembly Plant, 5401 Baumhart Road, Lorain, Ohio 44052

Louisville Assembly Plant, Fern Valley Road at Grade, Louisville, Kentucky 40232

Edison Assembly Plant, U.S. Highway 1, Edison, New Jersey 08817

San Jose Assembly Plant, 1100 S. Main, Milpitas, California 95035

St. Louis Assembly Plant, 6250 N. Lindbergh Blvd., Hazelwood, Missouri 63042

Wayne Assembly Plant, 37625 Michigan, Wayne, Michigan 48184

Wixom Assembly Plant, 50000 Grand River Expressway, Wixom, Michigan 48096

In addition, the applicant has asked to have the variance extended to any future facilities which have solder grind booths operating in the same manner as exisiting ones.

An interim order pending the decision on Ford's application for variance from the inorganic arsenic and lead standards was granted on February 19, 1980. Notice of the Ford application for variance and for the interim order, and of the grant of the request for an interim order was published in the **Federal Register** on February 19, 1980 [45 FR 10972-75]. The notice invited interested persons to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for variance. The February 19, 1980 notice announced that additional data and information had been requested from Ford to supplement the data previously submitted, to enable OSHA to reach a decision on the variance.

On March 1, 1979, the U.S. Court of Appeals for the District of Columbia Circuit judicially stayed certain provisions of the lead standard (*United Steelworkers of America, AFL-CIO-CLC* v. *Marshall*, No. 79-1048 (D.C. Circuit, March 1, 1979)). Notice of the partial judicial stay was published in the **Federal Register** on March 13, 1979 (44 FR 14554). FMC has requested variance from several provisions of the lead standard which have been judicially stayed. The stayed provisions are § 1910.1025(e)(1); § 1910.1025(e)(3) except for (e)(3)(ii)(F); § 1910.1025(i), as it applies to construction of new facilities or substantial renovation of existing facilities; and § 1910.1025(r), as

it applies to other provisions of the standard which have been stayed. On August 15, 1980, the Court of Appeals issued a decision upholding the standard in major part, but remanding to OSHA the question of the feasibility of the standard for specified industries, including the auto manufacturing industry. As to these industries, the record was remanded to the Secretary of Labor for reconsideration, with directions to return the record on feasibility, with sufficient evidence and explanation, within six months. In the interim, the stay of paragraph(e)(i) of the standard, which requires compliance with the PEL by engineering and work practice controls, continues for these industries. All other provisions of the standard, including the requirement to reach the PEL by some combination of engineering, work practice and respiratory controls, are in effect.

II. Facts

A. The Soldering Process

The applicant is a manufacturer of automobiles. The assembly of some automobile bodies necessitates application of solder to certain welded joints. Lead solder is principally used to fill depressed, welded joints betweeen body panels to achieve durable, finely-sculptured body surfaces after final paint.

The soldering process is performed in the body shop on the assembled body shell. Joint soldering and grinding is one of the final steps in body assemblying and construction performed prior to hanging and fitting of door and trunk lid assemblies. Additional welding and metal finishing takes place prior to transfer to the paint shops for painting.

Typically, an automotive body has two to four joints that require a solder fill. If a joint is scheduled to be covered with vinyl roof covers, a substitute filler is used since final paint appearance is not a factor.

The welded automobile body proceeds along the body shop conveyor to the soldering area and is processed in the following steps:

1. *Joint Preparation.* The first step is to inspect and caulk the joint to insure proper alignment of the adjacent panels and joint metal. Next, the joint area is rough ground and wire brushed to smooth the metal and remove excess chips, dirt and any coatings on the steel. The joint is then solvent wiped if required.

2. *Lead Alloy Treating.* Joint preparation is immediately followed by chemical cleaning and coating of the joint with a thin layer of closely-adhering lead alloy to which the lead solder will subsequently bond.

This operation is performed by wiping-on a lead-rich flux compound while heating the metal surface with a hand held torch to promote reaction with the surface of the steel. This is immediately followed by rag wiping the coated surface, leaving only a thin shiny coating of lead.

3. *Solder Fill.* The lead alloy treated joint is now filled with solder which has been prepared by heating to a mush-like consistency. Prior to application, the body joint is fanned with a torch to raise the temperature to avoid cold shock and poor adhesion of the solder. The employee performing this operation is skilled in filling, heating and contouring the solder on the body to produce a joint ready for minimal grinding.

4. *Solder Grind.* The cooled joint is sculptured to exact body contour through rough and finished grinding using rotary disc, hand-held grinders in enclosed solder grind booths. These booths vary from about 100 to 200 feet in length, and can accommodate several car bodies with about six feet of work space on either side. The booths are operated under negative pressure with a designed minimum in-draft of 200 feet per minute into all openings of the booth. The booths are vented by drawing outside air into the booth and exhausting it through an enclosed system through the roof of the plant.

Workers then utilize grinding and finishing tools to remove excess solder and smooth the finish. The first operator in the line uses a relatively coarse abrasive; subsequent employees use a smoother finishing process as the car body passes through the booth.

During the grinding operation, particles of solder are released into the atmosphere of the solder grind booth at very high velocities. According to material specifications, the body solder used by Ford contains arsenic in quantities of up to 0.5 percent and approximately 91 percent lead. Thus, whenever workers are exposed to lead from soldering applications, there is concurrent exposure to inorganic arsenic. To protect solder grind operators in the booth from the toxic dusts and the hot, high-velocity particles, these operators wear positive pressure supplied-air hoods which extend downward to cover the waist. Flaps covering the front and back fasten under the arms and around the waist. An inner bib is located around the neck of the wearer.

5. *Subsequent Operations.* The car body is then cleaned either by washing or wiping. The body then proceeds for door hanging and fitting, final stud welding, and metal finishing and polishing station.

Some provisions are made in all body shops for a variety of repair operations. All lines provide a final body wash and blow-off of body shop dirt, dust and debris prior to the acid bath which prepares the car body for painting (phosphating), and the paint shop.

B. Application for Variance

Ford's application for a variance applies to workers in the soldering process. The applicant proposes to provide a place of employment as safe as that required by 29 CFR 1910.1018, which contains regulations concerning inorganic arsenic and by 29 CFR 1910.1025, which contains regulations concerning lead.

Specifically, the applicant requested variance from several provisions of the lead standard, as follows:

Sections 1910.1025(e)(1) and (e)(3) of the standard deal with engineering and work practice controls, and compliance programs, respectively, as they pertain to methods of compliance. In part, these provisions require that employers implement engineering and work practice controls to reduce and maintain employee exposure to lead consistent with levels required by the standard, and establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit ("PEL") solely by means of engineering and work practice controls. The applicant requested a variance from these provisions insofar as they pertain to every work station within the solder grind booth.

Section 1910.1025(i)(4) of the standard specifies requirements for hygiene facilities and practices including lunchrooms. Specifically, employers are required to provide temperature controlled, positive pressure, filtered air supplied lunchrooms, readily accessible to employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of respirators. The applicant requested a grant of variance from this section insofar as it required these lunchrooms.

Section 1910.1025(d)(1) deals with the general requirements for exposure monitoring and defines, for those purposes, employee exposure as that exposure which would occur if employees were not using a respirator. Ford requested a variance from this section, insofar as it requires monitoring of air levels of lead within the solder grind booths, without regard to a respirator.

Sections 1910.1025(d)(1)(ii) and (iii) require, in part, that the employer collect

full shift personal samples including at least one sample for each shift for each job classification in each work area, and that these samples be representative of a monitored employee's regular, daily exposure to lead. The applicant requested variance from these provisions insofar as they require full-shift monitoring for employees on the assembly line.

Section 1910.1025(g)(2)(viii) is concerned with the prohibition for the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air. The applicant requested a variance from this section insofar as it necessitates vacuuming of clothes when employees leave the solder grind booths.

Section 1910.1025(f)(2)(i) deals with respirator selection where respirators are required. The applicant requested a variance from this section insofar as it might be construed to prohibit supervisors spending intermittent periods in the solder grind booths from wearing half-mask, air-purifying respirators.

Section 1910.1025(r) deals with start up dates, requiring all obligations of the standard to commence on the effective date except for such requirements as hygiene facilities and compliance programs. The applicant requested relief from any obligation of this section from which the variance was requested.

Specifically, the applicant requested variance from several provisions of the inorganic arsenic standard, as follows:

Section 1910.1018(e)(1)(ii) defines employee exposure to inorganic arsenic as the exposure which would occur if the employee were not wearing a respirator.

Section 1910.1018(e)(1)(iii) requires collections of full shift (at least 7 continuous hours) personal sampling including at least one sample for each shift for each job classification in each work area.

Section 1910.1018(g)(1) requires the institution of engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible; and

Section 1910.1018(g)(2) requires the establishment and implementation of a written compliance program for reducing exposures. The applicant requested variance from the requirement for using engineering and work practice controls to reduce employee exposure in the solder grind booths and from the requirement to develop written compliance programs.

Section 1910.1018(h)(2) contains the requirements for respirator selection, including a table which lists the required respirators for various concentrations of airborne inorganic arsenic. The applicant requested variance from this section to permit supervisors to wear half facepiece, filter-type respirators approved for toxic dust, with a high-efficiency filter if necessary.

Section 1910.1018(m)(3)(i) requires that employers provide readily accessible lunchrooms with temperature controlled, positive pressure, filtered air supply for employees working in regulated areas.

Section 1910.1018(m)(5) requires that employers provide and assure the use of facilities for employees, working in regulated areas where exposure (without the use of respirators) exceeds 100 ug/m^3, to vacuum their protective clothing and clean or change shoes bofore entering change rooms, lunchrooms or showers. The applicant requested a variance from this section insofar as it limits the cleaning process to the use of vacuum.

III. Decision

Ford's application for variance was submitted on April 20, 1979, some time after the inorganic arsenic and lead standards were issued. However, since no data were submitted with the original application, no determination on the adequacy of the request for interim order could be made. The supporting data which were submitted on October 12, 1979 were deemed sufficient for granting an interim order, but OSHA concluded that more supporting data were necessary before a permanent variance could be granted. Ford collected the additional information as requested and provided it to OSHA. After careful consideration of the entire variance record and of the records in the lead and inorganic arsenic rulemakings, OSHA concluded that Ford's original request could not be granted in its entirety as it did not meet the statutory criterion for a permanent variance.

However, Ford's variance request contained a voluntary commitment on the part of the Company to a program of eliminating inorganic arsenic and lead exposure associated with solder grinding (see application for lead variance, pp. 1a–1b). That commitment and the unlikelihood of Ford finding an engineering control solution as effective as total elimination of lead exposure in the standard's one year compliance led OSHA to offer the Ford Motor Company a program which OSHA concluded would provide workers with protection equivalent to that provided by the lead and arsenic standards. This program is embodied in the variance order issued today. Ford's agreement to abide by the terms of the variance order is taken by OSHA to be an implicit revision of the original applications so as to incorporate only the terms of the order, thereby allowing a complete grant of the applications as revised. Certain items in the original applications for which a variance was requested are not addressed in the Order. With respect to these items, Ford has agreed to have the relevant provisions of the lead and inorganic arsenic standards apply, and OSHA has treated these items as having been withdrawn a discussion of these issues is found in the appropriate paragraphs below.

The variance order issued to Ford today permits the Company to comply with the numbered terms and conditions set forth in the variance order instead of the following requirements in the lead and arsenic standards:

29 CFR 1910.1025(d)(1)(i) and 29 CFR 1910.1018(e)(1)(ii), concerning employee exposure for monitoring purposes; 29 CFR 1910.1025(d)(1)(ii) and 29 CFR 1910.1018(e)(1)(iii), concerning full-shift monitoring; 29 CFR 1910.1025(e)(1) and 29 CFR 1910.1018(g)(1)(i) and 29 CFR 1910.1018(g)(1)(ii), concerning engineering and work practice controls as they pertain to methods of compliance; 29 CFR 1910.1025(g)(2)(viii) and 29 CFR 1910.1018(j)(2)(viii), concerning the prohibition for lead removal from protective clothing or equipment by blowing, shaking or any means which disperses lead into the air and for removal of inorganic arsenic by blowing or shaking; 29 CFR 1910.1025(i)(4)(ii) and 29 CFR 1910.1018(m)(3)(i), concerning the requirement that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply; 29 CFR 1910.1025(h)(2)(i), concerning the prohibition for lead removal from floor and other surfaces by the use of compressed air; 29 CFR 1910.1018(m)(5), concerning removal of inorganic arsenic from protective clothing by vacuuming; 29 CFR 1910.1025(j)(2)(i)(A) and (B), concerning zinc protoporphyrin monitoring; 29 CFR 1910.1018(n)(3)(ii), concerning the requirement for a semi-annual chest x-ray and sputum cytology examination; and 29 CFR 1910.1025(r)(7)(A), concerning the startup date for compliance plans. All other provisions of both standards are unaffected by the variance order, and Ford must continue to comply with them in conjunction with the order.

OSHA has concluded that the preponderance of the evidence accumulated over the entire course of this proceeding demonstrates that this variance, when viewed as a single,

integrated compliance program, will provide affected Ford workers with at least equivalent protection to that provided by the respective standards. It is important to note that OSHA's conclusion that the variance granted provides protection equivalent to that provided by the standards is based on the totality of what would be feasible under the standards. No item by item equivalence has been made. After an evaluation of the unique circumstances presented in this case, OSHA has concluded that the "as safe and healthful as" criterion of section 6(d) of the Act has been satisfied. In fact, this variance in many ways may provide even greater protection than the standards. It immediately initiates a plan for implementation of engineering and work practice controls while that requirement of the lead standard is judicially stayed and not binding on the applicant; it ensures that the most effective type of control (elimination of lead and arsenic exposure) will be used; it provides acceptable interim protection until long terms goals are met; and it facilitates OSHA enforcement by establishing a uniform compliance plan for all affected Ford assembly facilities.

The following is a discussion of the individual provisions of the variance order and the relevant sections of the lead and inorganic arsenic standards:

1. *Methods of Compliance.* A variance is granted from §§ 1910.1025(e)(1) and (r)(7)(A) and §1910.1018(g)(1)(i). These sections refer to methods of complying with the standards' permissible exposure limits and to the schedule for submitting a written compliance plan. The lead and inorganic arsenic standards both require compliance with the PEL (50 ug/m³ for lead; 10 ug/m³ for inorganic arsenic, as 8-hour time-weighted averages) by means of engineering and work practice controls. This requirement in the lead standard (1910.1025(e)(i)) had previously been stayed and remains so pending completion of judicial review for certain industries, including the automobile industry. The inorganic arsenic standard allowed all employers up to 16 months for compliance with this requirement; the lead standard allowed up to 5-10 years for employers in certain industries and up to year for employers in other industries, including seven years for automobile manufacturing/soldering.

Each standard requires employers to establish and implement a written compliance plan to achieve these goals. This requirement in the lead standard has also been stayed previously, but is now in effect. The inorganic arsenic standard gave employers 4 months to prepare a written compliance plan; under the lead standard, employers who were given one year from the standard's effective date for compliance with the PEL were given 6 months to complete the compliance plan. Where engineering and work practice controls are not sufficient to meet permissible limits, both standards require reductions in exposure to the lowest levels achievable with these controls supplemented with personal respiratory protective equipment.

For each standard, OSHA determined that compliance with the PEL by means of engineering and work practice controls by the dates given for compliance was generally feasible for all affected industries. OSHA also recognized that potential compliance problems could arise in specific operations, processes or jobs within a given industry. It was proposed that these situations be remedied in the enforcement context through negotiated abatements plans or variances. [See 43 FR 19601 (inorganic arsenic) and 43 FR 52991 (lead).]

The solder grinding operation consistently generates extremely high concentrations of airborne lead and arsenic particulates and, consequently, controlling the workers' exposure to within permissible limits is very difficult with conventional types of engineering and work practice controls. Ford has thus committed itself to the objective of eliminating employee exposure to lead and inorganic arsenic due to solder grind operations by August 1, 1987, barring unforeseen economic or technical limitations. The Company has proposed to accomplish this by redesigning the automobile body so that it does not require solder joints. This approach would take longer than the standards would allow for compliance. It involves substantial redesigning and retooling, and since automobile production is planned several years in advance, new model changes can only be reasonably accomplished with several years lead time.

Ford's commitment to eliminate exposure to lead and inorganic arsenic does not, however, preclude the Company from using alternative means of reaching the same goal if it finds them to be more cost-effective, efficient, or otherwise preferable. Alternative solutions which may be used under the variance Order include using suitable substitutes for lead solder or automating the solder grinding operation.

It is a fundamental principle of industrial hygiene that there is no better way of protecting employees from exposure to lead and arsenic than by elimination of employee exposure to those substances. To aid Ford in its lead and arsenic exposure elimination program, OSHA has issued this variance and thereby extended the time for the Company to comply with the standards' PEL's solely by use of engineeing and work practice controls. In the interim, the variance order obligates the Company to provide additional protection to that currently provided by the standards. Ford has a continuing responsibility to reduce employee exposure to lead and arsenic by utilizing feasible engineering and work practice controls that may be developed in the future, despite the current stay of tis provision of the lead standard (Order paragraph 9). Whenever permissible exposure levels are not met by engineering controls or work practice controls, the Company must provide to each solder grind booth worker, without regard to airborne exposure levels, a positive pressure, supplied-air respirator, with a hood and protective bib. Clean hoods and bibs must be provided on a daily basis (Order paragraph 1).

In addition to the written compliance plans required by the standard, Ford is also required to submit a detailed annual report to OSHA on the implementation of its lead elimination program (Order paragraph 2). Since trade secret information may be included in these reports, the Department of Labor will protect the confidentiality of this information, if a privilege is asserted by Ford, to the fullest extent permitted by law and will notify Ford in advance if disclosure is compulsory to allow Ford an opportunity to protect its interests.

Both the compliance plan and the annual report will reflect a Company-wide compliance program applicable to all of Ford's affected facilities. This is in lieu of separate plans for each workplace which would otherwise be required under the standards. This approach will enable OSHA to monitor Ford's total compliance efforts and will facilitate uniform and systematic enforcement of essentially similar operations in diverse locations. It is OSHA's decision that this approach, in conjunction with the augmented exposure monitoring, medical surveillance, medical removal protection, and training programs provided in the variance order, will provide solder grind booth workers with at least equivalent protection as would be afforded by the lead and inorganic arsenic standards.

2. *Exposure Monitoring.* The primary purpose of air monitoring is to identify the sources and the extent of employee

exposure to airborne lead and inorganic arsenic. In general, monitoring assists the employer in the selection of proper engineering controls and the assessment of effectiveness of those controls. Where engineering controls do not reduce exposure levels to or below the PEL, monitoring enables the employer to determine the appropriate respiratory protection to be used in conjunction with engineering controls. Additionally, monitoring enables the employer to notify employees when their exposure levels exceed permissible limits, as required by section 8(c)(3) of the Act, and provides information to physicians when, for example, blood leads are high, but air lead readings are low.

Employee exposure, as defined by both the lead and inorganic arsenic standards, at 29 CFR 1910.1025(d)(1)(i) and 29 CFR 1910.1018(e)(1)(ii) respectively, is exposure which would occur in the absence of respiratory protection. It is acknowledged that engineering controls currently available to Ford are not sufficient by themselves to reduce employee exposure levels to the PEL within the time periods allowed by the lead and inorganic arsenic standards.

Therefore, this variance is predicated on the interim use of supplied-air respirators by all solder grind booth employees while Ford works toward eliminating exposure to lead and inorganic arsenic originating from solder grinding. Since data from Ford as well as from OSHA variance inspections have demonstrated that airborne concentrations of lead and inorganic arsenic, although they vary considerably, are within the limits which permit the use of the supplied-air respirators currently in use by Ford (not in excess of either 100,000 μg lead/m^3 of air, or 20,000 μg inorganic arsenic/m^3 of air), monitoring inside the hood of the respirator will present, for the purposes of this variance, a means of determining employee exposure to airborne lead and inorganic arsenic and efficacy of the respirator program. The objectives of airborne monitoring will be met in this way, and thus a variance is granted from 29 CFR 1910.1025(d)(1)(i) and 29 CFR 1910.1018(e)(1)(ii) to permit sampling to be carried out under the hood of the respirator (Order paragraphs 8 and 11).

The exposure monitoring requirements of the standards state that full-shift personal samples (i.e., at least 7 continuous hours), including at least one job classification in each job area, be taken. See 29 CFR 1910.1018(e)(1)(iii) and 29 CFR 1910.1018(e)(1)(ii). Ford has proposed that short-term monitoring inside the hood of the supplied-air respirator be carried out which represents the exposure of all solder grind booth employees, claiming that short-term sampling is sifficiently representative in this situation.

The results of a Chrsyler Corporation conducted study presented to OSHA comparing the concentrations of airborne lead from short-term (one full work cycle) samples with full-shift (7 hour) samples, indicated a significant relationship between the concentrations in the samples. This conclusion was based on high correlation coefficient values, the similarity of average concentrations and the similarity of the variations derived from the sample data. Short-term monitoring, therefore, appears to provide reliable measurements for solder grind booth employees where ceiling exposure levels inside the hood are consistently below the standard's PEL's (Order paragraph 12), for the purposes of this Order, a full work cycle includes the following steps: donning the supplied-air respirator and proceeding into the solder grind booth; grinding; using the air shower; exiting the booth; and removing the helmet. This work cycle included the passage through the booth of at least 30 automobiles bodies and normally requires a one hour time period.

Paragraph (d)(4)(i) of the lead standard requires an employer to monitor only a representative sample of workers to determine all worker's exposure levels. With regard to frequency of monitoring, paragraph (d)(6)(i) of the lead standard states that where an initial reading reveals exposure below the action level, measurements, need not be repeated unless a change in circumstances occurs, as outlined in paragraph (d)(7). Where monitoring reveals employee exposure at or above the action level but below the PEL, paragraph (d)(6)(ii) of the lead standard calls for monitoring at least once every six months, until readings fall below the action level. Quarterly monitoring is required under Paragraph (d)(6)(iii) of the lead standard only when exposure levels are determined to be above the PEL, until such time as readings are confirmed to be below the action level. An identical requirement is found in paragraph (e)(3) of the inorganic arsenic standard.

OSHA believes that the methods for monitoring exposure to lead and inorganic arsenic, as detailed in paragraphs 8 and 11 of the Order, provide worker protection at least as safe and healthful as would exist if the exposure monitoring provisions of the lead and inorganic arsenic standards were followed.

In the case of lead, it was determined that the combination of monitoring of airborne levels on a semi-annual basis and monitoring of blood lead every two months and zinc protoporphyrin (ZPP) levels every four months gives an accurate picture of the exposure of the employee. When pre-established levels for blood lead (40 μg/100gm) or ZPP (100 μg/100ml) are exceeded, both a documented evaluation and a medical examination (if not performed within the previous six months) are to be carried out, and a physician's determination made whether an additional medical examination in less than six months is needed. When a TWA of 50 $\mu g/m^3$ is exceeded in the semi-annual airborne lead monitoring, a documented comprehensive evaluation shall be carried out.

In determining exposure to inorganic arsenic it is OSHA's contention that airborne monitoring within and outside of the hood of the supplied-air respirator is necessary since inorganic arsenic has been determined to be carcinogenic and there is no established correlation between the results of biological testing for lead and exposure to inorganic arsenic.

Where the levels of inorganic arsenic as measured inside the hood of the supplied-air respirator exceed the action level (5 micrograms per cubic meter of air), a documented comprehensive evaluation shall be carried out to determine the cause and a report shall be sent to OSHA's Office of Variance Determination.

Medical Surveillance and Medical Removal Protection. Under the variance, medical protection will be enhanced for solder grind booth workers exposed to lead and inorganic arsenic. Ford will augment in several ways its medical surveillance and medical removal protection ("MRP") programs currently carried out under the lead standard. Ford will also continue its medical surveillance program under the inorganic arsenic standard, but a variance has been granted from several provisions dealing with frequency of medical examinations, and provision of sputum cytology and chest x-ray examinations—specifically, §§ 1910.1018(n)(2)(ii), (n)(3)(i) and (n)(3)(ii).

Paragraph 3 of the Order requires FMC to maintain its MRP program in accordance with paragraph (k) of the lead standard notwithstanding any judicial stay of enforcement that may be ordered. Although a stay was not ordered by the U.S. Court of Appeals,

subsequent appeals may be taken to the Supreme Court where a stay of enforcement could be imposed.

The lead standard provides for blood lead monitoring on a frequency of 2 or 6 months, depending upon exposure levels. Under paragraph 4 of the Order, Ford will provide all solder grind booth employees with blood lead monitoring at least every two months and zinc protoporphyrin (ZPP) monitoring every four months, without regard to exposure levels. In this way, the Order expands coverage of the standard allowing closer surveillance of these workers which in turn will help evaluate the efficacy of Ford's comprehensive health and hygiene program. If, at any time, an employee's blood lead level is greater than 40μg/100g, or the ZPP level is greater than 100μg/100ml, an additional sample shall be obtained from that employee within 10 days (although OSHA would not object if the Company desires to proceed with a documented comprehensive evaluation without first obtaining an additional sample). If the abnormality is confirmed, or if the Company decides to proceed without obtaining confirmation, a documented comprehensive evaluation of possible causes shall be made for appropriate corrective action. A report of this evaluation is to be sent to the Office of Variance Determination. In addition, a medical examination shall be provided to that employee, if an examination has not been performed within the previous six months.

During the first six months the variance is in effect, OSHA will review the results of the Ford Motor Company zinc protoporphyrin (ZPP) testing as a method for detecting employee overexposure to lead.

Inorganic arsenic is a known human carcinogen which causes lung and other cancers. The inorganic arsenic standard specifies that all employees exposed at least 30 days per year over the action level, or with a history of 10 or more years exposure over the action level must be provided with initial chest x-ray and sputum cytology examinations, as part of the medical surveillance program. 29 CFR 1910.1018(n)(3)(i) provides that all employees under 45 years of age with fewer than 10 years of exposure over the action level, without regard to respirators, shall have annual medical examinations thereafter that include chest x-ray, but not sputum cytology, examinations. 29 CFR 1910.1018(n)(3)(ii) specifies that all other employees in the medical surveillance program, i.e., those not included in (n)(3)(i), shall be given examinations that include both chest x-ray and sputum cytology examinations at least semi-annually.

OSHA has concluded that in this particular case the frequency of chest x-ray examinations can be reduced without compromising the level of protection. Under paragraph 10 of the Order, employees whose initial exposure to inorganic arsenic occured at least 10 years previously (exposure defined as assignment in an area where the employee is likely to be exposed over the action level of 5μg/m³ of air for at least 30 days per year) without regard to respirator use are to be provided with chest x-ray examinations on an annual basis.

Such variance is granted on the basis of the recognized latency between initial exposure to inorganic arsenic and risk of future cancer development. Ford will continue to provide semi-annual physical examinations, incorporating the procedures listed in (n)(2)(i), and (n)(2)(ii)(B) and (D) of the inorganic arsenic standard, for all solder grind booth employees. In addition, an initial or baseline chest x-ray shall be provided to all exposed employees, as required by paragraph (n)(2)(i) of the inorganic arsenic standard. OSHA has further determined that, in view of the other provisions of this variance, sputum cytology examinations need not be required.

4. *Solder Dust Removal and Control.* A variance has been granted from the following provisions in the inorganic arsenic and lead standards which attempt to minimize dispersion of dust when contaminated clothing or equipment is cleaned: (1) 29 CFR 1910.1018(j)(2)(viii), which prohibits removal of arsenic dust by blowing or shaking; (2) 29 CFR 1910.1018(m)(5), which requires vacuuming of protective clothing before entering change rooms, lunchrooms, or shower rooms; (3) 29 CFR 1910.1025(g)(2)(viii), which prohibits removal of lead dust from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air; and (4) 29 CFR 1910.1025(h)(2)(i), which prohibits removal of lead from floors and other surfaces where lead accumulates by the use of compressed air.

Instead of complying with these requirements, solder grind booth employees will be permitted to remove surface dust from their protective equipment and clothing, prior to exiting the booth, either by vacuuming or by the use of fixed-in-place overhead, multi-orificed, compressed air showers (Order paragraph 6). While the latter method is not acceptable under the standards, it meets the objectives of the standards in these circumstances because the employee, while using the air shower, is required to wear a supplied-air respirator connected to the air supply which will prevent dust from entering his breathing zone; any other employees in the solder grind booth would be unaffected since they also would be wearing their respirators; and employess outside of the solder grind booth would be unaffected because the lead and arsenic dust which would be removed by the air shower would remain within the confines of the booth (Order paragraph 5). The air showers permitted by the variance Order have been in use in various locations in the auto industry. OSHA has observed these air showers in several solder grind booths and is convinced that their use satisfies the standard's objective of minimizing dispersion of dust onto the air when clothing and protective equipment are being cleaned.

Solder grind booth employees will be permitted to remove lead dust from the auto bodies before they exit the booth by the use of compressed air (Order paragraph 7). This method will be allowed since the dust blown from the car does not substantially change the lead levels at employee work stations where grinding is performed, and does not affect employees outside of the solder grind booth inasmuch as the dust remains within the confines of the booth, as required by paragraph 5 of the Order.

5. *Eating facilities.* A variance has been granted from 29 CFR 1910.1025 (i)(4)(ii) and 29 CFR 1910.1018 (m)(3)(i), which require that readily accessible lunchroom facilities be provided and have a temperature controlled, positive pressure, filtered air supply.

Paragraph 14 of the Order permits the Company, as an alternative, to provide clean eating areas near the solder grind booths. These areas need not have a temperature-controlled, positive-pressure filtered air supply, but must be maintained as free as practicable of lead or arsenic dust and must be at least 50 feet from any point of the solder grind booth. OSHA has determined that these conditions will provide solder grind booth workers with at least equivalent protection as lunchrooms required by the standard. Unlike smelters, for example, where lead contamination is pervasive and filtered-air lunchrooms provide protection for workers eating lunch, the ambient air in an automobile manufacturing plant is realtively free from lead and arsenic. The solder grind booth is the primary source of lead and arsenic dust, and since the dust will be contained within the booth by the booth's ventilation system and by the

carrying out of the requirement of the Order that car bodies and employees' protective clothing and equipment be cleaned before they exit the booth, contamination of food and eating areas by airborne lead and arsenic is not considered to be a problem. Air samples taken by Ford near exits and entrances of the solder grind booth and in the eating areas support this conclusion.

6. *Training.* Under paragraph 15 of the Order, Ford will supplement the training and education requirements of the lead and inorganic arsenic standards with periodic presentations of a written program for all employees in the soldering operation from application to finishing. The program will be given to all workers prior to initial assignment to the soldering operation and will provide information on the nature of the hazard, the controls used for reducing exposure, proper use of supplied-air respirators with hoods and bibs, procedures for cleaning clothes and equipment, personal hygiene and other relevant information.

7. *Non Solder Grind Booth Employees.* The variance Order also gives increased protection from lead and arsenic dust to workers on the assembly line adjacent to the solder grind booth, and to supervisors who enter the booth for short periods. All provisions of the lead and inorganic arsenic standards apply to these workers, and in addition the Company will (1) maintain the solder grind booths in such a manner that airborne lead or arsenic dust generated within the booth is not released outside the confines of booth; (2) remove any solder dust from the automobile bodies before additional work is performed; (3) provide blood lead and zinc protoporphyrin (ZPP) monitoring to all other employees in the Ford Motor Company medical surveillance program, exposed more than 30 days per year, at least every six months without regard to employee's lead and arsenic exposure levels; (4) implement the MRP provisions of the lead standard even if they are stayed by court order pending judicial review; and (5) conduct air monitoring on the assembly line in compliance with the lead standard.

Paragraph 5 of the Order requires the Company to perform whatever repair or maintenance is necessary to maintain the structural integrity of the booth and assure the efficiency of its exhaust ventilation system. Paragraph 7 of the Order also minimizes release of dust outside the booth by requiring that dust be removed from automobile bodies before they exit the booth. As an alternative, dust may be removed by washing the bodies outside of the booth, but in no case may the body proceed for further work until it is cleaned. Workers exposed to lead who do not work in the solder grind booth will be given additional protection through periodic blood and ZPP monitoring. The lead standard would permit termination of blood monitoring if air monitoring showed values below 30 $\mu g/m^3$; Ford has agreed to monitor all workers exposed to lead in its medical surveillance program at least at 6 month intervals regardless of airborne exposure levels (Order paragraph 4). The MRP program will be provided despite any stay of enforcement pending review (Order paragraph 3) (See section on Medical Surveillance and Medical Removal Protection above). Paragraph 13 of the Order requires air monitoring on the automotive assembly line (except for the solder grind booth) as required by the lead standard.

Ford had originally requested a variance from the respirator selection tables of the lead and arsenic standards as they applied to supervisory personnel who enter the solder grind booth periodically for varying periods of time. Ford's concern was that the standards could be interpreted to require supervisors to wear the supplied-air respirator with a hood and bib regardless of the duration of exposure. In discussions with Ford, OSHA explained that the standards required supervisors to be provided with the respirator which affords the necessary protection factor according to the respirator selection tables. This interpretation satisfied Ford's concerns, and the Company agreed to have the respective standards apply to the determination of the appropriate respirators for supervisors.

IV. Order

Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and in the Secretary of Labor's Order No. 8–76 (41 FR 2 059), it is ordered that the Ford Motor Company be, and is hereby, authorized to comply with the requirements of this Order set out below in lieu of complying with the requirements prescribed in the following provisions of the standard of Occupational Exposure to Lead, 29 CFR 1910.1025, and of the standards for Occupational Exposure to Inorganic Arsenic, 29 CFR 1910.1018: 29 CFR 1910.1025(e)(1) and 29 CFR 1910.1025(d)(1)(i), and 29 CFR 1910.1018(e)(1)(ii), concerning employee exposure for monitoring purposes; 29 CFR 1910.1025(d)(1)(ii) and 29 CFR 1910.1018(e)(1)(iii), concerning full-shift monitoring; 29 CFR 1910.1018 (g)(1)(i) and (ii), concerning engineering and work practice controls as they pertain to methods of compliance; 29 CFR 1910.1025(g)(2)(viii) and 29 CFR 1910.1018(j)(2)(viii), concerning the prohibition for lead removal from protective clothing or equipment by blowing, shaking or any means which disperses lead into the air and for removal of inorganic arsenic by blowing or shaking; 29 CFR 1910.1025(i)(4)(ii) and 29 CFR 1910.1018(m)(3)(i), concerning the requirement that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply; 29 CFR 1910.1025(h)(2)(i), concerning removing lead from floors and other surfaces where it accumulates by the use of compressed air; 29 CFR 1910.1025(j)(2)(i) (A) and (B), concerning zinc protoporphyrin monitoring; 29 CFR 1910.1018(m)(5), concerning removal of inorganic arsenic from protective clothing by vacuuming; 29 CFR 1910.1018(n)(2)(ii)(C), and (n)(3)(i) and (ii), concerning the requirements for initial and periodic medical examinations, respectively; and 29 CFR 1910.1025(r)(7), concerning the startup date for compliance plans. All other provisions of both standards are unaffected by this variance order, and the Ford Motor Company must continue to comply with them in conjunction with the terms of this Order.

1. Each employee in the solder grind booth shall be provided daily with, and required to wear, supplied-air respirators with hoods and protective bibs, operated in the positive pressure mode. These respirators shall be approved for use in atmospheres containing not more than 20 milligrams of inorganic arsenic per cubic meter of air (20 mg/m^3), or 100 milligrams of lead per cubic meter of air (100 mg/m^3).

2. A corporate written compliance program, as required by paragraph (e)(3) of the standards for Occupational Exposure to Lead, shall be completed within one year of the effective date of the grant of a variance. Copies of the plan will be available at each plant covered by this variance. The employer shall substantially reduce, with the goal of ultimate elimination, employee exposure to lead and inorganic arsenic in connection with solder grind operations as soon as feasible, but not later than August 1, 1987, barring economic or technical limitations. In addition to the compliance plan, the employer shall submit to the Assistant Secretary a report concerning the detailed implementation of this objective on November 15, 1981, and annually thereafter until the goal is met. Upon the assertion by the employer, at the time of each submission, that the

report contains trade secret information, the Department of Labor will protect the document to the fullest extent permitted by law and will not disclose it unless such disclosure is compulsory as a matter of law. Where disclosure may be required, the employer will be notified in advance.

3. For all employees in Ford Motor Company's medical surveillance program, the employer shall institute a program of medical removal protection as provided in paragraph (k) of the standard for Occupational Exposure to Lead.

4. All solder grind booth employees shall have blood lead levels determined at least every two months and zinc protoporphyrin (ZPP) levels determined at least every four months. All other employees in work assignments for at least 30 days which are included in the Ford Motor Company medical surveillance program, shall have blood lead and ZPP levels determined in accordance with paragraph (j) of the standard for Occupational Exposure to Lead, but not less frequently than every 6 months, irrespective of airborne lead monitoring results.

5. The employer shall be required to maintain the solder grind booth in such condition that airborne lead or inorganic arsenic dust within the booth shall be contained within the confines of the booth.

6. The employer shall assure that employees, prior to exiting the solder grind booth, remove surface dust from their clothing and equipment by vacuuming, or by the use of fixed-in-place overhead air showers with multiple orifices, while their respirators are connected to an air supply.

7. The employer shall assure that solder solder dust is removed form the automobile bodies before they exit the confines of the solder grind booth, as required by paragraph (h)(1) of the standard for Occupational Exposure to Lead, except that where car wash facilities are provided, the automobile bodies may be washed to remove solder dust after they exit the solder grind booth. In any case, the solder dust shall be removed before any additional work is performed on the automobile bodies.

8. If a solder grind booth employee's blood lead level is greater than 40 micrograms per 100 grams (40 $\mu g/100g$), or the zinc protoporphyrin (ZPP) level is greater that 100 micrograms per 100 milliters (100 $\mu g/100ml$), an additional sample shall be obtained from the employee within 10 days of receipt of the original laboratory results. If the abnormality is confirmed, or if the Company decides to proceed on the basis of the original laboratory results without obtaining an additional sample then the following shall be accomplished: (a) A documented evaluation shall be made by the employer. Such an evaluation shall include consideration of the results of semi-annual monitoring inside of the hood of the supplied-air respirator, for both lead and arsenic, as performed in accordance with paragraph 11 of this Order, and shall also include a written determination by a physician whether a medical examination is needed, after consultation with the employee. Such an evaluation may also include air monitoring outside of the hood of the supplied-air respirator, a study of engineering controls and personal protective equipment (air supply, hood integrity, booth ventilation, and facilities), employee personal hygiene and work practices, and blood lead and ZPP data to determine the cause. Engineering changes, further testing, and employee retraining shall be carried out as needed. A preliminary report of this evaluation shall be sent to the U.S. Department of Labor, Office of Variance Determination within 2 months of the receipt of the laboratory results of the confirming blood tests. A final documented comprehensive report shall be sent when available; and (b) A medical examination shall be performed if an examination has not been performed within the previous six months. Reference should be made to paragraph (j)(3)(ii) of the standard for Occupational Exposure to Lead for applicable tests, although the specific tests and any follow-up examinations shall be determined by the examining physician.

9. The employer is not relieved from the continuing responsibility to utilize feasible engineering and work practice controls that may be developed as the sole means of reducing exposure to inorganic arsenic and lead to acceptable levels under the standard for Occupation Exposure to Inorganic Arsenic and the standard for Occupational Exposure to Lead.

10. All solder grind booth employees shall be provided semi-annual medical examinations to include items specified in paragraphs (n)(2)(i), (n)(2)(ii)(B), and (n)(2)(ii)(D) of the standard for Occupational Exposure to Inorganic Arsenic. In addition, 10 years following the date of initial exposure of any employee to inorganic arsenic over the action level ($5\mu g/m^3$ of air) without regard to respirator use, such employee shall be provided with an annual chest X-ray examination described in paragraph (n)(2)(ii)(A) of the inorganic arsenic standard. Exposure is defined as assignment in an area where the employee is likely to be exposed over the action level for at least 30 days per year.

11. The employer shall conduct air monitoring which represents the time-weighted average exposure to inorganic arsenic and lead of all solder grind booth employees, on a semi-annual basis. These personal samples shall be taken from inside the hood of the supplied-air respirator in the breathing zone of the employee in the solder grind booth, and from within the solder grind booth outside of the hood of the supplied-air respirator. Where the time weighted average (TWA) for inorganic arsenic is 5 micrograms per cubic meter of air ($5\mu g/m^3$) or greater or the TWA for lead is $50\mu g/m^3$ or greater, inside the hood of the supplied-air respirator, the employer shall conduct a documented comprehensive evaluation which may include a study of engineering controls and personal protective equipment (air-supply, hood integrity, booth ventilation, and facilities), employee personal hygiene and work practices, and blood lead and ZPP data. Engineering changes, further testing, and employees retraining shall be carried out as needed. A preliminary report of this evaluation shall be sent to the U.S. Department of Labor, Office of Variance Determination within 2 months of notification of the results of the monitoring inside the hood of the supplied-air respirator. A final report shall be sent when available.

12. When monitoring of airborne levels of lead or inorganic arsenic inside the hood of the supplied-air respirator of a solder grind booth employee is required, the monitoring shall be carried out for a period of time sufficient to collect samples representative of full-shift exposure, which shall include at least one full work cycle in the solder grind booth.

13. The employer shall conduct air monitoring on the automotive assembly line from solder application to Bonderite (except for the solder grind booth) in compliance with the standard for Occupational Exposure to Lead.

14. For solder grind booth employees, the employer may provide a clean and readily accessible eating facility in lieu of the required lunchroom, as specified in § 1910.1018(m)(3)(i) of the inorganic arsenic standard and § 1910.1025(i)(4)(ii) of the lead standard. These eating facilities shall be no closer than fifty (50) feet from any point of the solder grind booth and shall be kept clean in accordance with the housekeeping requirements as provided in paragraph (h) of the standard for Occupational Exposure to Lead.

15. The employer shall provide a written training and education program for employees assigned to solder application, grinding, and finishing operations which shall include, but not be limited to, the health hazards associated with inorganic arsenic and lead, proper respirator use, protective clothing, personal hygiene, and restrictions on smoking or eating in the solder grind booth. This training and education program shall be operated periodically.

16. The employer shall comply with all provisions in this grant of variance, and in addition shall not be relieved from compliance with all other applicable provisions of the standard for Occupational Exposure to Inorganic Arsenic and the standard for Occupational Exposure to Lead.

As soon as possible, the Ford Motor Company shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective Date: This Order shall become effective on June 23, 1981, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 17th day of June 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-18564 Filed 6-22-81; 8:45 am]

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Office of the Secretary

Determinations Regarding Eligibility To Apply for Worker Adjustment

Correction

In FR Doc. 81-17483 appearing on page 31115 in the issue of Friday, June 12, 1981, third column, sixth line under **"Negative Determinations"**, the following firm was omitted and should read as follows: *"TA-W-9574; Dial Machine & Tool Company, Inc., Oak Park, MI".*

BILLING CODE 1505-01-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Michigan Plating and Stamping Co., et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period June 8-12, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9673; Michigan Plating and Stamping Co., A Div. of Gulf & Western Mfg. Co., Grand Rapids, MI

TA-W-9526; B.F. Goodrich Co., Engineered Products Group, Oneida, TN

TA-W-9465; Exide Company (formerly E.S.B., Inc.), Kansas City, MO

TA-W-8828; Roblin Steel Co., North Tonawanda, NY

TA-W-9461; Sterling China Company, Wellsville, OH

TA-W-9500; Beldon Corporation, Dumas, AR

TA-W-9475 & 9476; Fibercel Corp., Lockport, NY and Portville, NY

TA-W-11,085; Gulf Oil Chemicals Co., Biwabik, MN

TA-W-11,571; Imperial Display Corporation, Long Island City, NY

TA-W-12,667; Acme Metalcraft, Inc., Warren, MI

TA-W-10,946; Premier Rubber Mfg. Co., Dayton, OH

TA-W-10,569; Teledyne Vasco, Latrobe, PA

TA-W-10,482; Prestige Stamping, Inc., Warren, MI

TA-W-10,327; Federal-Mogul Corporation, Malden, MO

TA-W-10,213; American Bumper Co., Ionia, MI

TA-W-10,012; Uniroyal Tire Co., Opelika, AL

TA-W-11,213; Burkland, Inc., Goodrich, MI

TA-W-10,651; Jones & Laughlin Steel Corp., Cold Finished Bar Div., Hammond, IN

TA-W-10,858; Wisconsin Fittings Corp., Two Rivers, WI

TA-W-10,864; Fashion Center Dress Co., Fall River, MA

TA-W-12,408; General Tire & Rubber Co., Logansport, IN

TA-W-11,351; Grigg Box Co., Detroit, MI

TA-W-10,626; Robinson Manufacturing Company, Kansas City, MO

TA-W-10,410; Solar Machine Products, Inc., Romulus, MI

TA-W-10,259; International Telephone & Telegraph Corp., Automotive Electrical Products Div., Bellaire, MI

TA-W-10,902; Liberty Leather Corp., Gloversville, NY

TA-W-10,393; Textiles Industries, Inc., Detroit, MI

TA-W-10,308; W.T. Armstrong Co., Elkhart, IN

TA-W-10,243; Lukens Steel Co., Coatesville, PA

TA-W-11,069; True Temper Railway Appliances, Inc., Lake City, PA

TA-W-9340; Clark Equipment Co., Jackson, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. None of the workers of the domestic Clark plants supplied by the Jackson facility are covered by a current certification.

TA-W-10,965; Gulf & Western Mfg. Co., Glasgow Industries Div., Glasgow, KY

Investigation revealed that criterion (3) has not been met. With respect to wire harnesses and switches, a survey of customers indicated that increased imports did not contribute importantly

to worker separations at the firm. With respect to point sets, U.S. imports did not increase as required for certification. With respect to electronic and electro-mechanical products, sales and production increased from 1978 to 1979 and from 1979 to 1980.

TA-W-9147 & 12,372; PPG Industries, Inc., Meadville, PA & Crestline, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Further, U.S. aggregate imports of tempered glass for industrial specialty use decreased absolutely and relative to domestic production from 1978 to 1979 and from 1979 to 1980.

TA-W-11,324; Freightliner Corporation, Chino, CA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of Class 8 heavy duty trucks did not increase as required for certification.

TA-W-10,169; Colonial Tanning Corp., Gloversville, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tanned and finished sheepskins (including lambskins) did not increase as required for certification. U.S. Imports of tanned deerskin leather are negligible.

TA-W-12,270; Monsanto Textile Company, Sand Mountain Plant, Guntersville, AL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of yarn are negligible.

TA-W-9768; Olson Tool and Die Company, Dearborn, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, U.S. imports of window regulators and fuel filler assemblies are negligible.

TA-W-8820 & 8821; Monongahela Connecting Railroad Company, Pittsburgh, PA

Investigation revealed that criterion (3) has not been met. None of the workers of the Pittsburgh Works of Jones and Laughlin, Monongahela's parent firm, are currently certified eligible to apply for adjustment assistance benefits.

TA-W-9474; Fairlane Gear, Inc., Canton, MI

Investigation revealed that criterion (3) has not been met. With respect to power take-off units, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, company sales and production of machine tool gears increased from 1978 to 1979 and from 1979 to 1980.

TA-W-9736; Jones and Laughlin Steel Corp., Pittsburgh Works, Pittsburgh, PA

Investigation revealed that criterion (3) has not been met. With respect to hot and cold rolled bars and bar size light shapes, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to carbon steel plate, sales and production increased from 1978 to 1979 and did not decrease significantly in the first half of 1980. With respect to hot and cold rolled carbon steel and galvanized sheet, U.S. imports did not increase as required for certification.

TA-W-10,017; Rack Service Co., Dearborn, MI

Investigation revealed that criterion (3) has not been met. The preponderance of wheel rim racks produced at Rack Service Company are exported to Canada. Therefore, any U.S. imports of wheel rim racks had a negligible effect on sales and employment at Rack Service Company.

TA-W-10,526; U.S. Steel Corporation, Joliet-Waukegan Works, Joliet, IL

Investigation revealed that criterion (3) has not been met. With respect to wire rod and joint bars, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to workers producing wire and wire products, the Department issued a denial for the Joliet plant in January 1980 (TA-W-6199) and conditions have not changed since that time.

TA-W-12,563; Calvert Knit Corp., Secaucus, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA-W-11,990; The Van Heusen Company, Ozark, AL

Investigation revealed that criterion (3) has not been met.

TA-W-12,297; Foxco Industries, Limited, New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA-W-10,521; Airco, Inc., Airco Welding Products Div., Chester, WV

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of welding wire, rods, tubes, plate and electrodes are negligibles.

TA-W-9196, 9344, 9402, & 9486; Goodyear Tire and Rubber Co., Decatur, AL, Cedartown, GA, Cartersville, GA, and Rockmard, GA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. U.S. imports of tractor tires are insignificant relative to domestic production and consumption of tractor tires.

TA-W-10,154; Independent Leather Mfg., Gloversville, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tanned and finished sheepskins did not increase as required for certification.

TA-W-10,594; Fuel Systems, Inc., Arab, AL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of fuel filter assemblies are negligible.

TA-W-10,627; Troy Lane Apparel, Inc., New Castle, IN

Investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

TA-W-11,009; Birmingham Benders Co., Clawson, MI

Investigation revealed that criterion (3) has not been met. Industry sources indicate that U.S. imports of tools and dies for automotive use are negligible.

TA-W-11,882; Foseco Incorporated, Brook Park, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of insulating boards, hot tops and exothermic compounds are negligible.

TA-W-11,844; Lorber Industries, Gardena, CA

Investigation revealed that criterion (3) has not been met. Aggregate U.S.

imports of finished fabric did not increase as required for certification.

TA-W-11,563; N.L. Industries, Inc., Doehler Jarvis Castings Div., Batavia, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of magnesium die castings are negligible.

TA-W-11,331; Interlake, Inc., Riverdale Plant, Riverdale, IL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of carbon steel sheet and strip did not increase as required for certification. Furthermore, U.S. imports of steel strapping are insignificant.

Affirmative Determinations

TA-W-10,324, 11,285, & 11,285A; AMF/Harley-Davidson Motor Co., Inc., Milwaukee, WI, Wauwatosa, WI, and Tomahawk, WI

A certification was issued covering all workers of the firm separated on or after April 1, 1980.

TA-W-10,150; Cayadutta Tanning, Gloversville, NY

A certification was issued covering all workers of the firm separated on or after July 29, 1979 and before February 18, 1980.

TA-W-11,234; Top of All Manufacturing Co., Inc., Cumberland, MD

A certification was issued covering all workers of the firm separated on or after September 15, 1979.

TA-W-11,985-11,988; The Van Heusen Co., Geneva, AL, Opp, AL, Hartford, AL, and Clayton, AL

A certification was issued covering all workers of the firm separated on or after May 18, 1981.

TA-W-11,991 & 11,992; The Van Heusen Co., Brinkley, AR and Augusta, AR

A certification was issued covering all workers of the firm separated on or after October 1, 1980.

TA-W-9623; U S. Steel Corporation, Pittsburgh Works, Pittsburgh, CA

A split determination was issued covering all workers of the firm separated on or after January 1, 1980 producing nails, wire, wire rope, wire strand, wire rod, pipe and tubing.

All workers engaged in employment related to the production of tin plate, galvanized steel sheet, hot and cold rolled carbon steel sheet and basic are denied eligibility to apply for adjustment assistance.

I hereby certify that the aforementioned determinations were issued during the period June 8-12, 1981. Copies of these determinations are available for inspection in Room S-5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: June 15, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-18566 Filed 6-22-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7055]

General Motors Corp.; Amended Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance on May 23, 1980 (45 FR 35050) applicable to all workers of component parts plants covered under petitions TA-W-7001-7004, 7004A, 7005, 7007-7008, 7010-7014, 7018-7019, 7021-7024, 7026-7033, 7035-7041, 7044-7046, 7048-7050, 7052-7053, 7055-7057, 7065-7068, 7070 and 7305 of the General Motors Corporation. The Department also issued an Amended Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance on August 28, 1980 for these workers. The Notice of Amended Determinations was published in the **Federal Register** on September 9, 1980 (45 FR 59453).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification and amended determinations. The additional information revealed that significant layoffs occurred just prior to the impact date set for the Sandusky, Ohio plant. These layoffs were not covered by the original impact date of September 1, 1979 set in the certification for workers at the New Departure Hyatt Bearings Division's plant in Sandusky, Ohio.

The intent of the certification is to cover workers of the General Motors Corporation who were affected by the decline in sales or production of passenger cars, pick-up trucks, light trucks, utility vehicles, vans and component parts for passenger cars, trucks, vans and general utility vehicles at assembly and auxiliary plants of the General Motors Corporation, Detroit, Michigan related to increased import competition. The Notice of Amended Determinations of August 28, 1980, therefore, is amended to include a new impact date of August 24, 1979 for workers at the Sandusky, Ohio plant of the New Departure Hyatt Bearings Division of General Motors Corporation.

The certification applicable to TA-W-7055 is hereby amended a second time and issued as follows:

All workers of General Motors Corporation's New Departure Hyatt Bearings Division plant at Sandusky, Ohio who became totally or partially separated from employment on or after August 24, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of June 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-18565 Filed 6-22-81; 8:45 am]

BILLING CODE 4510-28-M

MERIT SYSTEMS PROTECTION BOARD

Privacy Act of 1974: Proposed Revised and New System of Records

AGENCY: Merit Systems Protection Board.

ACTION: Proposed New Systems of Records.

SUMMARY: The purpose of this notice is to announce the establishment of new systems of records by the Merit Systems Protection Board (MSPB).

DATE: Comments must be received on or before July 23, 1981. Any interested party may submit comments on or before this date.

EFFECTIVE DATE: The systems of records, except for the routine uses, are effective June 23, 1981. The routine uses will become effective July 23, 1981, unless MSPB publishes notice to the contrary.

ADDRESSES: Written comments should be addressed to the Office of the Secretary, Merit Systems Protection Board, 1717 H Street NW., Washington, D.C. 20419. Comments received will be available for public inspection between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday, except for legal holidays, in Room 350.

FOR FURTHER INFORMATION CONTACT: Kathy W. Semone, Office of the Secretary, Merit Systems Protection Board, 1717 H Street NW., Washington, D.C. 20419, (202) 632-4525.

SUPPLEMENTARY INFORMATION: Section 201 of Reorganization Plan No. 2 of 1978 (43 FR 36037, May 23, 1978) and section

1201 of the Civil Service Reform Act (Pub. L. 95–454, 92 Stat. 1111, 1121) established the Merit Systems Protection Board as a successor to the Civil Service Commission. As a result of the Board's establishment, Privacy Act control of most records relating to Federal employee appeals of personnel actions (maintained both at the Civil Service Commission and at agencies) was transferred to the Board (44 FR 30836, May 29, 1979). This control related to appeal records that originated in Federal agencies prior to September 1974 or with the Commission's Federal Employee Appeals Authority and Appeals Review Board after that date. Privacy Act coverage of these records as a Government-wide system was carried out under the former Civil Service Commission's CSC/GOVT–1 system notice (43 FR 40106, September 8, 1978). The Office of Personnel Management (OPM), by its notice of May 29, 1979 (44 FR 30836), indicated that CSC/GOVT–1 would cover MSPB's appeal records until such time as MSPB published its own system notice.

Accordingly, with the publication of this system notice, MSPB establishes its own Government-wide system, entitled "MSPB/GOVT–1" to cover the records of appeals and Special Counsel proceedings before the Board and to extend the Board's coverage over records of appeals before the former Civil Service Commission's Federal Employee Appeals Authority and Appeals Review Board, as well as the records of appeals maintained in Federal agencies respecting adverse actions initiated prior to September 9, 1974 and appealed solely within the agency. The system also covers agency records of appeals before the Board or its predecessor.

As a result of MSPB's Government-wide coverage over appeals records maintained by agencies, no agency will have to publish any new or revised systems notices for such records. However, the Board's 1982 annual systems notice will exclude from the scope of MSPB/GOVT–1 coverage concerning records of appeals that were filed within agencies prior to September 1974. Any agency continuing to maintain such appeal records after publication of the Board's 1982 notice will become responsible for publication of its own system notice.

With the publication of this notice, the Merit Systems Protection Board establishes six MSPB/CENTRAL systems. They are identified as MSPB/CENTRAL systems because they include information relating to former and current employees of other agencies.

Two of the systems, "MSPB/CENTRAL–1, Survey Mailing Lists" and "MSPB/CENTRAL–2, Panel Respondent Mailing Lists" are maintained by the Board in conjunction with its conduct of special studies of the civil service and the merit systems in the executive branch pursuant to 5 U.S.C. 1205(a)(3).

"MSPB/CENTRAL—1, Survey Mailing Lists" contains the name and home address of Federal employees who respond affirmatively to an initial inquiry from the MSPB regarding their voluntary participation in a subsequent MSPB survey. These employees constitute a large, widespread and scientifically constructed sampling of Federal employees who are surveyed by MSPB through the use of self-administered questionnaires on particular Federal personnel-related study topics.

"MSPB/CENTRAL–2, Panel Respondent Mailing Lists" contains the name, home address and duty station of Federal employees who have voluntarily agreed to serve as members of term-appointed panels that are surveyed quarterly by MSPB on study-related issues.

The retention life of the records in each of the two survey-related systems is relatively brief. Records in MSPB/CENTRAL–1 are retained only until the mailing of the respective questionnaires. Records in MSPB/CENTRAL–2 are retained for the life of the respective survey panel, a period not to exceed 1.5 years.

It should be noted that in order to preserve the confidentiality of its survey respondents, MSPB requests them not to identify themselves on their completed questionnaires. Additionally, MSPB does not code or mark the questionnaires in any way to identify the respondents. As a result, MSPB is without knowledge of the individual identities of its survey respondents. In the absence of a link between response and respondent, no system of records for the purposes of the Privacy Act exists with respect to MSPB survey-generated data. In rare instances, however, certain data elements within a study may be subsequently interpreted in such a way as to make the data individually identifiable by inference. MSPB, however, will refrain from releasing potentially identifiable data, unless required by law.

Study reports with aggregate data compiled in connection with a survey will be made available to the public. For information concerning the submission of requests for these reports, contact the system manager as shown in the system notices below.

Two of the other MSPB/CENTRAL systems, "MSPB/CENTRAL–3, Correspondence Control Records" and "MSPB/CENTRAL–4, General Correspondence Records," are maintained in conjunction with the Board's processing of correspondence received from Federal employees and members of the public.

Another MSPB/CENTRAL system, "MSPB/CENTRAL–5, Freedom of Information Act/Privacy Act Case Records" is maintained to process requests from Federal employees and members of the public under the provisions of the Freedom of Information and Privacy Acts.

An additional MSPB/CENTRAL system, "MSPB/CENTRAL–6, Litigation and Claims Records" is maintained in conjunction with the Board's defense of lawsuits and its settlement of administrative claims brought against the Board.

Six MSPB/INTERNAL systems are also established with the publication of this notice. They are referred to as MSPB/INTERNAL systems because they include information relating to former and current Board employees. These systems are similar in content to systems maintained by the former Civil Service Commission.

A report on New Systems of Records was filed with the Speaker of the House of Representatives, the President of the Senate and the Office of Management and Budget on May 21, 1981 for three systems—MSPB/GOVT–1, Appeal and Case Records; MSPB/CENTRAL–1, Survey Mailing Lists; and MSPB/CENTRAL–2, Panel Respondent Mailing Lists.

All of the systems of records published herein will become effective June 23, 1981, except for their routine uses which will become effective July 23, 1981. Revisions to this notice necessitated by comments received over the next 30 days will be published in the **Federal Register.**

Dated: June 17, 1981.

For the Board.

Ruth T. Prokop,

Chairwoman.

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MSPB/Internal–1

SYSTEM NAME:

Pay, Leave, and Travel Records.

SYSTEM LOCATION:

Director, Office of Administration, Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419, and MSPB Field Offices (see list of Field Office Addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Merit Systems Protection Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system, both manual and automated, contains various records relating to pay, leave, and travel. This includes information such as: name; date of birth; social security number; home address; grade; employing organization; timekeeper number; salary; pay plan; number of hours worked; leave accrual, usage, and balance; Civil Service Retirement contributions; FICA withholdings; Federal, State, and local tax withholdings; Federal Employee's Group Life Insurance withholdings; Federal Employee's Health Benefits withholdings; charitable deductions; allotments to financial organizations; garnishment documents; savings bond allotments; union and management association dues withholding allotments; and travel expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205, 5501 et seq., 5525 et seq., 5701 et seq., and 6301 et seq.; 31 U.S.C. 66a.

PURPOSE(S):

These records are used to administer the pay, leave, and travel functions of the Merit Systems Protection Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To the Department of the Treasury to issue checks and U.S. Savings Bonds.

b. To the Department of Labor in connection with a claim filed by an employee for compensation due to a job-connected injury or illness.

c. To State offices of unemployment compensation in connection with claims filed by former MSPB employees for unemployment compensation.

d. To Federal Employee's Group Life Insurance or Health Benefits carriers in connection with survivor annuity or health benefits claims or records reconciliations.

e. To the Internal Revenue Service and State and local tax authorities.

f. To the Social Security Administration in connection with FICA withholdings and benefits.

g. To the Office of Personnel Management in connection with payroll deductions for Civil Service retirement plans.

h. To the Combined Federal Campaign in connection with payroll deductions for charity.

i. To the authorized employees of another Federal agency that provides MSPB with manual and automated assistance in processing pay, leave, and travel records.

j. In the event the individual to whom the record pertains dies, to the person appointed as representative of the estate, or the person designated by the representative, or to a designated beneficiary. When a representative of the estate has not been appointed, the individual's next of kin may be recognized as the representative of the estate.

k. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 as to the identity of Board employees contributing union dues each pay period and the amount of dues withheld from each contributor.

l. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

m. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the MSPB becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

n. To any source from which the MSPB requests additional information relevant to an MSPB determination concerning an individual's pay, leave, or travel expenses, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested.

o. To a Federal agency, at its request, for purposes connected with: the hiring or retention of an employee; the issuance of a security clearance; the conduct of a suitability or security investigation of an individual; the classification of a job; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

p. To the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

q. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

r. To another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

s. To the National Archives and Records Service (General Services Administration) pursuant to records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

t. In response to a request for discovery or for appearance of a witness, if the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

u. To officials of the Office of Personnel Management, the Federal Labor Relations Authority and the Equal Employment Opportunity Commission when requested in the performance of their authorized duties.

v. To the General Accounting Office for auditing purposes.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders and loose leaf binders, and on cards, magnetic tapes and discs.

RETRIEVABILITY:

These records are retrieved by name, social security number, or Merit Systems Protection Board employee identification number.

SAFEGUARDS:

These records are located in lockable metal filing cabinets or in a secured facility and are available only to authorized personnel.

RETENTION AND DISPOSAL:

These records are maintained for varying periods of time in accordance with GSA General Records Schedule 2. Disposal of manual records is by shredding or burning; magnetic tapes and discs are erased.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Administration, 1717 H Street N.W., Merit Systems Protection Board, Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contain information about them should contact the System Manager indicated above or the MSPB Field Office where the individual is or was employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above or the MSPB Field Office where the individual is or was employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of records about them should contact the System Manager indicated above, or MSPB Field Office where the individual is or was employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals requesting amendment of their records must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. The individual to whom the record pertains;

b. Merit Systems Protection Board officials responsible for pay, leave and travel functions; and

c. Other official personnel documents of MSPB.

MSPB/Internal-2

SYSTEM NAME:

Motor Vehicle and Accident Report Records.

SYSTEM LOCATION:

Director, Administrative Services Division, Office of Administration Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419, and MSPB Field Offices (see list of Field Office addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Merit System Protection Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains documents related to the authorization and issuance to an individual of a Government motor vehicle operator's permit; also included are reports, correspondence, and fiscal documents concerning automobile accidents occurring in a Government-owned or leased automobile or in a privately-owned vehicle while on official business.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205, 28 U.S.C. 2671 et seq.

PURPOSES(S):

The records serve to document issuance of a Government motor vehicle operator's permit; accident reports and related documents may be used in claims settlement litigation regarding an accident involving a Government motor vehicle or privately-owned vehicle while being used on office business.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the MSPB becomes aware of a violation or potential violation of civil or criminal law or regulation.

b. To any source from which the MSPB requests additional information (to the extent necessary to identify the individual, inform the source of the purpose of the request, and identify the type of information requested) where necessary to obtain information relevant to an MSPB decision concerning the hiring or retention of an employee, the issuance of a security clearance, the conduct of a security or suitability investigation of an individual, the classification of jobs, the letting of a contract, or the issuance of a grant or other benefit.

c. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

d. To another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

e. To the National Archives and Records Service (General Services Administration) pursuant to records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

f. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

g. To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conduct of a suitability or security investigation, the classification of jobs, or the award of a contract, license, grant, or other benefit.

h. To the General Services Administration about accidents involving Government-owned or leased automobiles.

i. To insurance carriers about accidents involving privately-owned vehicles.

j. In response to a request for discovery or for the appearance of a witness, if the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders and on indexed application cards.

RETRIEVABILITY:

Records are retrieved by name of the individual on whom they are maintained.

SAFEGUARDS:

Records are maintained in a secured area and are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Mortor vehicle operator records are maintained for three years after the separation of the employee (operator) and are destroyed by shredding. Accident reports are maintained for three years after the date of the report and are destroyed by shredding, except in cases involving litigation. In cases involving litigation, these records are maintained until all litigation has been settled.

SYSTEM MANAGER(S) AND ADDRESSES:

a. For motor vehicle operator records: Director, Administrative Services Division, Office of Administration, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

b. For accident report record: General Counsel, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to inquire whether this system of records contains information about them should contact the appropriate office as follows:

a. For accident report records: Contact the System Manager indicated above;

b. For motor vehicles operator records for current or former MSPB employees: Contact the System Manager indicated above; or the MSPB Field Office in which employed (see list of Field Office addresses in the Appendix).

Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals making inquires as to the existence of records pertaining to themselves must also follow the Board's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquires.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records about them should contact the appropriate office as follows:

a. For accident report records: Contact the System Manager indicated above;

b. For motor vehicle operator records of current or former MSPB employees: Contact the System Manager indicated above; or the MSPB Field Office in which employed (see list of Field Office addresses in the Appendix).

Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 concerning access to records and verification of identity.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the appropriate office as follows:

a. For accident report records: Contact the System Manager for these records indicated above;

b. For motor vehicle operator records for current or former MSPB employees: Contact the System Manager indicated above; or the MSPB Field Office in which employed (see list of Field Office addresses in the Appendix).

Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. The individual to whom the record pertains;

b. MSPB employees and other parties involved in the accident;

c. Witnesses to the accident;

d. Police reports and reports of investigation; and

e. Officials of the MSPB and the General Services Administration.

MSPB/Internal 3

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

Personnel Management Division, Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Merit Systems Protection Board who have filed grievances in accordance with the MSPB's procedures as established under 5 CFR 771, Subpart C.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by MSPB employees. The case files contain all documents related to the grievance, including statements of witnesses, reports or transcripts of interviews and hearings, the employee's written request for review of the initial grievance, designation of the grievance examiner, any written comments by the grievant or his/her representative upon review of the file at the completion of the inquiry, the examiner's report of findings and recommendations, the grievance decision, and correspondence and exhibits related to the grievance. The system does not include files and records of any grievance filed under negotiated procedures with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205, 5 CFR 771.

PURPOSE(S):

These records are used to process grievances filed by MSPB employees for personal relief in matters of concern or dissatisfaction that are subject to the control of MSPB management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To any source from which the MSPB requests additional information in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

b. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the MSPB becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

c. To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. To the National Archives and Records Service (General Services Administration) pursuant to records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

g. To officials of the Office of Personnel Management; the Federal

Labor Relations Authority; and the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

h. In response to a request for discovery or for appearance of a witness, if the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of three years after closing of the case. Disposal is by shredding.

SYSTEM MANAGER AND ADDRESS:

Director of Personnel Management, Merit Systems Protection Board, 1717 H Street, NW, Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them should contact the System Manager indicated above. Individuals who have filed grievances are aware of that fact and have been given an opportunity to review the record. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of birth; and

c. Approximate date of closing of the case and kind of action taken.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORDS ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of birth; and

c. Approximate date of closing of the case and kind of action taken.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the officer ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment of their records to correct factual errors should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of birth; and

c. Approximate date of closing of the case and kind of action taken.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. The individual on whom the record is maintained;

b. Witnesses;

c. Agency officials; and

d. Related correspondence from organizations or persons.

MSPB/Internal–4

SYSTEM NAME:

Employee Incentive Awards and Recognition Records.

SYSTEM LOCATION:

Personnel Management Division, Merit Systems Protection Board (MSPB), 1717 H Street, NW., Washington, D.C. 20419.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Merit Systems Protection Board who have been nominated for special recognition for achievements either within or outside the employee's job responsibilities and for length of service to the Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information including or relating to the name, title, grade, duty station, and length of service; incentive award or quality step increase recipients; the recommendation, authorization and disposition actions by approving officials; and related documentation and correspondence.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

5 U.S.C. 1205, 5 U.S.C. 4501 et seq. and 5 U.S.C. 5336.

PURPOSES:

These records are collected and maintained to provide a basis for the recognition of MSPB employees through the granting of incentive awards and quality step increases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To other Federal agencies and other organizations to process and approve suggestions and nominations for awards or quality step increases for MSPB employees.

b. To the Office of the Attorney General and the President of the United States in reviewing recommended awards.

c. To other government agencies to recomend whether suggestions should be adopted in instances where the suggestion made by an MSPB employee affects the functions or responsbilities of the agencies.

d. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To other public (Federal, State, or local) or private organizations, including news media, which grant or publicize employee awards or honors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the office to which the employee is or was assigned at the time the award or nomintion was made, and by the name of the recipient of each award or nomination for award.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets. Access to

and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are retained for five years, then sent to a Federal Records Center.

SYSTEM MANAGER AND ADDRESS:

Director of Personnel, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them should contact the System Manager indicated above or the Field Office where the individual is or was employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of the suggestion or nomination for award; and

c. Duty station at the time the suggestion or nomination for award was made.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regualtions set forth at 5 CFR 1205.11 regarding such inquiries.

RECORDS ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above or the Field Office where the individual is or was employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of the suggestion or nomination for award or quality step increase; and

c. Duty station at the time the suggestion or nomination for award was made.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of records about themselves should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of the suggestion or nomination for award or quality step increase; and

c. Duty station at the time the suggestion or nomination for award was made.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 C.F.R. 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. Individuals submitting suggestions or nominations for awards or quality step increases;

b. Supervisors of employees;

c. Evaluators of suggestions or nominations for awards or quality step increases;

d. Official Personnel Folders; and

e. Staff of the Personnel Management Division, General Accounting Office, and other Federal agencies.

MSPB/Internal-5

SYSTEM NAME:

Individual Production Reports.

SYSTEM LOCATION:

Office of the Managing Director, Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419, and at MSPB Field Offices (see list of Field Office addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former MSPB employees who have adjudicated appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain production information by type of appeal; number of cases decided; number of hearings held; calendar days elapsed on an average and median basis for each type of case; and the case disposition by type of appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 1205, 3301 et seq., 4103, 4302, 4501 et seq.

PURPOSES:

Records are maintained in this system to provide an effective management tool in determining proper assignment, transfer, promotion, detail, training, reassignment, and other personnel action affecting presiding officials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

b. To a congressional office in response to an inquiry from that office.

c. To National Archives and Records Services (General Services Administration) pursuant to records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

d. In response to a request for discovery or for appearance of a witness, if the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

e. To officials of the Office of Personnel Management, the Federal Labor Relations Authority and the Equal Employment Opportunity Commission when requested in the performance of their authorized duties.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in binders and on computer tapes and discs.

RETRIEVABILITY:

Records are retrieved by the name of the individual on whom they are maintained and by an appeals officer code number.

SAFEGUARDS:

Records are located in lockable cabinets. Access is restricted to those employees who have a need to use these records.

RETENTION AND DISPOSAL:

The record is maintained during the period of the individual's service with the Board and destroyed by shredding one year after the individual leaves the Board's employ.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Managing Director, Office of the Managing Director, and Director, Office of Appeals, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date and location of the last appeal office assignment.

Individuals making inquires as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date and location of last appeals office assignment.

Individuals requesting access must also comply with the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identify.

CONTESTING RECORD PROCEDURES:

Individuals requesting amendment of their records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date and location of last appeals office assignment.

Individuals requesting amendment must also comply with the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by:

a. The individual on whom the records are maintained;

b. Case Control Records used as computer data input; and

c. Production information by the Chief Appeals Officer.

MSPB/Internal–6

SYSTEM NAME:

Security Office Control Records.

SYSTEM LOCATION:

Security Office, Office of Administration, Merit Systems Protection Board, 1717 H Street, NW, Washington, D.C. 20419.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Merit Systems Protection Board employees for whom there is an investigative file. The system also contains cards on employees stationed in MSPB Field Offices for whom the appointing authority is retained in Washington, D.C., and for whom there is an investigative file.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of cards, filed alphabetically, containing name, social security number, date and place of birth, position sensitivity, type and date of investigations; and date and level of clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205 and E.O. 12065.

PURPOSE(S):

These records are used to document security investigations and clearances of MSPB employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

There are no disclosures of this information outside of the security office, except to provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on cards.

RETRIEVABILITY:

Records are retrieved by the name and date of birth of the individual on whom they are maintained.

SAFEGUARDS:

The cards are stored in locked file cabinets contained within a secured area. These cards do not leave the security office.

RETENTION AND DISPOSAL:

Records are maintained for one year after the individual leaves the Board and then are destroyed by burning.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Administration, Merit Systems Protection Board, 1717 H Street, NW, Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORD PROCEDURES:

Individuals requesting amendment of their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. The individual to whom the information applies;

b. The investigative files maintained by the Investigations Division, Associate Director/Staffing Systems and Services, Office of Personnel Management; and

c. Employment information maintained by the Board's Director of Personnel.

MSPB/Central–1

SYSTEM NAME:

Survey Mailing Lists.

SYSTEM LOCATION:

Office of Merit Systems Review and Studies, Merit Systems Protection Board (MSPB), 1717 H Street NW., Washington, D.C. 20419 or with private sector contractors participating in the conduct of MSPB surveys.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees who have responded affirmatively to MSPB inquiries regarding participation in confidential surveys conducted by the Office of Merit Systems Review and Studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system includes the name and home address of federal employees who have responded affirmatively to inquiries of the Office of Merit Systems Review and Studies regarding participation in an MSPB survey or surveys.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205.

PURPOSE(S):

Information in this system is used to provide for the mailing of confidential survey questionnaires to survey participants. The questionnaires are used in conjunction with MSPB's performance of merit system studies, as required by 5 U.S.C. 1205, to determine the extent to which merit system principles effectively operate within the Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

There are no routine uses for this system which is used solely to provide for mailing of questionnaires to persons covered by this system in conjunction with their participation in confidential surveys conducted by the Office of Merit Systems Review and Studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on computer tapes and discs.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are stored in secured rooms. Access to and use of these records is limited to those specifically designated MSPB or contractor personnel who are responsibile for mailing the questionnaires to survey participants. Personnel screening is employed to prevent unathorized access or disclosure.

RETENTION AND DISPOSAL:

These records are maintained until all questionnaires have been mailed. The records are destroyed by erasure upon completion of the mailing.

SYSTEM MANAGER AND ADDRESS:

Office of Merit Systems Review and Studies, Merit Systems Protection Board, 1717 H Street, NW., Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals inquiring whether this system of records contains information about them should contact the System Manager indicated above. Individuals who have expressed an interest in participating in a Merit Systems survey are aware of that fact. It is necessary to furnish the following information when making inquiries about records:

a. Full name; and

b. Name of survey in which individual desired to participate.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORDS ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Name of survey in which individual desired to participate.

Individuals seeking access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Individuals requesting amendment should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Name of survey in which individual desired to participate.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

Information in this system is obtained initially from the Office of Personnel Management and is subsequently affirmed by the individual to whom the record pertains.

MSPB/Central-2

SYSTEM NAME:

Panel Respondent Mailing Lists.

SYSTEM LOCATION:

Office of Merit Systems Review and Studies, Merit Systems Protection Board (MSPB), 1717 H Street, NW, Washington, D.C. 20419 or with private sector contractors participating in the conduct of MSPB surveys.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees who serve on a semi-permanent panel surveyed quarterly by the Office of Merit Systems Review and Studies by means of confidential questionnaires on issues relevant to the civil service and the merit system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system includes the name, address and duty station of Federal employees who have agreed to serve as panel members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205.

(S):

Information in this system is used to provide for the mailing of confidential survey questionnaires to panel members. The questionnaires are used in conjunction with MSPB's performance of merit system studies, as required by 5 U.S.C. 1205, to determine the extent to which merit system principles effectively operate within the Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

There are no routine uses for this system which is used solely to provide for the mailing of confidential questionnaires to panel members approximately four times a year.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on computer tapes and discs.

RETRIEVABILITY:

These records are retrieved by the names of the individuals to whom they pertain.

SAFEGUARDS:

These records are stored in secured rooms. Access to and use of these records is limited to specially designated MSPB or contractor personnel who are responsible for mailing questionnaires to panel members. Personnel screening is employed to prevent unauthorized access or disclosure.

RETENTION AND DISPOSAL:

These records are retained for the life of the panel, a period not to exceed 1.5 years. Upon dissolution of the panel, the records are destroyed by erasure of the computer tape or disc on which they are stored.

SYSTEM MANAGER AND ADDRESS:

Office of Merit Systems Review and Studies, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals inquiring whether this system of records contains information about them should contact the System Manager indicated above. Individuals who are members of a panel are aware of that fact. It is necessary to furnish the following information when making inquiries about records:

a. Full name; and

b. Panel on which the individual served.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Panel on which individual served.

Individuals seeking access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Individuals requesting amendment of records pertaining to them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Panel on which the individual served.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

Information in this system is obtained initially from the Office of Personnel Management and is subsequently affirmed by the individual to whom the record pertains.

MSPB/Central-3

SYSTEM NAME:

Correspondence Control Records.

SYSTEM LOCATION:

Office of the Secretary, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have written the MSPB on official business and whose letters are controlled in order to assure appropriate and timely response; individuals who have written the White House or Congressional offices and whose letters are referred to MSPB for reply or response.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information identifying the correspondent, subject, date and disposition of the correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205.

Purpose(s):

These records are used to control correspondence with the Board in order to assure appropriate and timely responses:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed to another Federal agency to whom correspondence is referred for reply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on file cards.

RETRIEVABILITY:

These records are retrieved by the name of the correspondent or individual on whose behalf the correspondence is transmitted, and the date of the correspondence.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are retained for two years, then destroyed by shredding.

SYSTEM MANAGER AND ADDRESS:

Secretary, Merit Systems Protection Board, 1717 H Street, N. W., Washington, D.C. 20419.

NOTIFICATION PROCEDURE:

Individuals wishing to determine whether this system of records contains information about them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Approximate date of the correspondence; and

c. Name of the person writing the correspondence if transmitted on behalf of the individual.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Approximate date of the correspondence; and

c. Name of the person writing the correspondence if transmitted on behalf of the individual.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Individuals wishing to request amendment of records pertaining to them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Approximate date of the correspondence; and

c. Name of the person writing the correspondence if transmitted on behalf of the individual.

Individuals requesting amendment must also follow the Board's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

Information in this system is provided by the individual to whom the record pertains or by individuals or organizations writing on behalf of the individual.

MSPB/Central-4

SYSTEM NAME:

General Correspondence Records.

SYSTEM LOCATION:

Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419 and MSPB Field Offices (see list of Field Office addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal employees and members of the public who have written the MSPB seeking information, registering complaints, or making known their views.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the incoming correspondence and a copy of the MSPB's reply or referral.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205.

PURPOSE(S):

These records are used to document correspondence with the Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To another agency to whom the incoming correspondence is referred for reply.

b. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of a civil or criminal law or regulation.

c. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by name and date of correspondence.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets. Access to and use of these records is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Secretary, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419, and the MSPB Field Offices (see list of Field Office addresses in the Appendix).

NOTIFICATION PROCEDURE:

Individuals wishing to determine whether this system of records contains information about them should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Approximate date of correspondence with the Board.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Approximate date of correspondence with the Board.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Individuals wishing to request amendment of records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Approximate date of correspondence with the Board.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. Individual to whom the record pertains;

b. Official documents relating to the correspondence; and

c. Related correspondence from agencies, organizations or persons.

MSPB/CENTRAL-5

SYSTEM NAME:

Freedom of Information Act Privacy Act Case Records.

SYSTEM LOCATION:

Office of the Secretary, Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419, and MSPB Field Offices (see list of Field Office addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records and related correspondence on individuals who have filed with the MSPB:

a. Requests for information under the provisions of the Freedom of Information Act (5 U.S.C. 552) including requests for review of initial denials of such requests; and

b. Requests under the provisions of the Privacy Act (5 U.S.C. 552a) for records about themselves, including:

(1) Requests for notification of the existence of records;

(2) Requests for access to these records;

(3) Requests for amendment of these records; and

(4) Request for review of initial denials of such requests for notification, access, and amendment.

Note:—Since these PA/FOIA case records contain inquiries and requests regarding any of the MSPB's other systems of records subject to the Privacy Act, information about individuals from any of these other systems may become part of this PA/FOIA Case Records system.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains correspondence and other documents related to requests made by individuals to the MSPB for:

a. Information under the provisions of the FOI Act (5 U.S.C. 552) including requests for review of initial denials of such requests; and

b. Information under provisions of the Privacy Act (5 U.S.C. 552a) and requests for review of initial denials of such requests made under the MSPB's Privacy Act regulations including request for:

(1) Notification of the existence of records;

(2) Access to records;

(3) Amendment of records;

(4) Review of initial denials of such requests for notification, access, or amendment; and

(5) Requests for an accounting of disclosure of records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, 1205.

PURPOSE(S):

These records are maintained to process an individual's requests made under the provisions of the Freedom of Information and Privacy Acts. The records are also used by the MSPB to prepare its annual reports to OMB and

Congress required by the Privacy and Freedom of Information Acts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

b. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

c. To a Federal agency or to a court when the Government is a party to a judicial proceeding before the court.

d. To the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

e. To officials of the Office of Personnel Management, Federal Labor Relations Authority, and the Equal Employment Opportunity Commission in conjunction with the performance of their authorized duties.

f. To Federal agencies in order to obtain advice and recommendations concerning matters on which the agency has specialized experience or particular competence which the MSPB may use in making required determinations under the Freedom of Information Act or Privacy Act of 1974.

g. To any source from which the MSPB requests additional information (to the extent necessary to identify the individual, inform the source of the purpose of the request and to identify the type of information requested), where necessary to obtain information relevant to an MSPB decision concerning a Privacy or Freedom of Information Act request.

h. In response to a request for discovery or for appearance of a witness, if the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where the MSPB becomes aware of an indication of violation or potential violation of civil or criminal law or regulation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by name of the individual on whom they are maintained and the date of request.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets. Access to and use of these records is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are maintained for five years, then destroyed by shredding.

SYSTEM MANAGER AND ADDRESS:

Secretary, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419, and MSPB Field Offices (see list of Field Office addresses in the Appendix).

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Approximate date of original request or appeal.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Approximate date of original request or appeal.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR, 1205.11 regarding access to records and verification of identity.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of records about them should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Approximate date of original request or appeal.

RECORD SOURCE CATEGORIES:

Individuals requesting amendment must also follow the MSB's regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

Note.—The amendment provisions for this system are not intended to permit an individual a second opportunity to request amendment of a record which was the subject of the initial Privacy Act amendment request which created the record in the system. That is, after an individual has requested amendment of a specific record in an office system under provisions of the Privacy Act, that specific record may itself become part of this system of Privacy Act/FOI Act Case Records. An individual may not subsequently request amendment of that specific record again simply because a copy of the record has become part of the second system of Privacy Act/FOI Act Case Records.

RECORD SOURCE CATEGORIES:

a. The individual who is the subject of the records;

b. NSPB officials who respond to Privacy Act/FOI Act requests;

c. Official personnel documents of the MSPB, including records from any other MSPB system of records included in this notice;

d. Other sources whom the MSPB believes have information pertinent to an MSPB decision on a Privacy Act or Freedom of Information Act request; and

e. Other agencies referring the request to the MSPB.

MSPB/Central–6

SYSTEM NAME:

Litigation and Claims Records.

SYSTEM LOCATION:

Office of the General Counsel, Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals who file civil actions against the MSPB, its officials, and employees.

b. Individuals who are parties to actions in which an MSPB final decision is involved but in which the MSPB is not a party to the proceeding.

c. Individuals who file claims against the MSPB under the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes the following kinds of records: documentation of litigation, including complaints, answers, motions, briefs, orders and decisions; claims and supporting documentation submitted under the Federal Tort Claims Act, together with

correspondence and records of final administrative determinations.

AUTHORITY FOR MAINTENANCE OF THE RECORDS:

5 U.S.C. 1205, 7703; 28 U.S.C. 2672.

PURPOSE(S):

These records are maintained to defend the MSPB against lawsuits and to settle administrative claims brought against the MSPB.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To the appropriate Federal, State, or local agency responsibile for investigating, prosecuting, enforcing or implementing a statute, rule, regulation, or order where the Merit Systems Protection Board becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To any source from which the MSPB requests information relevent to an MSPB determination concerning one of the purposes for maintainance of the system.

c. To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conduct of a security or suitability investigation of an individual, the classification of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevent and necessary to the requesting agency's decision on the matter.

d. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To a Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. To the National Archives and Records Service (General Services Administration) for records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

g. To the insurance carrier of an employee of, or a claimant against, the MSPB under the Federal Tort Claims Act in order to determine the proper assignment of any liability.

h. In response to a request for discovery or for appearance of a witness, if the information is relevent to the subject matter involved in a pending judicial or administrative proceeding.

i. To officials of the Office of Personnel Management, Federal Labor Relations Authority, and the Equal Employment Opportunity Commission when requested in connection with the performance of their authorized duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in the file folders in lockable metal filing cabinets.

RETRIEVABILITY:

Records are retrieved by the name of the individual on whom they are maintained.

SAFEGUARDS:

Records are available only to authorized personnel of the General Counsel's Office and to other specially designated personnel of the MSPB.

RETENTION AND DISPOSAL:

These records are maintained for two years after completion of the litigation or claims settlement and then are destroyed by shredding.

SYSTEM MANAGER AND ADDRESS:

General Counsel, Office of General Counsel, Merit Systems Protection Board, 1717 H Street, N. W., Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system contains a record about them should contact the system manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;
b. Date of birth;
c. Description of type of record; and
d. Court action number if applicable.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;
b. Date of birth;
c. Description of type of record; and
d. Court action number if applicable.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been or could have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency or administrative body ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment of their records to correct factual errors should contact the appropriate system manager indicated above. Individuals must furnish the following for their records to be located and identified:

a. Full name;
b. Date of birth;
c. Description of type of record; and
d. Court action number if applicable.

Individuals requesting amendment must also follow MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. The individual on whom the record is maintained;
b. Agency officials and records;
c. Records of MSPB and Equal Employment Opportunity Commission administrative proceedings and court documents; and
d. Witnesses.

MSPB/Govt-1

SYSTEM NAME:

Appeal and Case Records.

SYSTEM LOCATION:

Office of the Secretary, Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419, the MSPB Field Offices (see list of Field Office addresses in the Appendix), and various Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Current and former Federal employees and applicants for employment who have filed an appeal with the MSPB, or its predecessors, or with respect to whom the Special Counsel or a Federal agency has petitioned the MSPB, concerning any matter over which the MSPB has original or appellate jurisdiction.

b. Current and former employees of State and local governments who have been investigated by the Special Counsel and have had a hearing before

the MPSB concerning possible violations of the Hatch Act

(5 U.S.C. 1502).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents, including briefs, pleadings and motions, exhibits, hearing transcripts and MSPB decisions, which comprise the administrative records of appeals and other matters arising under the original and appellate jurisdiction of the MSPB.

The system includes records of appeals filed with the former Federal Employee Appeals Authority and the Appeals Review Board of the Civil Service Commission. This system also includes records of appeals and cases before the MSPB, the Federal Employee Appeals Authority and the Appeals Review Board which are maintained by Federal agencies that are parties to the proceedings. Records of appeals maintained in various Federal agencies on adverse actions initiated prior to September 9, 1974, and appealed solely within the agency, are subject to the provisions of this system notice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205, 1206, 1207, 1208, 7701, and 7702.

PURPOSE(S):

These records are used to document and adjudicate appeals and other matters arising under the MSPB's original and appellate jurisdiction.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed.

a. To officials of the Equal Employment Opportunity Commission or the Special Panel convened under authority of 5 U.S.C. 7702 when requested in connection with the performance of their authorized duties.

b. To officials of the Office of Personnel Management and the Federal Labor Relations Authority in connection with the performance of their authorized duties.

c. To a Member of Congress or the Government Accounting Office regarding the status of an appeal.

d. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To a person from the record of an individual in response to an inquiry made by that person on behalf of the individual to whom the record pertains.

f. To an appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order upon request of that agency where there is an indication of a violation or potential violation of civil or criminal law or regulation.

g. To the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

h. To another Federal agency or to a court when the Government is party to a suit before the court.

i. To any person making an inquiry regarding the status of a proceeding before the MSPB, the nature of the proceeding, and, if applicable, the MSPB decision in the matter.

j. To the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

k. In response to a request for discovery or for appearance of a witness, if the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, binders, docket cards, microfiche, and computer tapes and discs.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained or by docket control or decision numbers.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

These records are maintained up to two years after a final determination by the MSPB or, in some instances, other administrative authorities or the courts. Thereafter, they are transferred to GSA Regional Federal Records Centers. They are destroyed by the Federal Records Centers when the records are seven years old. Records on appeals initiated prior to September 9, 1974, and appealed solely within an agency generally are maintained by the agency up to seven years or transferred to the GSA Federal Records Centers. They are destroyed by the agency or the Federal Records Centers generally when the records are seven years old.

SYSTEM MANAGER AND ADDRESS:

Secretary, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419, the MSPB Field Offices (see list of Field Office addresses in the Appendix), or the Personnel Officer of the agency within which the appeal was made prior to September 9, 1974.

NOTIFICATION PROCEDURES:

Individuals inquiring whether this system of records contains information about them should contact the appropriate System Manager indicated above. Individuals who have filed appeals or are parties to matters before the MSPB are aware of that fact and have been provided a copy of the record. It is necessary to furnish the following information respecting the individual when making inquiries about records:

a. Full name;

b. Date of birth;

c. Kind of action taken by the agency;

d. Date and location of the filing of the appeals or other matter with the MSPB; and

e. If appropriate, the respective MSPB docket or decision control number.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the Board's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of birth;

c. Kind of action taken or the agency;

d. Date and location of the filing of the appeal or other matter with the MSPB; and

e. If appropriate, the respective MSPB docket or decision control number.

Individuals seeking access must also follow the NSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Individuals requesting amendment should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of birth;

c. Kind of action taken by the agency;

d. Date and location of the filing of the appeal or other matter with the MSPB; and

e. If appropriate, the respective MSPB docket or decision control number.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

These provisions for amendment of the record are not intended to permit the alteration of evidence presented in the course of adjudication before the Board, before or after the Board has rendered a decision on the appeal.

RECORD SOURCE CATEGORIES:

The sources of these records are:

a. The individual to whom the record pertains;

b. The agency employing the above individual;

c. The Merit Systems Protection Board, the Office of Personnel Management, Equal Employment Opportunity Commission, the Office of the Special Counsel; and

d. Other individuals or organizations from whom the MSPB has received testimony, affidavits or other documents.

Appendix

Field Offices of the Merit Systems Protection Board

Atlanta Field Office, Merit Systems Protection Board, 3rd Floor, North Wing, 1776 Peachtree Street, N.E. Atlanta, Georgia 30309

Boston Field Office, Merit Systems Protection Board, 100 Summer Street, Room 1736, Boston, Massachusetts 02110

Chicago Field Office, Merit Systems Protection Board, John C. Kluczynski Building, 31st Floor, 230 South Dearborn Street, Chicago, Illinois 60604

Dallas Field Office, Merit Systems Protection Board, 1100 Commerce Street, Room 6F20, Dallas, Texas 75242

Denver Field Office, Merit Systems Protection Board, Denver Federal Center, Room 117, Building 46, Box 25025, Denver, Colorado 80225

New York Field Office, Merit Systems Protection Board, New Federal Building, 26 Federal Plaza, Room 2341, New York, New York 10278

Philadelphia Field Office, Merit Systems Protection Board, U.S. Customhouse, Room 501, Second and chestnut Streets, Philadelphia, Pennsylvania 19106

St. Louis Field Office, Merit Systems Protection Board, 1520 Market Street, Room 1740, St. Louis, Missouri 63103

San Francisco Field Office, Merit Systems Protection Board, 525 Market Street, Room 2400, San Francisco, California 94105

Seattle Field Office, Merit Systems Protection Board, Federal Building, 915 Second Avenue, Room 1840, Seattle, Washington 98174

Washington, D.C. Field Office, Merit Systems Protection Board, 5203 Leesburg Pike, Suite 1109, Falls Church, Virginia 22041

[FR Doc. 81-18472 Filed 6-22-81; 8:45 am]

BILLING CODE 7400-01-M

METRIC BOARD

Public Forum

Notice is hereby given that the United States Metric Board will hold a Public Forum on Thrusday, July 9, 1981, from 10:00 a.m. to 1:00 p.m. The Forum will be held in conjunction with the Metric Board's regular bimonthly meeting. Notice of the regular meeting appears in the Sunshine Meeting section of this issue. The Forum and Meeting will be held in the Carolina Ballroom, Salon D, Sheraton Center Hotel, 555 South McDowell Street, Charlotte, N.C.

The purpose of the Forum will be to allow Board Members to receive comments about increased metric usage and voluntary metric conversion from individuals and from representatives of groups or organizations. The public is invited and encouraged to provide oral and written comments and ask questions of the Board from 11:30 a.m. to 1:00 p.m. Those who wish to participate may also submit comments or questions in advance to Chips Maurer, Office of Public Awareness and Education, United States Metric Board, 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

Louis F. Polk,

Chairman.

[FR Doc. 81-18444 Filed 6-22-81; 8:45 am]

BILLING CODE 8250-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Hydrology Panel; Meeting Addendum

June 17, 1981.

An addition has been made to the agenda for the June 29–30 meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA), published in the **Federal Register** of June 16, 1981 (Page 46 FR 31544). The addition is as follows:

The Hydrology Panel, scheduled to meet June 30, 1981 at 8:30 a.m.–10:00 a.m., will visit the Middle Atlantic River Forecast Center at Harrisburg, PA on July 1, 1981 at 10:00 a.m.

Additional information concerning this portion of the meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Room 438, Page Building #1), Washington, DC 20235. The telephone number is (202) 653-7818.

Dated: June 17, 1981.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-18520 Filed 6-22-81; 8:45 am]

BILLING CODE 3510-12-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on July 9–11, 1981, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on June 19, 1981.

The agenda for the subject meeting will be as follows:

Thursday, July 9, 1981

8:30 A.M.–8:45 A.M.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ARCS activities including selection and appointment of a new ACRS member.

Portions of this session will be closed as necessary to discuss information of a personal nature which would constitute a clearly unwarranted invasion of personal privacy.

8:45 A.M.–10:45 A.M.: Shutdown Decay Heat Removal Requirements (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding the proposed NRC Action Plan (Task A–45) to investigate alternate means of decay heat removal in PWR nuclear plants. The Committee will also meet with and discuss this proposed plan with members of the NRC Staff and representatives of the nuclear industry who may be present.

10:45 A.M.–12:30 P.M. and 1:30 P.M.–3:30 P.M.: NRC Safety Research Program Budget (Open)—The members will hear the report of designated ACRS Subcommittee Chairmen and consultants who may be present regarding the proposed NRC Safety Research Program budget for FY–83 and will discuss the proposed ACRS report to NRC regarding this matter.

Portions of these sessions will be closed as required to discuss information the premature release of

which would be likely to significantly frustrate statutory Committee action.

3:30 P.M.–5:00 P.M.: Improved Safety Features for Nuclear Power Plants (Open)—The Committee will hear presentations from and hold discussions with members of the NRC staff regarding review and evaluation of improved safety features for nuclear power plants located at high population density sites.

Portions of this session will be closed as necessary to discuss information which will be involved in an adjudicatory proceeding.

5:00 P.M.–5:30 P.M.: Waste Management and Disposal of Radioactive Wastes (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding the proposed NRC program to evaluate long-term performance of alternate materials being considered for high-level waste packages. Members of the NRC staff and representatives of the nuclear industry will participate to the degree determined to be appropriate.

5:30 P.M.–6:30 P.M.: Requirements for New Nuclear Plants (Open)—The ACRS will discuss a proposed report to the NRC regarding requirements for new nuclear power plants.

Friday, July 10, 1981

8:30 A.M.–11:30 A.M.: Three Mile Island Nuclear Plant Unit 1 (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding proposed resumption of operations at the Three Mile Island Nuclear Station Unit 1. Members of the NRC staff and representatives of the applicant will make presentations to and discuss this proposal with the Committee members.

Portions of this session will be closed as required to discuss Proprietary Information related to this matter.

11:30 A.M.–11:45 A.M.: Anticipated ACRS Activities (Open)—The Committee members will discuss the future schedule for conduct of anticipated ACRS activities.

11:45 A.M.–12:30 P.M. and 1:30 P.M.–4:00 P.M.: NRC Safety Research Program Budget (Open)—The Committee members will discuss the proposed ACRS report to NRC regarding the proposed NRC safety research program budget for FY–83.

Portions of this session will be closed as required to discuss information the premature release of which would be likely to significantly frustrate statutory Committee action.

4:00 P.M.–5:00 P.M.: Pilgrim Nuclear Power Station Unit 2 (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the application of TMI–2 Lessons Learned to the Pilgrim Nuclear Power Station Unit 2. Members of the NRC staff and representatives of the applicant will make presentations to and hold discussions with the members of the Committee regarding this matter to the degree needed.

Portions of this session will be closed as required to discuss Prorietary Information related to this matter.

5:00 P.M.–6:30 P.M.: Preparation of ACRS Reports (Open)— The Committee members will discuss proposed ACRS comments/reports regarding matters considered during this meeting.

Portions of this session will be closed as necessary to permit discussion of privileged information.

Saturday, July 11, 1981

8:30 A.M.–12:30 P.M.—and 1:30 P.M.–3:30 P.M.: Preparation of ACRS Reports (Open)—The Committee members will discuss proposed ACRS comments/reports regarding matters considered during this meeting.

Portions of this session will be closed as necessary to permit discussion of privileged information.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R.F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) P.L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)), information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)), information the premature release of which is likely to significantly frustrate the Committee in its statutory function (5 U.S.C. 552b(c)(9)), and information which will be involved in an adjudicatory proceeding (5 U.S.C. 552b(c)(10)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunty to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: June 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–18540 Filed 6–22–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Nuclear Safety Research Program; Meeting

The ACRS Subcommittee on Nuclear Safety Research Program will hold a meeting on July 8, 1981, in Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will discuss the ACRS Report to the Commission on the NRC FY–83 Safety Research Program and Budget.

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. However, portions of this meeting may be closed as required to discuss information the premature release of which would be likely to significantly frustrate statutory committee action (Sunshine Act Exemption (9)(B)). 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:

Wednesday, July 8, 1981.

8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the FY 1983 NRC Safety Research Program Budget.

The Subcommittee will then discuss the ACRS Report to the Commission on NRC's FY 1983 Safety Research Program Budget.

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. Sam Duraiswamy (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 some portions of this meeting. The authority for such closure is Exemption (9)(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: June 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-18542 filed 6-22-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Pilgrim Station Unit 2; Meeting

The ACRS Subcommittee on Pilgrim Station Unit 2 will hold a meeting on July 8, 1981, Room 1167, 1717 H Street, NW., Washington, D.C. to review implementation of Three Mile Island Unit 2 Action plan requirements.

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:

Wednesday, July 8, 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 Boston Edison Company and their consultants, 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. David Bessette (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-18541 Filed 6-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-466-CP]

Houston Lighting & Power Co. (Allens Creek Nuclear Generating Station, Unit 1); Order Scheduling Resumed Hearings

June 18, 1981.

The evidentiary hearings will be resumed on August 17 and continue on weekdays through August 28, 1981, and, thereafter, will be resumed on September 14 and continue on weekdays through September 24, 1981.

Initially, testimony will be presented upon certain contentions carried over from the June, 1981 hearing session. Thereafter, testimony will be presented upon various contentions and Board questions which will be identified by Applicant and Staff on or before June 25, 1981. These testimonies will be heard sequentially pursuant to the order of presentation as will be set forth in Applicant's and/or Staff's submissions of August 3 and August 31, 1981 (See Order of June 16, 1981).

With regard to the contentions and Board questions to be heard during the August 17-28 hearing session, Applicant shall file its written direct testimonies by July 20. Staff shall file its written direct testimonies by July 27, and Intervenors may file written direct testimonies, if any, with regard to their own contentions and Board questions by no later than July 27, 1981. With regard to the contentions and Board questions to be heard during the September 14-24 hearing session, Applicant and Staff shall file written direct testimonies by August 25, and Intervenors may file written direct testimonies, if any, with regard to their own contentions and Board questions by no later than August 25, 1981.

The August 17-28 and the September 14-24 hearing sessions will be held at the following location: Ramada Inn, 7787 Katy Freeway, Houston, Texas 77004.

The hearing sessions will begin at 9:00 a.m. and recess at 5:00 p.m.

While generally the public is invited to attend these evidentiary hearings, some matters may be raised which, being the subjects of the Board's Protective Orders, will be heard in *in camera* proceedings.

It is so ordered.

For the Atomic Safety Licensing Board.

Sheldon J. Wolfe,

Administrative Judge.

[FR Doc. 81-18544 Filed 6-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-389 OL]

Flordia Power & Light Co. (St. Lucie Plant, Unit No. 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Christine N. Kohl

Dated: June 16, 1981.

C. Jean Bishop,

Secretary to the Appeal Board

[FR Doc. 81-18543 Filed 6-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment was effective on May 22, 1981.

The amendment modifies Technical Specification 3.17.B.7.b to allow operation of the reactor building purge system to by-pass the charcoal absorbers during the cycle 6 refueling operation only under the following conditions: (1) during the time the Low Pressure Safety Injection (LPSI) System check valves are being installed or completion of refueling operations, whichever is earlier; and (2) during the charcoal absorber by-pass mode the containment purge valves will be trippable manually and automatically.

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 finding as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 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 application for amendment dated May 22, 1981, (2) Amendment No. 57 to License No. DPR-36, 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. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. 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, Maryland, this 12th day of June, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-18545 filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond/Escrow and Contract Provision Requirements Relating to Sale of Assets by an Employer Who Contributes to a Multiemployer Plan

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Pendency of Request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from the Chicago White Sox Baseball Club, Inc., the Artnell Company and the Chisox Corporation for an exemption from the bond/escrow and contract provision requirements of section 4204(a)(1) (B) and (C) of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. Section 4204(a)(1) provides that a contributing employer's cessation of contributions or covered operations resulting from a sale of assets by the employer will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. Another condition is that the sales agreement provide that the seller will be secondarily liable for its withdrawal liability. The PBGC is authorized to grant exemptions from these requirements. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATE: Comments must be submitted on or before August 7, 1981.

ADDRESS: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning, Suite 7300, 2020 K Street, NW., Washington, D.C. 20006. The request for an exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Ellen A. Hennessy, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, NW., Washington, D.C. 20006, (202) 254-4862.

SUPPLEMENTARY INFORMATION:

The Statute

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96-364, 94 Stat. 1208 (the "Multiemployer Act") became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. 1001 *et seq.* As a result of the Multiemployer Act, an employer that withdraws, or partially withdraws, from a multiemployer pension plan covered under Title IV of ERISA may be liable to the plan for a portion of the plan's unfunded vested benefits. The withdrawal liability rules generally apply to withdrawals occurring after April 28, 1980.

Section 4204 of ERISA, 29 U.S.C. 1384, provides that cessation of contributions or covered operations resulting from the sale of assets of a contributing employer will not be considered a withdrawal if certain conditions are met. Three of the conditions, enumerated in section 4204(a)(1)(A)-(C), are that—

(A) the purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) the purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of (1) the seller's average required annual contribution to the plan for the three plan years preceding the plan year in which the sale occurred, or (2) the seller's required annual contribution for the plan year preceding the plan year in which the sale occurred; and

(C) the contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204. The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty

Corporation ("PBGC") to grant individual or class variances from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) or the contract provision requirement of section 4204(a)(1)(C) if the variances would "more effectively or equitably carry out the purposes of [Title IV]." The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

Section 4204(c) requires the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a joint request from the Chicago White Sox Baseball Club, Inc. (the "Club"), Artnell Company ("Artnell"), and the Chisox Corporation ("Chisox") (collectively referred to as the "Parties") for an exemption from the requirements of section 4204(a)(1) (B) and (C) of ERISA. In the request, the Parties represent, among other things, that:

1. The Major League Baseball Players Benefit Plan (the "Plan") is established and maintained pursuant to a collective bargaining agreement between the 26 professional major league baseball teams and the Major League Baseball Players Association

2. The Club was a participating employer in the Plan.

3. The major league clubs have established the Major League's Central Fund (the "Central Fund") pursuant to the "Major League Agreement in re Major League's Central Fund." Under this Agreement, the revenues to fund the plan for all participating employers are received by the Office of the Commissioner of Baseball and are then remitted on behalf of the clubs in satisfaction of their pension liability arising under the Plan's funding agreement. The Major League Agreement is subject to amendment or termination in accordance with the terms thereof. In addition, other expenditures on behalf of all 26 clubs are made from the Central Fund. The revenue to fund the Plan is currently derived directly from (i) gate receipts from All-Star games, (ii) radio and television revenues from World Series, League Championship intradivision play-off and All-Star games, and (iii) certain other radio and television revenue (including foreign broadcasts) from regular and exhibition games.

4. The major league clubs are currently obligated to contribute the sum of $15,500,000 per year to cover both pension and welfare benefits; approximately $13 million of which is remitted to the pension plan for the current plan year. In the past five years, the Central Fund has paid the following amounts as pension contributions to the Plan on behalf of the Club:

Year and Contribution

1980—$500,000
1979— 287,941
1978— 283,760
1977— 311,496
1976— 311,496

5. The Club and Artnell have entered into an agreement for the sale of the Chicago White Sox baseball team to Chisox. This is an arm's-length transaction between unrelated parties within the meaning of section 4204.

6. The contract of sale provides that Chisox will have an obligation to contribute to the Plan for substantially the same number of contribution units as the Club and Artnell.

7. The sales agreement further provides that unless the PBGC grants a waiver or variance, Chisox will post the bond or escrow required under section 4204(a)(1)(B) of ERISA.

8. Copies of the request have been supplied to the Plan and to the Major League Baseball Players Association.

Among other things, the Parties have requested the PBGC to waive the contract provision requirement of 4204(a)(1)(C). Further, Chisox has requested the PBGC to waive the bond/escrow requirement of section 4204(a)(1)(B). In support of these requests, the Parties state that "[t]he fact that the Plan is funded directly from the Revenues which are paid from the Central Fund directly to the [Plan] without first passing through the hands of any of the team employers, provides adequate security to the Plan and thus to the insurance system provided by ERISA. A change in a team employer does not in any way affect the obligation to fund the Plan with Revenues nor create the possibility that there will be difficulty in collecting Plan contributions due from any new team employer."

Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, on or before August 7, 1981. All comments will be made a part of the record. All comments must identify this notice. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Issued at Washington, D.C., on this 17th day of June, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-18434 Filed 6-22-81; 8:45 am]

BILLING CODE 7708-01-M

SMALL BUSINESS ADMINISTRATION

Optional Peg Rate

The Small Business Administration publishes on a quarterly basis an interest rate called the optional "peg" rate (13 CFR 120.3 (b)(2)(iii)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans.

For the July-September quarter of 1981, this rate will be thirteen and seven-eighths (13⅞) percent.

Dated: June 17, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Financial Assistance.

[FR Doc. 81-18430 Filed 6-22-81; 8:45 am]

BILLING CODE 8025-01-M

[SBLC NO. 02/B-0012]

NIS Funding Corp.; Issuance of Small Business Lending Company Participation Certificate

On October 1, 1980, a Notice was published in the **Federal Register** (FR Vol. 45, No. 192 65104) stating that an Application had been filed with the Small Business Administration pursuant to § 120.4(b) of the Regulations governing Small Business Lending Companies (13 CFR 120.(b)(1980)) by NIS Funding Corp., 34 South Broadway, White Plains, New York 10601, to participate with the SBA as a non-bank Small Business Lending Company (SBLC).

Interested parties were given until the close of business on October 16, 1980, to submit their comments on the Applicant and/or its management. The several comments received were reviewed and considered.

Notice is hereby given that after review of the Application and all other pertinent information, SBA issued Small Business Lending Company Participation Certificate No. SBLC-02/B-0012 to NIS Funding Corp. to operate as a SBLC.

(Catalog of Federal Domestic Programs No. 59.012, Small Business Loan)

Dated: June 15, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-18431 Filed 6-22-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09/09-0296]

Rieder Investment Co.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR § 107.102 (1980)), under the name of Rieder Investment Company, 1337 Gaviotts, Suite A, Laguna Beach, California 92651, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and major stockholders are as follows:

Donald Lee Rieder, president & director, 2227 16th, Boulder, Colorado

Robert W. Brown, secretary & director, 11601 Kenwood, Kansas City, MO 64131

Julie Wittrock, assistant secretary & director, 635 Baker y 206, Costa Mesa, California 92626

Rieder Enterprises, Inc., 100 percent

Mr. Donald L. Rieder is the sole stockholder of Rieder Enterprises, Inc.

The Applicant will begin operations with a capitalization of $500,000 which will be a source of both equity and debt financing to qualified small business concerns in a wide range of industries for normal growth, expansion and working capital.

The Applicant does not intend to use the services of an investment advisor but will provide consulting services to its clients and other small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed management and owner, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any person may not later than July 8, 1981, submit written comments on the proposed SBIC to the Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Omaha, NE, Boulder, CO and Laguna Beach, CA.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 16, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-18434 Filed 6-22-81; 8:45 am]

BILLING CODE 8025-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments: Section 302(c) Report

Section 302(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2512) requires the President to report to specified committees of the Congress on the effects on the U.S. economy (including effects on employment, production, competition, costs and prices, technological development, export trade, balance of payments, inflation and the Federal budget) of the refusal of developed countries to allow the Agreement on Government Procurement to cover entities of the governments of such countries which are the principal purchasers of goods and equipment in the appropriate product sectors. The report is also to include an evaluation of alternative means to obtain equity and reciprocity in such product sectors and an analysis of the effect of such alternative means on the U.S. economy.

Section 302(c)(3) requires the President to consult with representatives of the public, industry and labor in the preparation of the report. Therefore, interested parties are invited to provide information on the above areas to be covered by the report. "Business Confidential" treatment of submissions may be requested under USTR regulations codified at 15 CFR 2003. The original and twenty copies of the comments should be delivered to the Secretary, TPSC, 600 Seventeenth Street, Room 413, Washington, D.C. 20506. Comments should be submitted no later than July 10, 1981. For further information call Karen Alleman at 202-395-3063.

W. Douglas Newkirk,

Assistant U.S. Trade Representative for GATT Affairs.

June 18, 1981.

[FR Doc. 81-18576 Filed 6-22-81; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 120
Tuesday, June 23, 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

BOARD OF GOVERNOR FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, June 29, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals for changes in internal System procedures for report clearance and information management.

2. Personnel actions (appointments, promotions, assignments, reassignments and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: June 19, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-963-81- Filed 6-19-81; 3:51 pm]

BILLING CODE 6210-01-M

2

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of changes in subject of meeting.

The National Credit Union Administration Board has determined that its business required that the previously announced open meeting on June 11, 1981 include an additional item and delete an item.

Added: Retail Repurchase Agreements for Federal Credit Unions.

Deleted: 3. Proposed regulation—Section 701.21-3A to the NCUA Rules and Regulations regarding business relationship with line of credit lender.

Earlier announcement of this change was not possible.

The previously announced items were:

1. Review of Central Liquidity Facility Lending Rate.

2. Proposed deregulation of Sections 701-21-1, 701.21-2 and 701.21-3 of the NCUA Rules and Regulations regarding lending policies, amortizations and payment of loans and lines of credit.

3. Proposed regulation—Section 701.21-3A to the NCUA Rules and Regulations regarding business relationship with line of credit lender.

4. Proposed amendments to Section 701.21-6 of the NCUA Rules and Regulations: real estate lending including use of due on sale clauses.

5. Proposed deregulation of Section 701.21-7 of the NCUA Rules and Regulations regarding loan participation.

6. Proposed regulation—Section 701.21-6B to the NCUA Rules and Regulation regarding adjustable rate mortgages.

7. Requests for assistance for three CDCUs under Section 705 of the NCUA Rules and Regulations—Community Development Credit Union Program.

8. Proposed regulation—Section 748 to the NCUA Rules and Regulations regarding minimum security devices and procedures.

9. Proposed policy on merger assistance under Section 208(a)(2) of the Federal Credit Union Act.

10. Report of actions taken under delegations of authority.

11. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

The meeting was held at 9:30 a.m., in the Seventh Floor Board Room, 1776 G Street, N.W., Washington, D.C.

FOR MORE INFORMATION CONTACT: Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357-1100.

[S-962-81 Filed 6-19-81; 9:43 am]

BILLING CODE 7535-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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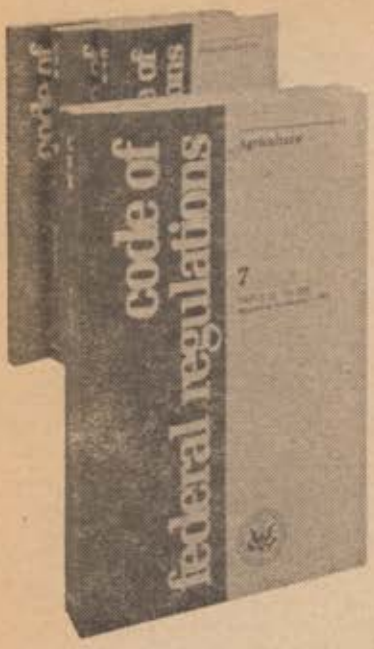

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