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Thursday
June 25, 1981

Highlights

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Highlights

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Rules and Regulations

Federal Register
Vol. 46, No. 122
Thursday, June 25, 1981

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revisions of Delegation of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority to the Chief, Forest Service, by rescinding the reservation to the Assistant Secretary for Natural Resources and Environment to approve the use of pesticides for insect and disease control in designated Wilderness Areas and the use of 2,4,5-T and other TCDD-containing herbicides on National Forests.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James L. Stewart, Director, Forest Pest Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (703) 235–1560.

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

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

Section 2.60 is amended by removing paragraph (b)(9) and by revising paragraph (a)(5) to read as follows:

§ 2.60 Chief, Forest Service.

(a) *Delegations.* * * *

(5) Administer forest insect, disease, and other pest control and eradication programs (16 U.S.C. 2104).

* * * * *

(b) Reservations. * * *

(9) [Removed]

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

Dated: June 13, 1981.

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources and Environment.

[FR Doc. 81-18749 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-11-M

Federal Crop Insurance Corporation

7 CFR Parts 406 and 409

Arizona-California Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim final rule.

SUMMARY: This interim final rule revises and reissues regulations for insuring citrus in Arizona (Desert Valley) and California in one CFR Part effective with the 1981 crop year. These regulations previously were contained in two separate CFR Parts (7 CFR Parts 406 and 409). This rule includes several changes designed to improve the insurance program on the basis of sound insurance principles, and to reissue the regulations in a clearer, shorter, and simpler document which will make the program more stable, easier to understand, and more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Effective date: This interim rule is effective June 25, 1981.

COMMENT PERIOD DATES: The Federal Crop Insurance Corporation is soliciting public comment on this interim final rule for a period of 60 days following publication. Written comments, data, and opinions on the rule must be submitted not later than August 24, 1981, to be sure of consideration.

ADDRESS: Written comments on this interim final rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978) and has been classified as "not significant."

Wayne A. Fletcher, Acting Manager, Federal Crop Insurance Corporation (FCIC) has determined that an emergency situation exists which warrants publication without opportunity for a public comment period because there is not sufficient time to conduct a public comment period before these regulations are required to be placed on file in the office for the county in order to be effective for the 1981 crop year. In addition, personal contact will, to the extent practicable, be established with each individual citrus policyholder in Arizona and California to explain the revised program.

Further, pursuant to the administrative provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim final action are impracticable and contrary to the public interest; and good cause is found for making this action effective less than 30 days after the publication of this document in the **Federal Register.**

Comments will be solicited until August 24, 1981, and this interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

The review date for this action has been established as August 24, 1981.

In addition to combining several documents into and application, policy, and appendix which will be easier to understand, the revised regulations for insuring citrus in Arizona (Desert Valley) and California are combined into one overall regulation under 7 CFR Part 409, which formerly contained regulations for insuring citrus in the Arizona Desert Valley (7 CFR Part 409 Arizona-Desert Valley Citrus Crop Insurance Regulations), appearing at 42 FR 39956 (August 8, 1977). Those regulations for insuring oranges in California as contained in 7 CFR Part 406 (California Orange Crop Insurance Regulations), appearing at 42 FR 39953 (August 8, 1977), are now contained in 7 CFR Part 409. 7 CFR Part 406 is removed.

In order to meet the mandate of the Federal Crop Insurance Act, as amended, to provide a program of insurance that is based on sound actuarial principles, it is necessary to make several changes in both programs for citrus crop insurance currently operating in Arizona and California. The present citrus and orange insurance programs in those States are steadily losing participation, proving costly to administer, experiencing high loss ratios, and not meeting the needs of growers in those areas. From 1969 to 1980, the number of orange contracts declined from 1,086 to 223, while the number of citrus contracts declined from 290 to 37. Research and discussions with growers and industry leaders indicate that the current program in both areas is not meeting the economic needs of the growers, resulting in many growers dropping their insurance. The present insurance program, which pays indemnities based on a percent of damage to the crop, could create inequities. Under the current program, two growers could suffer the same percent of damage to their crops and receive the same indemnity even though one may have twice the potential yield as the other. The provisions of the regulations contained in this interim rule action have been discussed with growers and industry leaders in the two-state area. The options considered were to adopt the plan in this action or to remain with the current program for another year. It was determined by all participants in the discussions that immediate changes should be made to the program to stengthen it and improve the benefits to policyholders.

As outlined below in the revised and reissued 7 CFR Part 409, the program is changed from a percent of damage program to a guaranteed production concept. In addition, insured causes of loss include unavoidable production loss resulting from adverse weather conditions, wildlife, earthquake or fire within the insurance period, and, for the first time, protection is offered against loss of production due to Mediterranean Fruit Fly damage. Other changes provide that (1) insurance will attach to acreage on which the trees have reached the sixth growing season after being set out, (2) by written agreement, insurance may attach on acreage with less than a 90 percent stand based on the original planting pattern, (3) production guarantees (as cartons of fresh fruit) are determined by multiplying 50, 65, or 75 percent, for coverage levels 1, 2, and 3, respectively, by the individual grower's most recent 6-year average yield, which reflects the grower's own yield rather than an area yield figure, (4) a premium adjustment table, providing maximum individual contract premium discounts for good insuring experience of up to 50 percent and premium increases for unfavorable insuring experience, replacing the good experience discounts provided for in the old policy, (5) any premium balance not paid by the termination date will receive a 9 percent charge with an additional 9 percent charge applying to any unpaid balance at the end of each subsequent 12-month period, (6) the 60-day period for filing a claim is eliminated, and (7) units may be divided according to applicable guidelines on file in the office for the county, or by written agreement.

It is expected that the revised and reissued program, as outlined below, will result in a strengthening of the economic position of insured growers and provided them with a better means to meet their financial obligations regardless of growing conditions. Further, the revised and reissued program more closely follows the intent of the Federal Crop Insurance Act, as amended, assuring continuance of the program to protect citrus growers' production costs.

The Acting Manager of FCIC has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons in accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), and (3) this action conforms with the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this interim final rule applies is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by the Office of Management and Budget (OMB) Circular A-95 was not used to assure units of local government are informed of this action.

The information gathering and recordkeeping requirements of the revised and reissued regulations contained in 7 CFR Part 409 have been approved by OMB under the following control numbers:

RMS, OMB, NBR
0563-0001
0563-0003
0563-0007

It has been determined that this action constitutes a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). The sunset review date for these regulations (7 CFR Part 409) is established as June 1, 1986.

Interim Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC hereby amends 7 CFR Chapter IV as follows:

PART 406—CALIFORNIA ORANGE CROP INSURANCE [REMOVED]

1. 7 CFR Part 406 is removed and reserved.

PART 409—ARIZONA-CALIFORNIA CITRUS CROP INSURANCE

2. The Federal Crop Insurance Corporation hereby revises and reissues 7 CFR Part 409, effective with the 1981 crop year, to be known as the Arizona-California Citrus Crop Insurance Regulations, which shall remain in effect until amended or superseded, to read as follows:

PART 409—ARIZONA-CALIFORNIA CITRUS CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

Sec.
409.7 The application and policy.
Appendix A, Additional Terms and Conditions
Appendix B, Counties Designated for Arizona-California Citrus Crop Insurance

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)

§ 409.1 Availability of Arizona-California Citrus Insurance.

Insurance shall be offered under the provisions of this subpart on citrus in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which Arizona-California citrus insurance will be offered.

§ 409.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for Arizona-California citrus which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 409.3 [Reserved]

§ 409.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 409.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the Arizona-California citrus insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corportion for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 409.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the citrus crop as provided in the policy. The contract shall consist of the application, the policy, the attached Appendix A, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 409.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the citrus crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) The provisions of the application and Arizona-California Citrus Insurance Policy for the 1981 and succeeding crop years, and the Appendix A to the Arizona-California Citrus Insurance Policy are as follows:

United States Department of Agriculture, Federal Crop Insurance Corporation, Application for 19— and Succeeding Crop Years, Arizona-California Citrus Crop Insurance Contract

(Contract Number) _____

(Identification Number) _____
(Name and Address) _____
(Zip Code) _____
(County) _____
(State) _____
Type of entity _____
Applicant is over 18 Yes — No — _____

A. The applicant, subject to the provisons of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the citrus produced on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. The Premium Rates and Production Guarantees Shall be Those Shown on the Applicable County Actuarial Table Filed in the Office for the County for Each Crop Year.
Level Election _____
Price Election by Type _____

Example: For the 19— Crop Year Only (100% Share)

Location/farm No.	Type	Guarantee per acre [1]	Percentage premium rate [2]	Practice	(A)

[1] Your guarantee will be a unit basis (acres x per acre guarantee x share).
[2] Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. When Notice of Acceptance of This Application is Mailed to the Applicant by the Corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, and Shall Continue for Each Succeeding Crop Year Until

Canceled or Terminated as provided in the contract. This accepted application, the following Arizona-California citrus insurance policy, the attached Appendix A, and the provisons of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

(Signature of Applicant)
(Date)————, 19—

(Code No./Witness to Signature)
Address of Office for County:

Phone————
Location of Farm Headquarters:

Phone————

Arizona-California Citrus Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached Appendix A:

1. Causes of Loss. (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, wildlife, earthquake, fire, or Mediterranean Fruit Fly damage occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. Crop and Acreage Insured. (a) The crop insured shall be any of the insurable citrus types as defined in section 1(m) of Appendix A elected by the insured, located on insured acreage, for which the actuarial table shows a guarantee and a percentage premium rate, and in which the insured has a share on the date insurance attaches.

(b) The acreage insured for each crop year shall be that acreage of citrus located on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That the trees have reached at least the sixth growing season after being set out.

(c) Insurance may attach only by written agreement with the Corporation on any acreage with less than 90 percent of a stand, based on the original planting pattern.

3. Responsibility of Insured to Report Acreage, Share and Yield. The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of each insured citrus type in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share, (b) the insured's share therein at the time insurance attached, and (c) the most recent year's production records for the insurable acreage on each unit. Such report shall be submitted each year not later than December 10.

4. Production Guarantees, Coverage Levels, and Prices for Computing Indemnities. For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

5. Annual Premium. (a) The annual premium is earned and payable on the date insurance attaches and the amount thereof shall be determined by multiplying the insured acreage times the production guarantee per acre, times the price election per carton, times the percentage premium rate, times the insured's share on the date insurance attaches, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Percent Adjustments for Favorable Continuous Insurance Experience

Loss Ratio[1] through previous crop year	Number of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage Adjustment Factor for Current Crop Year															
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

Percent Adjustments for Unfavorable Insurance Experience

Loss Ratio[1] through previous crop year	Number of loss years through previous year[2]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage Adjustment Factor for Current Crop Year															
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided*, When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however*, if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. Insurance period. Insurance on insured acreage shall attach each crop

year on December 1 prior to such crop year and shall cease upon the earliest of harvest, total destruction of the insured citrus crop, or August 31 (Navel Oranges and Southern California Lemons), November 30 (Valencia Oranges), or July 31 (all other types of citrus) of the calendar year following the normal year of bloom.

7. Notice of damage or loss. (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county after insured damage to the citrus becomes apparent, giving the date(s) and cause(s) of such damage.

(b) If an indemnity is to be claimed on any unit, notwithstanding any prior notice of damage, the insured shall notify the office for the county of the intended date of harvest at least seven days prior to the start of harvest, and if damage occurs within the seven-day period prior to the start of or during harvest, notice of damage must be given immediately: *Provided,* That if harvest will begin after the calendar date for the end of the insurance period, the insured shall give written notice not later than the calendar date for the end of the insurance period. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(c) The citrus on any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(d) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. Claim for indemnity. (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of citrus on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of citrus on the unit by the applicable guarantee per acre, which product shall be the guarantee for the unit, (2) subtracting therefrom the total production of citrus to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately: *Provided further,* That if the Corporation determines that frost protection equipment was not properly utilized or the use thereof not properly reported, the indemnity otherwise computed for the unit shall be reduced by the percentage of premium reduction allowed for frost protection equipment. It is the responsibility of the insured to provide the Corporation a record by dates showing each use of frost protection equipment including the starting and ending times for the period of use.

(c) The total production of cartons, as defined in Appendix A of this policy, to be counted for a unit shall be determined by the Corporation and shall include all harvested production which has been marketed as fresh packed fruit and all appraised production which, as determined by the Corporation, is marketable as fresh packed fruit.

(1) Any production shall be considered marketed or marketable as fresh packed fruit unless due to insurable causes, such production was not marketed or marketable as fresh packed fruit.

(2) In the absence of acceptable records to determine the disposition of harvested citrus, the Corporation shall determine such disposition and the amount of such production to be counted for the unit.

(3) Appraised production to be counted shall include: (i) any appraisals by the Corporation for potential production on any acreage and for uninsured causes and poor farming practices and (ii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause.

(4) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (i) is not put to another use before harvest of the insured citrus type becomes general in the county, (ii) is harvested, or (iii) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. Misrepresentation and fraud. The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. Transfer of right to indemnity on insured share. If the insured transfers any part of the insured share during the crop year, the insured may transfer the right to an indemnity on an approved form. The insured shall be liable for the premium if such form is or is not executed. If such form is executed, the transferee shall have the same rights and responsibilities as the original insured for the current crop year.

11. Records and access to farm. The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, packout, storage, shipments, sale or other disposition of all citrus produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. Life of contract: Cancellation and termination. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance on any type of citrus for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

County	Cancellation date	Termination date for indebtedness
All counties	November 15	November 15

(d) In the absence of a written notice from the insured to cancel, and subject to the provisions of subsections (a), (b) and (c) of this section, and section 7 of Appendix A, the contract shall continue in force for each succeeding crop year.

Appendix A (Additional Terms and Conditions)

1. Meaning of terms. For the purposes of Arizona-California citrus crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, percentage premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding citrus insurance in the county.

(b) "Carton," as to each insured citrus type, means the standard container for marketing fresh packed fruit as shown below by citrus type, and in the absence of marketing records on such a carton basis, production shall be converted to cartons on the basis of the following average net pounds of packed fruit in a standard packed carton.

Container size	Types of fruit	Pounds
Container No. 58.	Navel oranges, Valencia oranges and Sweet oranges.	38
Container No. 56.	Lemons	40
Container No. 59.	Grapefruit	32
Container No. 63.	Tangerines (including tangelos) and Mandarin oranges.	25

(c) "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

(d) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(e) "Crop year" means the period beginning with the date insurance attaches to the citrus crop and extending through normal harvest time, and shall be designated by the calendar year in which the bloom is normally set.

(f) "Harvest" means any severance of citrus fruit from the tree either by pulling, picking, or severing by mechanical or chemical means, or picking up the marketable fruit from the ground.

(g) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(h) "Insured" means the person who submitted the application accepted by the Corporation.

(i) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(j) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured citrus crop at the time insurance attaches as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided*, That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(l) "Tenant" means a person who rents land from another person for a share of the citrus crop or proceeds therefrom.

(m) "Type of citrus" means any of the following types of fruit: Type I, Navel oranges; Type II, Sweet oranges; Type III, Valencia oranges; Type IV, Grapefruit; Type V, Lemons; Type VI, Kinnow Mandarins; Type VII, Minneola Tangelos; and Type VIII, Orlando Tangelos.

(n) "Unit" means all insurable acreage of any one of the citrus types referred to in subsection (m) of this section, located on contiguous land, on the date insurance attaches for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the citrus crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county, or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. Acreage insured. (a) The Corporation reserves the right to limit the insured acreage of citrus to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the date insurance attaches.

(b) If the insured does not submit an acreage report on or before December 10 of the calendar year in which insurance attaches, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. Irrigated acreage. (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time insurance attaches.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the insurances attaches, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. Annual premium. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the citrus operation, or (3) the contract of the same insured who stops operating a citrus grove in one county and starts operating a citrus grove in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however*, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. Claim for and payment of indemnity. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured citrus acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c), as amended: *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However*, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the

requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. Subrogation. The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The insured thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. Termination of the contract. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. Coverage level and price election. (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. Assignment of indemnity. Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. Contract changes. The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Appendix B—Counties Designated for Arizona-California Citrus Crop Insurance

In accordance with the provisions of 7 CFR 409.1, the following counties are designated for citrus crop insurance:

Arizona

Maricopa

California

Fresno
Kern
Tulare

Approved by the Board of Directors on May 16, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: June 16, 1981.

[FR Doc. 81-18774 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-08-M

Federal Grain Inspection Service

7 CFR Part 800

Limited Exemption From Inspection and Weighing Requirements for Grain Shipped to Mexico and Canada

AGENCY: Federal Grain Inspection Service.

ACTION: Interim final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) is revising the regulations under the U.S. Grain Standards Act (7 U.S.C. 71, *et seq.*) (Act) to incorporate a decision by the Administrator to exempt from certain official inspection and weighing requirements all grain exported from the United States to Canada or Mexico by rail or truck.

DATES: Effective July 1, 1981; written comments must be submitted on or before August 24, 1981.

ADDRESS: Comments should be submitted in writing and in duplicate to the Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditors Building, 1400 Independence Avenue SW., Washington, D.C. 20250, where they will be made available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, FGIS, Room 2405, Auditors Building, Washington, D.C. 20250; (202) 447-8262.

SUPPLEMENTARY INFORMATION: This final action has been issued in accordance with Executive Order 12291 and has been determined to be "nonmajor." Its purpose is to reduce a burden on the trading of grain between the United States and Canada and Mexico, without affecting the right of U.S. sellers or Canadian and Mexican buyers to obtain official inspection or weighing, if so desired. Kenneth A. Gilles, Administrator, has determined that this action will not have a significant impact on a substantial number of small entities, because its effect is to limit the applicability of certain official inspection and weighing requirements to which many small entities would otherwise be subject.

The Administrator has determined that a situation exists which warrants publication of this action as an interim final rule without prior opportunity for a public comment period. In recent years, a substantial number of elevator operators and grain merchandisers shipping grain to Canada or Mexico by truck or rail have exported less than 15,000 metric tons and so have qualified for a 15,000 metric-ton exemption from the inspection and weighing requirements of Section 5 of the Act. The exemption, set forth in section 800.19(a)(1) of the regulations, was established by FGIS to give economic relief from the official inspection and weighing requirements to small exporters, without impairing the objectives of the Act.

To date in 1981, rail and truck shipments of grain to Mexico have risen by 66 percent compared to a similar period last year—increasing from 1.19 to more than 1.98 million metric tons. Because of these increased exports, a substantial number of elevator operators and grain merchandisers shipping grain to Mexico by rail or truck will, within a short period of time, exceed the 15,000 metric-ton limit and no longer qualify for the exemption in section 800.19(a)(1). In order to ensure that such shippers can continue to export grain without incurring costs resulting from imposition of the official inspection and weighing requirements, a number of U.S. exporters have requested that the Administrator take necessary action without delay to broaden the exemption and exempt from such requirements all grain shipped by truck or rail from the United States to Mexico. The principal grain purchasing agency of the Mexican government has concurred with these requests. In reviewing the situation with regard to exports to Mexico, it appears to the Administrator that the same or similar conditions apply to grain shipped by rail or truck to Canada. Further, the Administrator has determined that at this time, such a limited exemption would not impair the objectives of the Act, because the class of shipments involved represents only a small percentage of U.S. grain exports overall. In order to prevent any interruption in the marketing of U.S. grain in Mexico or Canada, FGIS is amending section 800.19(a) of the regulations at this time.

Information presently available to FGIS indicates that Mexican and Canadian purchasers are not experiencing problems with the grain that they receive from U.S. sellers. Compared with overseas importers of U.S. grain, Mexican and Canadian purchasers of grain shipped by rail or truck deal with smaller lots of grain, which are more assessable than grain in shiplots. These purchasers thus appear to be in a better position than overseas importers to identify specifically any quality or weight discrepancies which might arise and resolve such discrepancies directly with the U.S. exporter, without the need for official inspection and weighing requirements.

Accordingly, this action is being implemented as an interim final rule, effective July 1, 1981. Under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this action effective July 1, 1981. Comments are solicited through August 24, 1981, and this action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

This action revises section 800.19 of the regulations, published at 45 FR 15816 and codified in 7 CFR 800.19. As revised, section 800.19 will include a provision exempting from the inspection and weighing requirements of Section 5 of the Act all grain shipped by rail or by truck to Mexico or Canada.

There are no conditions attached to this exemption, and those elevator operators or grain merchandisers intending to export grain under the exemption will not be required to so notify FGIS.

Accordingly, a new subparagraph (4) is added to paragraph (a) of 7 CFR 800.19 to read as follows:

§ 800.19 Exemptions and waivers of the official inspection and class X weighing requirements.

(a) *Exemptions.* * * *

(4) Grain shipped by rail or truck to Canada or Mexico. Official inspection and Class X weighing requirements shall not apply to grain that is shipped by rail or by truck from the United States to Canada or to Mexico.

* * * * *

(Sec. 6, Pub. L. 94-582, 90 Stat. 2869 (7 U.S.C. 77))

Done in Washington, DC on June 23, 1981.

Kenneth A. Gilles,

Administrator.

[FR Doc. 81-18940 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 669]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period June 26–July 2, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: June 26, 1981.

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

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and is not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on June 23, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is improving.

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

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

1. Section 908.969 is added as follows:

§ 908.969 Valencia Orange Regulation 669.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period June 26, 1981, through July 2, 1981, are established as follows:

(1) District 1: 306,000 cartons;

(2) District 2: 294,000 cartons;

(3) District 3: unlimited cartons.

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

Dated: June 24, 1981.

D.S. Kuryloski

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

[FR Doc. 81-19051 Filed 6-24-81; 12:09 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-SO-40; Amdt. No. 39-4140]

Airworthiness Directives; Teledyne Continental Motors 360 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and, if necessary, replacement of the engine oil

pump drive gear on certain Teledyne Continental Motors (TCM) Models IO-360, TSIO-360, and LTSIO-360 series engines. The AD is prompted by reports of engine oil pump shaft failures which have resulted in inflight engine failures, subsequent emergency landings and aircraft accidents.

DATES: Effective June 30, 1981.

Compliance Schedule—As prescribed in body of AD.

ADDRESSES: The applicable sections of Teledyne Continental Motors Overhaul Manual, Form X-30030A, can be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, Alabama 36601.

A copy of the applicable sections of the TCM Overhaul Manual, Form X-30030A, is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT:

Walter G. Stiner, ASO-214, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: There have been reports of TCM IO-360, TSIO-360 and LTSIO-360 series engine failures resulting from oil pump drive gear shaft failures at the Woodruff key slot. These oil pump failures have been attributed to improper torque on the retaining nut or tach drive adapter, whichever is applicable. When low torque exists, the driving force for the oil pump gear is applied at the Woodruff key, resulting in fatigue failure of the oil pump drive gear shaft. New engines are being assembled without the Woodruff key, and it is planned to omit key slot in the shaft on future gear production runs. An overtorque on the retaining nut or tach drive adapter can also cause failure of the oil pump drive gear shaft. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires inspection to determine the torque, retorquing and possible replacement of the engine oil pump drive gear with a serviceable part on certain TCM IO-360, TSIO-360 and LTSIO-360 series engines.

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

Adoption of the Amendment

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

Teledyne Continental Motors: Applies to the following Teledyne Continental Motors IO-360, TSIO-360, and LTSIO-360 series engines:

IO-360-C, IO-360-D, IO-360-G, IO-360-H, and IO-360-J, all serial numbers;
IO-360-K, all serial numbers, unless AD 80-07-03 already complied with;
IO-360-AB, IO-360-CB, and IO-360-DB, all serial numbers;
IO-360-GB, all serial numbers through Serial Number 352894;
IO-360-HB, all serial numbers through Serial Number 353351;
IO-360-JB, all serial numbers; and IO-360-KB, all serial numbers through Serial Number 356721.
TSIO-360-A, TSIO-360-B, TSIO-360-C, TSIO-360-D, TSIO-360-E, TSIO-360-F, TSIO-360-CB, and TSIO-360-DB, all serial numbers;
TSIO-360-EB, all serial numbers through Serial Number 311689;
TSIO-360-FB, all serial numbers through Serial Number 310610;
TSIO-360-GB, all serial numbers through Serial Number 309582;
TSIO-360-KB, all serial numbers through Serial Number 315050;
LTSIO-360-E, all serial numbers; LTSIO-360-EB, all serial numbers through Serial Number 312680;
LTSIO-360-KB, all serial numbers through Serial Number 314048.

Compliance is required within the next twenty-five (25) hours time in service after the effective date of this AD unless already accomplished. To prevent engine oil pump drive shaft failure and subsequent engine failure due to oil pressure loss, accomplish the following:

(a) Remove tach drive cover or tach drive adapter, as applicable, from the crankcase cover assembly.

(b) Measure the breakaway torque on the oil pump drive gear nut or the tach drive connector.

Note.—The oil pump drive gear, P/N 640926, used on the LTSIO-360 engines incorporates a left-hand thread. Thus, the breakaway torque must be measured on LTSIO-360 engines in a clockwise direction; the tightening torque must be applied in a counter-clockwise direction.

(c) If the breakaway torque is between 200 inch-pounds and 350 inch-pounds, retorque the oil pump drive gear nut or the tach drive connector, whichever is applicable, to 280-300 inch-pounds. Reinstall the tach drive cover or the tach drive adapter and make the appropriate entry in the engine maintenance records, indicating compliance with this AD.

(d) If the breakaway torque is less than 200 inch-pounds or greater than 350 inch-pounds, prior to further flight, accomplish either of the following:

(1) Replace the TCM oil pump drive gear, P/N 632550, 634010, or 640926, whichever is applicable, with a like serviceable part of the same part number. Omit the Woodruff key, P/N MS35756-1. (Refer to TCM Manuals Numbers X-30030A and X30031A), or

(2) Perform a magnetic particle inspection of the oil pump drive gear, P/N 632550, 634010, or 640926, whichever is applicable, in accordance with Section VI of the TCM Overhaul Manual Number X-30030A. Give particular attention to the Woodruff key slot and threaded area. If the oil pump gear is found cracked, damaged, or worn beyond limits, replace with a serviceable part of the same part number. Omit the Wodruff key, P/N MS35756-1. (Refer to TCM Manuals Numbers X-30030A and X30031A.)

(e) Install the oil pump drive gear nut or the tach drive connector, as applicable, and torque to 280-300 inch-pounds. Reinstall the tach drive cover or the tach drive adapter and make the appropriate entry in the engine maintenance records.

(f) For all oil pump drive gears found with less than 200 or more than 350 inch-pounds of torque during compliance with this AD, within 10 days mail a written report containing the Engine Model, Serial Number, time in service, and measured torque and results of drive gear inspection to: Federal Aviation Administration, ASO-214, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Georgia 30320. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

An equivalent method of complying with this AD may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320.

This amendment becomes effective June 30, 1981.

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

Note.—The FAA has determined that this regulation is an emergency regulation under the President's Memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in East Point, Georgia on June 9, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-18442 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21835, Amdt. 39-4149]

Kawasaki Heavy Industries, Ltd., Model KV 107-II/-IIA Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires the inspection of certain pitch bearing housings and blade sockets, and the installation of crack detector wires on certain Kawasaki Heavy Industries, Ltd., Model KV 107-II/-IIA series helicopters. Cracks, if allowed to progress, could result in separation of the rotor blade from the aircraft.

DATES: Effective July 9, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESS: The applicable service bulletin may be obtained from: Kawasaki Heavy Industries Ltd., Aircraft Division, Kawasakicho, Kakamigahara, Gifu Prefecture, Japan.

A copy of the service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Airworthiness District Office, APC-210, FAA, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850, Telephone: (808) 546-8650/8658, or J. McGrath, Acting Chief, Policy Standards Section, AWS-111, FAA, 800 Independence Avenue SW., Washington, DC 20591, Telephone: (202) 426-8192.

SUPPLEMENTARY INFORMATION: Amendment 39-2156, AD 64-21-06, required inspection of certain pitch bearing housings and blade sockets on the Boeing Vertol Model 107-II series helicopters. Amendment 39-3122 (43 FR 1295), AD 78-01-17, was issued on the Kawasaki Heavy Industries Models KV 107-II/-IIA series helicopters to cover 10 different service problems including requirements similar to AD 64-21-06 on the Boeing Vertol. Recently AD 64-21-06 was amended by Amendment 39-3827 (46 FR 45263) to include: installation of crack detector wires and inspection of the pitch bearing housings; a visual inspection of the blade sockets for cracks; and to establish a life limit for the pitch bearing housings. Failure of the pitch bearing housings or blade sockets could result in separation of the rotor blade and loss of control of the helicopter. In view of the similarity of the type design of the Kawasaki models and the Boeing Vertol Models, it is likely that the same unsafe condition exists on the Kawasaki helicopters. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires installation of crack detector wires and inspection of the pitch bearing housings, visual inspection of the blade sockets and establishment of a life limit for the pitch bearing housing on certain Kawasaki Heavy Industries Model KV 107-II/-IIA series helicopters.

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

Adoption of the Amendment

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

Kawasaki Heavy Industries, Ltd. Applies to Model KV 107-II and KV 107-IIA helicopters, certificated in all categories. Compliance required as indicated, unless already accomplished.

To prevent fatigue failure of the rotor pitch housing, accomplish the following:

(a) For aft rotor pitch bearing housings, P/N's 107R2553-8, -10, -14, and -16:

(1) Prior to the accumulation of 1,000 hours time in service, or within the next 50 hours time in service after the effective date of this AD, whichever occurs later, install crack detector wires on pitch bearing housings in accordance with Part I, "Installation Procedure," of Kawasaki Service Bulletin No. KSB-V107-615, dated September 10, 1980 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(2) Within the next 50 hours time in service after the effective date of this AD, inspect the lug area of the pitch bearing housings for cracks in accordance with Part II, "Inspection Procedure," of the Service Bulletin, or an FAA-approved equivalent, and continue to inspect at intervals not to exceed 25 hours time in service.

(b) For forward rotor pitch bearing housings, P/N's 107R2553-7, -9, -13, and -15:

(1) Prior to the accumulation of 2,000 hours time in service, or within the next 100 hours time in service after the effective date of this AD, whichever occurs later, install crack detector wires on pitch bearing housings in accordance with Part I, "Installation Procedure," of the Service Bulletin, or an FAA-approved equivalent.

(2) Within the next 100 hours time in service after the effective date of this AD, inspect the lug area of the pitch bearing housings for cracks in accordance with Part II, "Inspection Procedure," of the Service Bulletin, or an FAA-approved equivalent, and continue to inspect at intervals not to exceed 50 hours time in service.

(c) Conduct a visual inspection for cracks in the lug area of blade sockets, P/N's 42R1043-11, -12, -13, and -14, at intervals not to exceed 50 hours time in service. This may be accomplished without disassembly from the helicopter.

(d) If any cracks are found as a result of the inspections required by paragraphs (a), (b), and (c) of this AD, before further flight, replace with a serviceable part of the same part number, or an FAA-approved equivalent, and continue to inspect in accordance with this AD.

(e) Retire from service all rotor pitch bearing housings, P/N's 107R2553-7, -8, -9, -10, -13, -14, -15, and -16, prior to the accumulation of 5,000 hours time in service.

(f) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Airworthiness District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

(g) Upon request of an operator and submission of substantiating data, the Chief, Airworthiness District Office, Pacific-Asia Region, may upon recommendation of the cognizant FAA aviation safety inspector adjust the compliance time specified in this AD.

This amendment becomes effective July 9, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Kawasaki Heavy Industries, Ltd., Aircraft Division, Kawasakicho, Kakamigahara, Gifu Prefecture, Japan. The documents may also be examined at the FAA, Pacific-Asia Region, Airworthiness District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, and Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to

[1] Service Bulletin filed as part of original document.

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

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

Issued in Washington, DC, on June 17, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-18592 Filed 6-24-81; 8:45 am]

BILLING CODE 4510-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-26]

Alteration of Control Zone: Kingsville, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the control zone at Kingsville, Tex. This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing the NAS Kingsville, Tex. The amendment is necessary since the current instrument approach procedures to the NAS Kingsville, Tex., have been modified with a crossing restriction, with the exception of the nondirectional radio beacon (NDB) approach to Runway 35R. Therefore, a portion of the controlled airspace can be canceled.

DATES: Effective date—October 1, 1981. Comments on the rule must be received before August 6, 1981.

ADDRESSES: Send comments on the action in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region: Docket No. 81-ASW-26, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

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

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F 71.171 as republished in the Federal Register on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zone at Kingsville, Tex., will necessitate an amendment to this subpart. A review of the necessary controlled airspace has revealed that a reduction in the dimensions can be made and continue to provide adequate protection for aircraft.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR 71) amends the dimensions of the Kingsville, Tex., control zone. Because this action reduces a burden on the public by releasing controlled airspace, I find that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Section 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished (46 FR 455) is amended, effective 0901 GMT, October 1, 1981, as follows:

Kingsville, Texas

Within a 5-mile radius of the NAS Kingsville (latitude 27°30'10"N., longitude 97°48'48"); within 2 miles each side of the Kingsville UHF RBN 199° bearing, extending from the 5-mile radius area to 7 miles south of the UHF RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11/61(c))

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

Issued in Fort Worth, Texas, on June 16, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-18590 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 121 and 135

[Docket No. 20659; Amendment Nos. 121-172 and 135-16]

Elimination of Duties and Activities of Flight Crewmembers Not Required for the Safe Operation of Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, notice of change of effective date.

SUMMARY: This amendment amends the effective date of Amendments 121-168 and 135-11 issued on January 14, 1981. The effective dates are being postponed for an additional 30 days at the direction of the Office of Management and Budget in order that they be allowed to complete their review of these amendments as required by Section 7, paragraph (b), of Executive Order 12291.

EFFECTIVE DATE: As of June 18, 1981, the effective date of the regulations published at 46 FR 5500 is delayed until July 18, 1981.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Assistant Chief Counsel (AGC-200), Regulations and Enforcement Division, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426-3073.

SUPPLEMENTARY INFORMATION: On January 14, 1981, the FAA issued Amendment Nos. 121-168 and 135-11 (46 FR 5500, January 19, 1981). These amendments prohibit performance of nonessential duties and activities by flight crewmembers which are not required for the safe operation of aircraft during critical phases of flight. These amendments require operators and flight crewmembers to assure a flight deck environment that is free from distractions created by the performance of nonessential flight crewmember duties.

Executive Order 12291 was issued by the President on February 17, 1981. Section 7, paragraph (b), requires that

agencies report any regulation falling within the requirements of this section to the Director of the Office of Management and Budget (OMB) prior to the effective date of any rule that the agency had promulgated in final form, as of the date of the Executive Order, and that had not become effective. Since the effective date of Amendments 121–168 and 135–11 was May 18, 1981, it was necessary that the Director be notified of this rule. The General Counsel of the Department of Transportation notified OMB that this had been reconsidered under the Executive Order and should become effective.

On May 15, 1981 the Office of Information and Regulatory Affairs, OMB, notified the Office of the General Counsel of the Department of Transportation, by telephone, that they needed more time to review this rule and that, therefore, the effective date of the rule had to be postponed. In accordance with this direction, the effective date of this rule was postponed by 30 days to June 18, 1981. (46 FR 28305; May 26, 1981).

The FAA has not been advised that OMB has completed its review. Therefore, the effective date of this rule is further postponed to July 18, 1981.

Adoption of Amendment

In order to provide additional time for OMB to review this rule in accordance with Executive Order 12291, the effective dates of Amendments 121–168 and 135–11 are amended to be July 18, 1981.

(Secs. 313(a) and 601 through 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1425); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—Since this document only involves a change of effective dates, the FAA has determined that: (1) It is not a major regulation under Executive Order 12291; (2) It is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) It does not warrant preparation of a regulatory evaluation as the impact is so minimal; and (4) It would not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it is relieving in nature.

Issued in Washington, D.C. on June 17, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-18868 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 353

Strontium Nitrate From Italy; Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Antidumping duty order.

SUMMARY: In separate investigations the U.S. Department of Commerce ("the Department") and the U.S. International Trade Commission ("ITC") have determined that strontium nitrate from Italy is being sold at less than fair value and that these sales are materially injuring a U.S. industry. Therefore, all unappraised entries of this merchandise made on or after February 18, 1981—the date from which final assessment of duty has been suspended—will be liable for the possible assessment of special dumping duties. Further, a deposit of estimated antidumping duties must be placed on all such entries made on and after publication of this order in the **Federal Register**.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Hudak, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3530).

SUPPLEMENTARY INFORMATION: On February 18, 1981, we published our preliminary determination that strontium nitrate imported from Italy was being, or was likely to be, sold in the United States at less than fair value (46 FR 12769). On May 7, 1981, we announced our final determination that these imports were being sold at less than fair value (46 FR 25496).

In accordance with section 735(b) of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673d(b)), the ITC determined that an industry in the United States is being materially injured by reason of imports of strontium nitrate from Italy. On June 15, 1981, it notified us of this decision.

In accordance with section 736 of the Act (19 U.S.C. 1673e), I am directing U.S. Customs officers to assess an antidumping duty equal to the amount by which the foreign market value of the merchandise exceeds the U.S. price for all entries of strontium nitrate as herein defined, imported from Italy, subject to the "Suspension of Liquidation" notice published in the **Federal Register** on February 18, 1981 (46 FR 12769) and all future entries of said merchandise until further notice.

For the purpose of this notice, the term strontium nitrate applies to a chemical compound, currently classifiable under item 421.74 of the Tariff Schedules of the United States.

On or after the date of publication of this notice, Customs officers shall require, at the same time as importers deposit their estimated normal customs duties on the merchandise, an additional cash deposit of estimated dumping duties equal to 2.6 percent *ad valorem* of the f.o.b. value of the merchandise, pending final liquidation of entries.

PART 353, ANNEX 1 [AMENDED]

I hereby make public this determination, which constitutes an antidumping duty order with respect to strontium nitrate from Italy pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). Accordingly, we are amending Annex 1, Part 353 of Title 19 of the Commerce Regulations (45 FR 8208) by adding the following to the list of antidumping duty orders currently in effect:

Merchandise	Country	Decision
Strontium nitrate	Italy	(46 FR 32864).

B. W. Partridge,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-18807 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

19 CFR Part 353

Precipitated Barium Carbonate From the Federal Republic of Germany; Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Antidumping duty order.

SUMMARY: In separate investigations the U.S. Department of Commerce ("the Department") and the U.S. International Trade Commission ("ITC") have determined that precipitated barium carbonate from the Federal Republic of Germany ("FRG") is being sold at less than fair value and that these sales are materially injuring a U.S. industry. Therefore, all unappraised entries of this merchandise made on or after February 18, 1981—the date from which final assessment of duty has been suspended—will be liable for the possible assessment of special dumping duties. Further, a deposit of estimated antidumping duties must be placed on all such entries made on and after

publication of this order in the Federal Register.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Alain Letort, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1273).

SUPPLEMENTARY INFORMATION: On February 18, 1981, we published our preliminary determination that precipitated barium carbonate imported from the Federal Republic of Germany ("FRG") was being, or was likely to be, sold in the United States at less than fair value (46 FR 12767). On May 7, 1981, we announced our final determination that these imports were being sold at less than fair value (46 FR 25494).

In accordance with section 735(b) of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673d(b)), the ITC determined that an industry in the United States is being materially injured by reason of imports of precipitated barium carbonate from the FRG. On June 15, 1981, it notified us of this decision.

In accordance with section 736 of the Act (19 U.S.C. 1673e), I am directing U.S. Customs officers to assess an antidumping duty equal to the amount by which the foreign market value of the merchandise exceeds the U.S. price for all entries of precipitated barium carbonate, as herein defined, imported from the FRG, subject to the "Suspension of Liquidation" notice published in the Federal Register on February 18, 1981 (46 FR 12767) and all future entries of said merchandise until further notice.

For the purpose of this notice, the term "precipitated barium carbonate" applies to a chemical compound ($BaCO_3$), currently classifiable under item 472.06 of the Tariff Schedules of the United States.

On or after the date of publication of this notice, Customs officers shall require, at the same time as importers deposit their estimated normal customs duties on the merchandise, an additional cash deposit of estimated dumping duties equal to 9.9 percent *ad valorem* of the f.o.b. value of merchandise, pending final liquidation of entries.

PART 353, ANNEX 1 [AMENDED]

I hereby make public this determination, which constitutes an antidumping duty order with respect to precipitated barium carbonate from the FRG, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). Accordingly, we are amending Annex 1, Part 353 of Title 19 of the Commerce Regulations (45 FR 8208) by adding the following to the list of antidumping duty orders currently in effect:

Merchandise	Country	Decision
Precipitated barium carbonate	Federal Republic of Germany	(46 FR 32865).

B. W. Partridge,

Deputy Assistant Secretary for Import Administration.

June 19, 1981.

[FR Doc. 81-18808 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP OH5271/OH5273/OH5274/R77; PH-FRL-1861-7]

Carbon Dioxide, Nitrogen, and Combustion Product Gas; Tolerances for Pesticides in Food Administered by the Environmental Protection Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 21 CFR Part 193 by establishing food additive regulations concerning the use of carbon dioxide, nitrogen, and combustion product gas. These regulations were requested by the Interregional Research Project No. 4 (IR-4). These regulations establish food additive regulations for the subject chemicals in or on all processed agricultural commodities when used postharvest as an insecticide.

EFFECTIVE DATE: Effective on June 25, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environental 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 that published in the Federal Register of March 3, 1981 (46 FR 14955) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has filed food additive petitions OH5271, OH5273, and OH5274 with the EPA on behalf of the IR-4 Technical Committee and the U.S. Department of Agriculture.

These petitions proposed that 21 CFR Part 193 be amended by establishing food additive regulations concerning the use of carbon dioxide, nitrogen, and combustion product gas in or on all processed agricultural commodities when used postharvest as an insecticide. No comments were received by the Agency in response to this notice of filing.

A document establishing exemptions from the requirement of a tolerance for carbon dioxide, nitrogen, and combustion product gas in or on all raw agricultural commodities was published in the Federal Register of November 17, 1980 (45 FR 75663).

The data submitted in the petitions and all other relevant material have been evaluated.

Carbon dioxide and nitrogen are currently recognized as multiple-purpose, generally recognized as safe (GRAS) food substances when used in accordance with good manufacturing practices (21 CFR 182.1240 and 182.1540, respectively). Combustion product gas is recognized to be safe as a secondary direct food additive when used to displace oxygen in the processing, storage, or packaging of beverages and other food, except red meat (21 CFR 173.350). The carbon monoxide content is not to exceed 4.5 percent by volume in this regulation.

The modified atmospheres will contain the same elements which constitute air except they are in different proportions. The usual data requirements (toxicological studies, metabolism studies, analytical methods, and residue data) for food additive petitions are not applicable to carbon dioxide, nitrogen, and combustion product gas and are thus waived.

The chemicals are considered useful for the purpose for which the regulations are sought, and it is concluded that the pesticides can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), amended (96 Stat. 973; 76 U.S.C. 136 et seq.).

Therefore, the regulations amending 21 CFR Part 193 are being established as set forth below.

Any person adversely affected by these regulations may, on or before July 27, 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 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 regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels 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** of May 4, 1981 (46 FR 24945).

Effective on: June 25, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: June 11, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR Part 193 is amended by adding §§ 193.45, 193.65, and 193.323 to read as follows:

§ 193.45 Carbon dioxide.

The food additive carbon dioxide may be safely used after harvest in modified atmospheres for stored product insect control on all processed agricultural commodities.

§ 193.65 Combustion product gas.

The food additive combustion product gas may be safely used after harvest in modified atmospheres for stored product insect control on all processed agricultural commodities (except fresh meat) with the following prescribed conditions:

(a) The combustion product gas is produced by the controlled combustion in air of butane, propane, or natural gas. The combustion equipment shall be provided with an absorption type filter capable of removing possible toxic impurities through which all gas used in the treatment of food shall pass and with suitable controls to insure that any combustion products failing to meet the specifications provided will be prevented from reaching the food being treated.

(b) The insecticide meets the following specifications:

(1) Carbon monoxide content not to exceed 4.5 percent by volume.

(2) It is used or intended for use to displace or remove oxygen in the storage of food, except fresh meat.

§ 193.323 Nitrogen.

The food additive nitrogen may be safely used after harvest in modified atmospheres for stored product insect control on all processed agricultural commodities.

[FR Doc. 81-18752 Filed 6-24-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 68-81]

Production or Disclosure of Material or Information

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This is a final rule implementing a proposed rule published by the Drug Enforcement Administration (DEA), Department of Justice, on August 6, 1980. The rule exempts a new Privacy Act system of records entitled "Regional Automated Intelligence Data System (RAIDS)," JUSTICE/DEA-028, from certain Privacy Act provisions. Exemption is required to ensure the confidentiality of information compiled for narcotics intelligence and narcotics law enforcement purposes.

DATE: The rule will be effective June 25, 1981.

ADDRESS: All comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-3452).

SUPPLEMENTARY INFORMATION: On August 6, 1980 DEA issued proposed regulations exempting the new system of records from the provisions of 5 U.S.C. 522a(c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) pursuant to 5 U.S.C. 522a(j) and (k). No comments have been received regarding the proposed regulations.

This rule is exempt from Executive Order 12291 because it relates to agency management.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 522a(j) and (k), and delegated to me by Attorney General Order No. 793-78, the proposed regulations published in the **Federal Register** on August 6, 1980, are adopted without change as set forth below.

Dated: June 17, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

Section 16.98 is amended by adding paragraph (c)(16).

§ 16.98 Exemption of Drug Enforcement Administration Systems.

* * * * *

(c) * * *

(16) Regional Automated Intelligence Data System (RAIDS) (JUSTICE/DEA-028).

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[FR Doc. 81-18735 Filed 6-24-81; 8:45 am]

BILLING CODE 4410-09-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2613

Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals From and Terminations of Plans to Which More Than One Employer Contributes Other Than Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: On January 28, 1981, the Pension Benefit Guaranty Corporation (PBGC) published in the **Federal Register** at 46 FR 9520, FR Doc. 81-2984, a final rule prescribing the rules for the determination and payment of employer liability under Sections 4062 and 4067 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. The final regulation contained an erroneous reference as to where within the PBGC plan sponsors of terminating defined benefit pension plans covered under the plan termination insurance program of Title IV should send their employer liability payments. This document corrects the error in the regulation.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, NW., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-2984, appearing at page 9520,

January 28, 1981, on page 9528, column 3, § 2613.10(b), line 5 should read: "the Division of the Treasurer, Office of".

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-18824 Filed 6-24-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 183

[CGD 81-001]

Standards for Boats and Associated Equipment; Applicability to the "OMC Sea Drive" Power System

AGENCY: Coast Guard, DOT.

ACTION: Interpretive Rule.

SUMMARY: The Coast Guard is issuing an interpretive rule to state how its standards for boats and associated equipment will be applied to Outboard Marine Corporation's recently introduced "OMC Sea Drive" power system and the boats on which it is installed.

EFFECTIVE DATE: This interpretive rule is effective on July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lars E. Granholm, Office of Boating, Public, and Consumer Affairs (G-BBT/42), U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-4027.

SUPPLEMENTARY INFORMATION: Outboard Marine Corporation has recently introduced a new marine power system trademarked "OMC Sea Drive." This system consists of an engine and a mounting bracket that is permanently attached to the outside surface of a boat's transom. Outboard Marine Corporation has requested the Coast Guard to determine how the standards for boats and associated equipment in 33 CFR Part 183 will apply to this new system.

The Coast Guard has decided to treat the "OMC Sea Drive" essentially as an outboard motor. With the exception of the provisions specified below, any standard that applies to an outboard motor and an outboard motor boat shall apply to the "OMC Sea Drive" and the boats on which it is installed.

The requirement for displaying maximum horsepower capacity under 33 CFR 183.23 will not apply to boats equipped with the "OMC Sea Drive." The purpose of this requirement is to furnish boat owners with guidance for installing motors that are suitable for their boats. This information would be unnecessary on boats equipped with the "OMC Sea Drive," because these units will already be installed when the boats are purchased. For this reason the horsepower capacity may be omitted. However, horsepower capacity may be displayed at the manufacturer's option, or replaced with the "OMC Sea Drive" model designation. Because the installation will already be made at the time of sale, a boat may only be equipped with an "OMC Sea Drive" unit that is rated at or below its horsepower capacity.

Under 33 CFR 183, assumed weights for outboard motors of specified horsepower ratings are used in calculating persons capacity and in meeting flotation and stability standards. The weight that must be used is taken from a table in the regulations. Since the "OMC Sea Drive" engines will be installed with heavy mounting components, the weights listed in this table would not be representative. Therefore, the actual weight of these engines and related mounting hardware must be used in calculating persons capacity under 33 CFR 183.41. Actual weight must also be used in preconditioning boats for flotation, stability, and level flotation tests under 33 CFR 183.220.

Under 33 CFR 183.25, an entry for "XXX Pounds, persons, motor, gear" must be included in the display of capacity information for outboard boats. The word "motor" may be deleted from this entry on boats equipped with "OMC Sea Drive", provided the weight displayed is reduced by the actual weight of the "OMC Sea Drive", its related mounting hardware, and controls, and by the assumed weight of the battery taken from a table in the regulations. The actual weight of the "OMC Sea Drive" motor must include the weights of any components which are peculiar to this powering system. This will allow the operator to disregard the weight of the motor, controls and battery, in determining the maximum load the boat is capable of carrying.

Should similar units be introduced by Outboard Marine Corporation or other manufacturers, they will be evaluated by the Coast Guard in the same manner as the "OMC Sea Drive".

As this is an interpretive rule, it is exempted from the notice and comment requirements of 5 U.S.C. 553, and may be made effective in less than 30 days. This action merely defines how a new article of marine equipment will be treated under existing regulations. It establishes no requirements that would have an economic impact upon government entities, manufacturers, or the consuming public. Preparation of a final evaluation has therefore been found unnecessary under the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). This action has also been determined not to be a major rule under Executive Order 12291. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act were taken in consideration, and, for the reasons discussed above, this action will not have a significant effect on small entities.

DRAFTING INFORMATION: The principal persons involved in drafting this interpretive rule are Mr. Lars E. Granholm, Project Manager, Office of Boating, Public, and Consumer Affairs, and Mr. Coleman Sachs, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 183 of Title 33, Code of Federal Regulations is amended by adding a new Subpart N, as set forth below.

Subpart N—Special Provisions

Sec.

183.901 Applicability to "OMC Sea Drive" installations.

Authority: 46 U.S.C. 1454, 1458 and 1488; 49 CFR 1.46(n)(1).

§ 183.901 Applicability to "OMC Sea Drive" installations.

(a) All provisions in this Part that apply to outboard motors shall apply to the Outboard Marine Corporation's "OMC Sea Drive" power system, and all provisions in this Part that apply to outboard motor boats shall apply to any boat on which the "OMC Sea Drive" is installed, except:

(1) The requirement for display of maximum horsepower capacity under § 183.23. However, the manufacturer may display it or substitute "OMC Sea Drive, Model XXX" for the marking "XXX Horsepower, motor" prescribed in § 183.25(b)(1).

(2) The marking of "XXX Pounds, persons, motor, gear" prescribed in §183.25(b)(1) may be replaced by "XXX Pounds, persons, gear", provided that the weight displayed is reduced by the actual weight of the "OMC Sea-Drive" and its related mounting hardware and controls and by the appropriate battery weight listed in columns 3 of Table 4 in this Part.

(3) The requirement for using motor and control weights listed in any table

in this Part for calculating persons capacity under § 183.41, or for performing preconditioning for the test under § 183.220. The actual weight of the "OMC Sea Drive" and its related mounting hardware shall be used instead.

(b) No boat shall be equipped with an "OMC Sea-Drive" that exceeds its horsepower capacity, as determined under § 183.53.

(46 U.S.C. 1454, 1458 and 1488; 49 CFR 1.46(n)(1))

Dated: May 13, 1981.

H. W. Parker,

Rear Admiral, U.S. Coast Guard.

[FR Doc. 81-18796 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EN-FRL-1844-6]

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1981 and 1982 Model Year Light-Duty Vehicles

Correction

In FR Doc. 81-17805, published at page 31411, on Tuesday, June 16, 1981, make the following corrections:

(1) On page 31412, in the third column, in the table under § 86.082-8, in the fourth line under "Engine Family" "316" should be corrected to read "326".

(2) In the same table the last two lines should read as two entries: "Toyota Motor Co., Ltd." beside "88.6 CID." and on a separate line "Volkswagen of America" beside "1.7 liter/FBC."

BILLING CODE 1505-01-M

40 CFR Part 761

[OPTS-62012; TS-FRL-1832-4]

Polychlorinated Biphenyls (PCB's); Court Order Regarding PCB's in Concentrations Below Fifty Parts Per Million

Correction

In FR Doc. 81-15043 appearing at page 27615 in the issue of Wednesday, May 20, 1981, on page 27616, the line reading: "Dated: May 14, 1981." should appear just above the signature reading, "Edward H. Clark II".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73
Radio Broadcast Services

[Docket No. 21473; FCC 81-45]

Conversion of Radiation Patterns for AM Broadcast Stations; Correction

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Correction.

SUMMARY: This document corrects an error made concerning the effective date of the Final Rule in this proceeding regarding the rules governing the Conversion of Radiation Patterns for AM Broadcast Stations (46 FR 11983; published on February 12, 1981).

FOR FURTHER INFORMATION CONTACT: John Boursy, Broadcast Bureau, 632-6485.

On January 29, 1981, the Commission adopted a Final Rule (Report and Order, FCC Number 81-45) which appeared in the **Federal Register** on February 12, 1981 on page 46 FR 11983 concerning the above-mentioned Docket proceeding. Inadvertently, the effective date of the Report and Order was misquoted as being March 16, 1981. The correct date should read March 17, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-18739 Filed 6-24-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 371

Fraser River Sockeye and Pink Salmon Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of final rule.

SUMMARY: NOAA reprints the International Pacific Salmon Fisheries Commission's 1981 regulations to implement the Convention for Protection, Preservation, and Extension of the Sockeye Salmon and Pink Salmon Fisheries of the Fraser River System between the United States and Canada (Convention). The regulations discharge a foreign affairs obligation of the United States and are necessary to achieve the objectives of the Convention in 1981. The intended effect of the regulations is to ensure adequate escapement of each spawning unit and an equitable division of catch between U.S. and Canadian fishermen. These rules do not apply to Treaty Indians exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places.

EFFECTIVE DATE: 12:01 a.m. on June 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. H. A. Larkins, Regional Director, 1700 Westlake Avenue North, Seattle, Washington 98109, Telephone: (206) 442-7575.

SUPPLEMENTARY INFORMATION: On February 26, 1981, the International Pacific Salmon Fisheries Commission (the Commission) forwarded proposed regulations for the 1981 commercial fishing season for sockeye and pink salmon in Convention Waters to the Government of the United States for approval, as required by Article VI of the Convention for Protection, Preservation, and Extension of the Sockeye Salmon and Pink Salmon Fisheries of the Fraser River System (the Convention) between the United States and Canada. The United States has provisionally approved those regulations, with the exception that the regulations would not apply to Treaty Indians exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places. These fisheries are regulated by 25 CFR Part 256, published by the Department of Interior.

At the May 15, 1981, meeting of the IPSFC, the Commission approved revision of the regulations that were approved on February 6. The Commission also added a sockeye and pink salmon troll fishing regulation in United States Convention waters westerly of the Tatoosh Island—Bonilla Point (Vancouver Island) line. This notice of final rulemaking incorporates these changes and, thus, is the most recent information.

Regulations for 1981 are similar to regulations adopted by the Commission in previous years to implement the Convention. The regulations for 1980 were published at 45 CFR 43768. The 1981 regulations include pink salmon which returns every other year and which were not included in 1980 and amend the 1980 schedules of fishing by gillnets, purse seines and reef nets to 1981 calendar dates

The pre-season fishing schedule in 1980 established by the Commission, and approved by the U.S. Government, provided for a 7-week season with one day of fishing per week. In-season emergency changes in fishing schedules

by the Commission, in response to developing information on the abundances and migration routes and timing of the spawning races of Fraser River sockeye salmon, resulted in one day of fishing the first and third weeks, no fishing the second week, two days in the fourth week, and four days in the fifth week, after which fishing in U.S. waters was closed.

The 1981 pre-season regulations for sockeye salmon and pink salmon fishing provide for an 11-week season with one day of fishing per week for the all-citizen, or non-Indian, fishery. This pre-season schedule will undoubtedly be adjusted during the season by the Commission to meet the paramount objectives of the Convention with Canada: (1) conservation, i.e., adequate escapement through the fisheries of certain portions of the various races of salmon for spawning purposes, and (2) equal division of Convention Waters catches between fishermen of the two nations. Such changes in the fishing schedule often occur as the season progresses because fish abundance (run size), catches, racial compositions and migration routes are monitored and analyzed daily.

These regulations for the all-citizen fisheries will be effective in High Seas Convention Waters and in Convention Waters inside the Bonilla Point-Tatoosh Island line. These regulations are necessary to achieve the objectives of the Convention and provide for a rational fishery by U.S. fishermen.

Part 371 gives notice of the effectiveness and content of regulations adopted by an international commission and in force for the United States through the operation of the Convention. Reprinting the Commission's regulations here helps fulfill the United States treaty obligation to make the Commission's regulations effective and as such involves a foreign affairs function not subject to the requirements of E.O. 12291 or the Regulatory Flexibility Act.

Dated: June 19, 1981.

William H. Stevenson,

Deputy Assistant Administrator, National Marine Fisheries Service.

50 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776–776f.

§371.6 [Amended]

2. Section 371.6 is amended by removing the telephone number "1–800–562–2670" and inserting in its place, the number "1–800–562–6513".

3. Section 371.9 and Appendix A are revised to read as follows:

§ 371.9 Commission regulations.

Appendix A sets forth regulations of the Commission for the 1981 fishing season. These regulations as may be modified from time to time by emergency orders of the Commission and disseminated pursuant to § 371.6 of this Part 371, are the "Regulations of the Commission," violation of which is unlawful under the Act.

Appendix A.—International Pacific Salmon Fisheries Commission Regulations

1. No person shall fish for sockeye or pink salmon with nets from the 21st day of June, 1981, to the 4th day of July, 1981, both dates inclusive.

2. (1) No person shall fish for sockeye or pink salmon with purse seines in Puget Sound Salmon Management and Catch Reporting Areas 4B, 5 and 6C:

(a) From the 5th day of July, 1981, to the 15th day of August, 1981, both dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday of each week; and

(b) From the 16th day of August, 1981 to the 12th day of September, 1981, both dates inclusive, except from five o'clock in the forenoon to nine o'clock in the afternoon of Monday of each week.

(2) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 26th day of July, 1981 to the 1st day of August, 1981; and from the 9th day of August, 1981 to the 15th day of August, 1981, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday of each week; and

(b) From the 5th day of July, 1981 to the 11th day of July, 1981; and from the 19th day of July, 1981 to the 25th day of July, 1981, all dates inclusive, except from seven o'clock in the afternoon of Sunday to half past nine o'clock in the forenoon of Monday of each week; and

(c) From the 16th day of August, 1981, to the 22nd day of August, 1981, and from the 30th day of August, 1981 to the 5th day of September, 1981, all dates inclusive, except from six o'clock in the afternoon of Sunday to nine o'clock in the forenoon of Monday of each week; and

(d) From the 23rd day of August, 1981, to the 29th day of August, 1981, and from the 6th day of September, 1981 to the 12th day of September, 1981, all dates inclusive, except from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday of each week.

(3) No person shall fish for sockeye or pink salmon with commercial trolling gear in the waters described in subsection (1) of this section from the 5th day of July, 1981, to the 12th day of September, 1981, both dates inclusive, except from Monday through Friday of each week on those days when purse seine fishing is permitted within that area.

3. (1) No person shall fish for sockeye or pink salmon with purse seines in Puget Sound Salmon Management and Catch Reporting Areas 6, 6A, 7, 7A and 7D:

(a) From the 5th day of July, 1981 to the 15th day of August, 1981, all dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday of each week; and

(b) From the 16th day of August, 1981 to the 19th day of September, 1981, both dates inclusive, except from five o'clock in the forenoon to nine o'clock in the afternoon of Monday of each week.

(2) No person shall fish for sockeye or pink salmon with reef nets in the waters described in subsection (1) of this section:

(a) From the 12th day of July, 1981, to the 18th day of July, 1981; from the 26th day of July, 1981, to the 1st day of August, 1981; and from the 9th day of August, 1981 to the 15th day of August, 1981, all dates inclusive, except from six o'clock in the forenoon to nine o'clock in the afternoon of Sunday of each week; and

(b) From the 5th day of July, 1981 to the 11th day of July, 1981; from the 19th day of July, 1981 to the 25th day of July, 1981, and from the 2nd day of August, 1981 to the 8th day of August, 1981, all dates inclusive, except from nine o'clock in the forenoon to half past nine o'clock in the afternoon of Sunday of each week; and

(c) From the 23rd day of August, 1981 to the 29th day of August, 1981, and from the 6th day of September, 1981 to the 12th day of September, 1981, all dates inclusive, except from half past five o'clock in the forenoon to nine o'clock in the afternoon of Sunday of each week.

(3) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 12th day of July to the 18th day of July, 1981; from the 26th day of July, 1981, to the 1st day of August, 1981; and from the 9th day of August, 1981 to the 15th day of August, 1981, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday of each week; and

(b) From the 5th day of July, 1981 to the 11th day of July 1981; from the 19th day of July, 1981, to the 25th day of July, 1981, and from the 2nd day of August, 1981, to the 8th day of August, 1981, all dates inclusive, except from seven o'clock in the afternoon of Sunday to half past nine o'clock in the forenoon of Monday of each week; and

(c) From the 16th day of August, 1981, to the 22nd day of August, 1981; from the 30th day of August, 1981 to the 5th day of September, 1981, and from the 13th day of September, 1981, to the 19th day of September 1981, all dates inclusive, except from six o'clock in the afternoon of Sunday to nine o'clock in the forenoon of Monday of each week; and

(d) From the 23rd day of August, 1981, to the 29th day of August, 1981, and from the 6th day of September, 1981 to the 12th day of September, 1981, all dates inclusive, except from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday of each week.

4. (1) No person shall fish for sockeye or pink salmon with nets in that portion of the waters described in subsection (1) of section 3 lying northerly and westerly of a straight

line drawn from Iwersen's Dock on Point Roberts in the State of Washington to Georgina Point Light at the entrance to Active Pass in the Province of British Columbia from the 30th day of August, 1981, to the 5th day of September, 1981, and from the 20th day of September, 1981, to the 3rd day of October, 1981, all dates inclusive.

(2) No person shall fish for sockeye or pink salmon with nets in that portion of waters described in subsection (1) of section 3 lying westerly of a straight line drawn from the low water range marker in Boundary Bay on the International Boundary through the east tip of Point Roberts in the State of Washington to the East Point Light on Saturna Island in the Province of British Columbia from the 6th day of September, 1981, to the 19th day of September, 1981, both dates inclusive.

5. The foregoing recommended regulations shall not apply to the following waters:

(1) Puget Sound Salmon Management and Catch Reporting Areas as follows:

(a) Commencing July 5, 1981, Area 7B.

(b) Areas 6B and 7C.

(2) Preserves previously established by the Director of Fisheries of the State of Washington for the protection of other species of food fish.

6. No person shall fish for sockeye or pink salmon by commercial trolling gear in that portion of Convention Waters westerly of a straight line drawn from Tatoosh Island Lighthouse in the State of Washington to Bonilla Point in the Province of British Columbia comprising the Territorial waters of the United States and those High Seas waters contained in the United States Fishery Conservation Zone from the first day of June 1981 to the 14th day of July 1981, both dates inclusive.

7. All times hereinbefore mentioned shall be Pacific Daylight Saving Time.

[FR Doc. 81-18838 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 122
Thursday, June 25, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 921

Handling of Fresh Peaches Grown in Designated Counties in Washington; Proposed Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposed regulation which would establish minimum grade and size requirements on shipments of fresh Washington peaches on and after August 1, 1981.

These requirements are designed to provide for orderly marketing in the interest of producers and consumers.

DATES: Comments must be received not later than July 10, 1981. Proposed effective date: August 1, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

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

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

The proposed regulation would be issued under the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed regulation was recommended by the Washington Fresh Peach Marketing Committee.

Under the terms of the proposed regulation the grade and size requirements would be effective on and after August 1, 1981. Although the regulation would be effective for an indefinite period the committee would continue to meet prior to each season and consider recommendation for continuation, modification, suspension or termination of the regulation. Prior to making any such recommendations the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will annually evaluate committee recommendations and information submitted by the committee and other available information and determine whether continuation, modification, suspension, or termination of regulation of shipments of peaches would tend to effectuate the declared policy of the act.

The recommendations of the committee reflect its appraisal of the crop and current and prospective market conditions. The committee expects fresh shipments of Washington peaches in 1981 to total 6,000 tons, compared with 9,436 tons last season. The proposed regulation is designed to prevent the handling of peaches of a lower quality or smaller size than specified and to provide for the shipment of good quality fruit in the interest of producers and consumers.

Information collection requirements (reporting or record keeping) under this part 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.

Such proposal reads as follows:

§ 921.318 Peach Regulation 18.

(a) On and after August 1, 1981, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (5) of this paragraph.

(1) *Minimum grade.* Such peaches shall grade at least Washington Extra Fancy Grade: *Provided,* That peaches which grade Washington Fancy Grade or better may be handled if they are packed in the western lug box or the standard peach box.

(2) *Minimum size.* (i) Such peaches of any variety, except peaches of the Elberta varieties, when packed in any container except the standard peach box, shall measure not less than 2⅜ inches in diameter;

(ii) Such peaches of any variety when packed in the standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Elberta varieties when packed in any container shall measure not less than 2¼ inches in diameter.

(3) *Uniform firmness.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(4) *Pack.* (i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a western lug box and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight may be handled if such containers are well filled; and

(ii) Such peaches other than peaches in loose or jumble packs in any containers shall meet the standard pack requirements as set forth in the Washington Standards for Peaches (Order No. 1212), or the U.S. Standards for Peaches (7 CFR 2851.1210 et seq.).

(5) Notwithstanding any other provisions of this section, any individual shipment of peaches sold by the producer or at an established packinghouse which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 (Assessments), and of § 921.55 (Inspection and Certification) if:

(i) The shipment consists of peaches sold for home use and not for resale; and

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches.

(b) The terms "Washington Extra Fancy Grade", and "Washington Fancy Grade", shall have the same meaning as when used in the Washington Standards for Peaches (effective October 18, 1971), issued by the State of Washington Department of Agriculture; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the containers in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ to 6 by 11½ by 16 inches; the term "western lug box" shall mean any container with inside dimensions of 7 by 11½ by 18 inches; the term "well filled" shall mean the level of fruit is filled at least to the top edge of the container; the term "diameter" shall mean the greatest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end; and all other terms shall have the same meaning as when used in the marketing agreement and order.

Dated: June 22, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-18909 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 989

Rasins Produced From Grapes Grown in California; Proposed Change in Subpart—Supplementary Regulations; Weight Dockage System

AGENCY: Agricultural Marketing Services, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking invites written comments on changing the weight dockage system for immature raisins to make the system more precise. The weight dockage system is authorized by the Federal marketing order which regulates the handling of California raisins.

DATE: Written comments on this proposal must be received by July 10, 1981. Proposed effective date: August 1, 1981.

ADDRESS: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5697.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures and Executive order 12291 and has been classified "not significant", and therefore, it is 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 result in only minimal costs being incurred by the regulated 19 handlers.

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

J. S. Miller has determined that a comment period of less than 60 days is warranted. The final regulation should be effective August 1, 1981, which is the beginning of the 1981-82 crop year to minimize any changes of inequities among producers and handlers due to different requirements for different parts of the same crop year.

The proposal under consideration pertains to a change in 989.210(g) of Subpart—Supplementary Regulations (7 CFR 989.210-989.233; 45 FR 75164). This subpart is issued under the marketing agreement and Order No. 989, both as amended (7 CFR 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The weight dockage system permits handlers to acquire as standard raisins any lot of Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins even though the lots have been determined to be off-grade because they contain more than 8 percent, by weight, of substandard (immature) raisins. Immature raisins are removed during normal processing. The creditable weight of such lots is computed by multiplying the net weight of the lot by a factor from the dockage table in § 989.210(g). the factor reduces the weight of the lot by an amount approximating the weight of the substandard (immature) raisins needed to be removed from the lot in order for the balance to meet grade requirements.

The proposal would change the substandard percentage increments from .5 to .1 percent and the dockage factor increments from .005 to .001 percent. These increments would reflect more accurately the creditable weight of the lots acquired under the weight dockage system and should result in a more accurate determination of handler reserve and assessment obligations, and of the payments due handlers for services performed on reserve tonnage raisins.

It should result also in more equitable returns to producers. Currently, a producer delivering an 1-ton lot of raisins under the dockage system determined to have 8.1 percent substandard (immature) raisins would obtain the same creditable weight of 99.5 tons as a producer delivering an 100-ton lot with 8.5 percent substandard (immature) raisins. Under the proposal, the first producer would get credit for 99.9 tons, while the second producer's creditable weight would be 99.5 tons. Thus, the first producer would be rewarded for delivering better quality raisins and receive a little higher return.

Therefore, the proposal is to amend Subpart—Supplementary Regulations (7 CFR 989.210-989.233; 45 FR 75164) by revising paragraph (g) of § 989.210 to read as follows:

§ 989.210 Handling of natural (sun-dried) seedless, golden seedless, and dipped and related seedless raisins acquired pursuant to a weight dockage system.

* * * * *

(g) Dockage Table.

Percent substandard	Dockage factor
8.0 or less	(1)
8.1	0.999
8.2	.998
8.3	.997
8.4	.996
8.5	.995
8.6	.994
8.7	.993
8.8	.992
8.9	.991
9.0	.990
9.1	.989
9.2	.988
9.3	.987
9.4	.986
9.5	.985
9.6	.984
9.7	.983
9.8	.982
9.9	.981
10.0	.980

[1] No dockage.

Note.—Percentages in excess of 10 percent shall be expresed in the same increments as the foregoing, and the dockage factor for each such increment shall be .001 less than the dockage factor for the preceding increment.

Dated: June 19, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-18754 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1135

[Docket No. A0-380-A1]

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rules.

SUMMARY: The hearing is being held to consider changes in the order that have been proposed by two dairy farmer cooperative associations. The proposals would revise the performance standards under which distributing plants qualify for pooling, and also would permit more milk not needed for fluid (bottling) use to move directly from farms to manufacturing plants and still be priced under the order. The cooperative associations contend that the requested order changes are needed to reflect changed marketing conditions and to insure orderly marketing in the area.

DATE: July 15, 1981.

ADDRESS: Holiday Inn, 3300 Vista Avenue, Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at the Holiday Inn, 3300 Vista Avenue, Boise, Idaho 83705 beginning at 9:30 a.m. (local time) on July 15, 1981 with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to proposals No. 1 and 2. Evidence also will be taken to determine whether any such emergency conditions would warrant a temporary suspension of certain order provisions pending the completion of the rulemaking proceeding.

Beginning January 1, 1981, actions under the Federal milk order program became subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mountain Empire Dairymen's Association Inc. and Dairymen's Creamery Association, Inc.

Proposal No. 1

Revise § 1135.7(a)(2) to read as follows:

§ 1135.7 Pool plant.

* * * * *

(a) * * *

(2) Total route disposition (except filled milk) during the month equal to not less than 30 percent of such receipts *provided* that all distributing plants operated by a handler may be considered as one plant for the purpose of meeting the percentage requirements of this subparagraph if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested.

Proposal No. 2

Revise § 1135.13(f)(3) to read as follows:

§ 1135.13 Producer milk.

* * * * *

(f) * * *

(3) The total quantity of milk diverted by a cooperative association during the month may not exceed 70 percent in the months of September through February, and 80 percent in other months, of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of the producer milk which the associations cause to be delivered to pool plants or diverted from pool plants during the month if each association has filed a request in writing with the market administrator on or before the first day of the month the agreement is to be effective. This request shall specify the basis for assigning over-diverted milk to the producer deliveries of each cooperative according to a method approved by the market administrator;

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 3

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the market administrator, James A. Burger, 16 West Harrison Street, Seattle, Washington 98119 or from the Hearing Clerk, Room 1077 South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

From the time a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural Marketing Service.
Office of General Counsel.
Dairy Division, Agricultural Marketing Service (Washington Office only).

Office of the Market Administrator, Southwestern Idaho-Eastern Oregon marketing area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on: June 22, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-18811 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1135

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Proposed Suspension of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposed suspension of a portion of the pooling standards for distributing plants and the limit on how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. Based on available information concerning the market's current supply conditions, it appears that it may be necessary to suspend the provisions in question to accommodate the efficient and orderly disposition of reserve milk supplies that are available to the market. The proposed suspension would apply to July and August 1981.

DATE: Comments are due not later than June 30, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required procedures and the inclusion of July 1981 in the suspension period if this is found necessary.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that Grade A dairy farmers in the area would have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of the following provisions of the order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area is being considered for the months of July and August 1981:

1. In § 1135.7, paragraph (a)(2) in its entirety.

2. In § 1135.13 (f)(3), (4) and (5), the words "and 70 percent in other months".

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of their views to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 2, 1981. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include July 1981 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (CFR 1.27(b)).

Statement of Consideration

The proposed action would make inoperative for July and August 1981 (1) the provision that at least 40 percent of the receipts of milk at a pool distributing plant be disposed of as fluid milk products on routes and (2) the provisions limiting the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert up to 60 percent of its total member milk received at all pool plants or diverted therefrom during the months of September through February and 70 percent in other months. Similarly, the operator of a pool plant or a proprietary bulk tank handler may divert during the months of September through February up to 60 percent of their producer receipts that are not under the control of a cooperative association, and 70 percent in other months.

These provisions, which would apply for the first time when the new order becomes effective on July 1, were adopted for the purpose of facilitating the pooling of producer milk supplies that are available to meet the fluid needs of the market. The provisions were based on evidence developed at a public hearing that was completed in February 1980. It now appears that current marketing conditions are substantially different from those existing at the time the provisions in question were proposed.

Consequently, Mountain Empire Dairymen's Association, Inc., and Dairymen's Creamery Association, Inc., who represent a substantial number of producers associated with the market, requested that an emergency hearing be held to consider certain proposals to relax these pooling provisions. The basis of their request was that the present pooling provisions will prevent them from pooling under the order the milk of some of their members who are associated with the market. This is because of the present buildup in the milk supplies due to a substantial increase in milk production in the region. Therefore, a notice of hearing is being issued to consider the cooperatives' request on an emergency basis at a public hearing.

In view of the intensity of the pooling problem prompting the cooperatives' proposals, it appears that immediate action is necessary to assure that producers associated with the market will have their milk pooled and priced under the order. However, there is insufficient time to resolve the pooling problem for July and August 1981 on an emergency amendatory basis. Accordingly, a suspension order is being considered since it is the only practicable means of assuring producer status of certain dairy farmers associated with the market for July and August 1981.

Signed at Washington, D.C., on June 22, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-18810 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-02-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Deregulation of Lending Policies, Amortization and Payment of Loans, and Lines of Credit; Fixed Rate Mortgage Loans; Adjustable Rate Mortgage Loans; Correction

AGENCY: National Credit Union Administration.

ACTION: Proposed rules; correction.

SUMMARY: This document corrects statements made in the preambles of these recently proposed rules. Both preambles state that if Truth in Lending disclosures are made on a variable rate loan at the time of application then new disclosures are required at the time of consummation if the APR varies by more than ¼ of one percent. The references in both preambles should be to ⅛ of one percent, rather than to ¼ of one percent.

FOR FURTHER INFORMATION CONTACT: John L. Culhane, Jr., Senior Attorney, (701.21–6, 701.21–6B), or Barbara A. Burrows, Attorney Advisor (701.21–1, 701.21–2, 701.21–3), Office of General Counsel, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456. Telephone: (202) 357–1030 (Mr. Culhane and Ms. Burrows).

SUPPLEMENTARY INFORMATION: In both its proposed regulation on loan amortization, 46 FR 31651 (1981), and in its proposed regulation on adjustable rate mortgages, 46 FR 31654 (1981), NCUA requests comments on which of two alternative disclosures for variable rate loans should be adopted in final regulations. Under the first alternative, disclosures would be made in accordance with the Truth in Lending Act and Regulation Z. Under the second alternative, a Federal credit union would be required to make the disclosures mandated by the Truth in Lending Act and Regulation Z either at the time of or within three days of application (in the case of mortgage loans) or at the time of application (in the case of all other loans). In addition, the credit union would be required to disclose at the same time the index to be used, how often an increase might take place, and how the increase would be calculated.

In discussing the second alternative, both preambles state that this alternative would not place any additional burdens on a Federal credit union making adjustable rate loans, since the credit union would not have to redisclose terms under Regulation Z if, at the time of consummation, the APR had not increased by more than ¼ of one percent. Both preambles go on to state that if the APR did increase by more than ¼ of one percent, only those terms that had changed would have to be redisclosed.

Under the Truth in Lending Act and Regulation Z, redisclosure is required in an "irregular" transaction if the APR varies by more than ¼ of one percent; redisclosure is required in a "regular" transaction if the APR varies by more than ⅛ of one percent. In its proposed official staff commentary, the Federal Reserve Board has clarified that a loan with a variable rate feature is considered to be a regular transaction, rather than an irregular transaction, as long as the initial disclosures are based on a regular amortization schedule over the life of the loan. This is so even though payments may later change because of the variable rate feature. 46 FR 28600 (1981). The references in the respective preambles should therefore be to ⅛ of one percent, rather than to ¼ of one percent.

Accordingly, the following corrections are made in FR Doc. 81–18027 beginning on page 31651 of the June 17, 1981 issue and in FR Doc. 81–18032 beginning on page 31654 of the June 17, 1981 issue.

Beatrix D. Fields,

Acting Secretary, NCUA Board.

June 22, 1981.

1. In FR Doc. 81–18027, on page 31653 in the second complete paragraph in the first column, the term "irregular transaction" is replaced by "variable rate transaction" and the figure "¼" is replaced by "⅛".

2. In FR Doc. 81–18032, on page 31658 in the first complete paragraph in the third column, the figure "¼" is replaced by "⅛" each time it appears.

[FR Doc. 81-18771 Filed 6-24-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 21836]

British Aerospace, Aircraft Group, Scottish Division (Formerly Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections for cracking, and repair as necessary, of the nose gear actuator support structure and the front pressure bulkhead on British Aerospace, Aircraft Group (Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes. This AD is necessary to detect cracks in the nose gear actuator support structure which could result in failure of the nose gear to retract, or the failure of the front pressure bulkhead, which could result in loss of cabin pressurization in flight.

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

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–24), Docket No. 21836, 800 Independence Avenue, SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 21836. Comments may be inspected at Room 916 between 8:30 am and 5:00 pm. The applicable service bulletin may be obtained from: British Aerospace—Aircraft Group, Product Support Department, Prestwick Airport, Prestwick, Scotland KA 9 2RW. A copy of the service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of

[1] Service Bulletin filed as part of original document.

comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit those comments and a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 21836." The postcard will be dated, time stamped and returned to the commenter.

There have been reports of cracks in the nose gear actuator support structure, and the front pressure bulkhead on the British Aerospace, Aircraft Group (formerly Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes which could result in failure of the nose gear to retract, or loss of cabin pressurization at flight altitudes.

Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD requires an inspection of the nose gear actuator support structure, repair as needed, placarding against pressurized flight, and repetitive inspections until a permanent repair is incorporated on British Aerospace (formerly Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes.

The Proposed Amendment

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

British Aerospace, Aircraft Group (formerly Scottish Aviation Ltd.). Applies to Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes, certificated in all categories, which do not have British Aerospace Jetstream Modification No. 5127 incorporated.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the nose landing gear actuator attachment and support structure or failure of the front pressure bulkhead, or both, accomplish the following:

(a) Prior to the accumulation of 1,600 landings or before the accumulation of 200 landings, after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 200 landings, inspect the nose landing gear actuator support structure, P/N 137139C-13 and P/N 137139C-25, and the membrane of the front pressure bulkhead for cracks using a dye penetrate method in accordance with Paragraph 3(a), "Action," of British Aerospace, Aircraft Group, Service Bulletin No. 6/5, dated September 4, 1978, or an FAA-approved equivalent.

(b) If no cracks are found during the inspection, return to service.

(c) If during the inspection of P/N 137139C-13, cracking is found, before further flight, replace with serviceable part of the same part number or repair in accordance with Chapter 5 of the Aircraft Maintenance Manual No. J/Mk I/MM (hereinafter referred to as the Maintenance Manual), or an FAA-approved equivalent, and return to service.

(d) If during the inspection of P/N 137139C-25—

(1) Cracking is found that does not extend more than one-half the full length of the fold line, and no cracking is found in P/N 137139C-13, or in the membrane of the front pressure bulkhead, the aircraft may continue in service;

(2) Cracking is found that does not extend more than one-half the full length of the fold line, and cracks are found in P/N 137139C-13, or in the membrane of the front pressure bulkhead, before further flight, repair in accordance with the Maintenance Manual, or an FAA-approved equivalent, and return to service; or

(3) Cracking is found in P/N 137139C-25 that extends more than one-half of the full length of the fold line, before further flight, repair P/N 137139C-25 in accordance with the Maintenance Manual, or an FAA-approved equivalent, and return to service.

(e) If during the inspection of the front pressure bulkhead—

(1) A crack of 6 inches or more in length is found in the membrane of the front pressure bulkhead, before further flight, repair the membrane in accordance with the Maintenance Manual, or an FAA-approved equivalent, and return to service.

(2) A crack of less than 6 inches in length is found in the membrane of the front pressure bulkhead, either—

(i) Repair in accordance with the Maintenance Manual, or an FAA-approved equivalent and return to service; or

(ii) Install, in clear view of the pilot, a placard which reads "Pressurization Inoperative" and deactivate the cabin pressurization system by securing the safety valve assembly, located on the front pressure bulkhead, in the open position. The valve may be secured "OPEN" in a manner recommeded by Birtish Aerospace, Aircraft Group, Scottish Division, or in a manner approved by an FAA inspector. Return aircraft to service; or

(iii) Install British Aerospace, Jetstream Modification No. 5127, or an FAA-approved equivalent, and return to service, after which compliance with this AD is no longer required.

(f) For purposes of this AD, aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the inspection or repair can be performed.

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

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

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

Issued in Washington, D.C., on June 17, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-18583 filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-17]

Proposed Designation of Transition Area: Palmyra, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a Palmyra, N.Y., Transition Area over Palmyra Air Park Airport, Palmyra, N.Y. A new instrument approach has been developed for the airport which will require protection to aircraft executing the new instrument approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before August 13, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. Telephone (212) 995-3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before August 13, 1981, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a Palmyra, N.Y., Transition Area. The 700 foot area will be within a 5 mile radius of the airport with an extension to the west of approximately 11 miles in length and 10 miles in width.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designation of a Palmyra, New York, 700 foot floor transition area as follows:

Palmyra, New York

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center, 43°04'32"N., 77°14'01"W. of Palmyra Air Park, Palmyra, New York; and within 5 miles each side of the Rochester, New York, VORTAC, 098° radial extending from the 5 miles radius area to 5.5 miles east of the VORTAC.

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.65.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on June 2, 1981

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-18591 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-18]

Proposed Designation of Transition Area; Marietta, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a Marietta, Pa., Transition Area over Elizabethtown-Marietta Airport, Marietta, Pa. A new instrument approach has been developed for the airport and will require protection for aircraft executing the new instrument approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before August 13, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 955-3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before August 13, 1981, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a Marietta, Pa., Transition Area. The 700-foot area will be within a 5 mile radius of the airport with an extension to the southwest, approximately 4 miles wide and 3 miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend Section 71.181 of Part 71 of the Federal

Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designation of a Marietta, Pennsylvania, 700-foot floor transition area as follows:

Marietta, Pennsylvania

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center, 40°05'25"N., 76°34'35"W. of Elizabethtown-Marietta Airport, Marietta, Pennsylvania, within 2 miles each side of the 210° bearing for the Elizabethtown-Marietta Airport 5 mile radius area extending to 8 miles southwest of the airport.

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.65.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on June 2, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-18589 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-GL-10]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Gladwin, Michigan, in order to accommodate a new instrument approach into Gladwin Municipal Airport, Gladwin, Michigan, which was established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATE: Comments must be received on or before July 25, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-10, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-10, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 25, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

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

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Gladwin, Michigan. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Gladwin, Michigan

That airspace extending upward from 700' above the surface within 6.5 miles of the Gladwin Airport (latitude 43°58'20"N, longitude 84°28'50"W) at Gladwin, Michigan, and 3 miles either side of the 81° bearing from the Gladwin Airport extending from 6.5 miles to 8.5 miles.

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

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 1, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-18440 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-GL-7]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Cadillac, Michigan, in order to accommodate revised NDB and RNAV instrument approaches into the Wexford County Airport, Cadillac, Michigan. The intended effect of this action is to insure segregation of the aircraft using these approach procedures in instrument weather conditions from other aircraft operating under visual conditions.

DATES: Comments must be received on or before July 25, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-7, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above surface to 700' for a distance of approximately 1 mile beyond that now depicted. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedures will be contained within controlled airspace. The minimum descent altitude for these procedures may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedures, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-7, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 25, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

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

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Cadillac, Michigan. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Cadillac, Michigan

That airspace extending upward from 700' above the surface within 8.5 miles of the Wexford County Airport (latitude 44°16'32"N, longitude 085°25'11"W) at Cadillac, Michigan, and within 4.5 miles either side of the 247° bearing of the Wexford County Airport from 8.5 miles to 9.5 miles.

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

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 1, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-18441 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 285, 286, 287

[Release Nos. 33-6322, 34-17875, BWA-3, IAD-2, AD-2; File No. S7-887]

Primary Offerings by Multinational Banks

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission proposes to amend three virtually identical exemptive regulations for primary distribution of securities issued by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank (the "Banks"). The proposed amendments would permit these Banks to sell their securities immediately upon filing certain information with the Commission instead of waiting a period of seven days.

DATE: Comments should be submitted on or before July 24, 1981.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-887. All comments received will be available for public inspection and

copying in the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Carl T. Bodolus (202) 272-3246, or Ronald Adee (202) 272-3250, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Bretton Woods Agreements Act,[1] the Inter-American Development Bank Act,[2] and the Asian Development Bank Act[3] provide that securities issued or guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank and the Asian Development Bank, respectively, are exempt from registration under the Securities Act of 1933 [15 U.S.C. 77a et seq.] by Section 3(a)(2) thereof and the Securities Exchange Act of 1934 [15 U.S.C. 78g et seq.] by Section 3(a)(12) thereof. The Commission has authority to suspend these exemptions and can condition the exemption upon filing of necessary documents. These securities are exempt because of the nature of the Banks, the Commission's suspension power, and the requirement that the National Advisory Council on International Monetary and Financial Policies consent to all distributions of such securities made in the United States.[4] Regulations BW (17 CFR Part 285), IA (17 CFR Part 286), and AD (17 CFR Part 287) prescribe the reports to be filed with the Commission by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank, respectively.[5]

Each regulation contains a provision that the Bank must file with the Commission, at least seven days prior to a primary distribution of its securities, a report containing certain information regarding the offering.[6] The Commission proposes to amend those regulations to permit the Banks to sell their securities immediately upon filing the report. The recent adoption of short-forms for registration, the development of an integrated disclosure system, and an interpretation establishing a shelf registration procedure for filings on Schedule B permit certain registered offerings to be made soon after the registration statement is filed. The proposed revisions are consistent with these developments.

The Commission believes that the proposals are in the public interest and appropriate for the protection of investors.

PART 285—RULES AND REGULATIONS PURSUANT TO SECTION 15(A) OF THE BRETTON WOODS AGREEMENTS ACT

PART 286—GENERAL RULES AND REGULATIONS PURSUANT TO SECTION 11(A) OF THE INTER-AMERICAN DEVELOPMENT BANK ACT

PART 287—GENERAL RULES AND REGULATIONS PURSUANT TO SECTION 11(A) OF THE ASIAN DEVELOPMENT BANK ACT

Accordingly, it is proposed to amend 17 CFR 285.3, 286.3, and 287.3 to read as follows:

§ —.3 Reports with respect to proposed distribution of primary obligations.

The Bank shall file with the Commission, on or prior to the date on which it sells any of its primary obligations in connection with a distribution of such obligations in the United States, a report containing the information and documents specified in Schedule A below. The term "sell" as used in this section and in Schedule A means the making of a completed sale or a firm commitment to sell.

Authority

These amendments are being proposed pursuant to Section 15(a) of the Bretton Woods Agreements Act, Section 11(a) of the Inter-American Development Bank Act, Section 11(a) of the Asian Development Bank Act, and Section 19(a) of the Securities Act of 1933.

[Sec. 15(a), 63 Stat. 298, 22 U.S.C. 286k-1(a); Sec. 11(a), 73 Stat. 301, 22 U.S.C. 283h(a); Sec. 11(a), 80 Stat. 73, 22 U.S.C. 285h(a); Sec. 19(a), 48 Stat. 85, 15 U.S.C. 77s(a)]

By the Commission.

George A. Fitzsimmons,

Secretary.

June 19, 1981.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed rules relating to the exemptive regulations for the securities of the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank (the "Banks") contained in Securities Act Release No. 6322 (June 19, 1981), "Primary Offerings by Multinational Banks" will not, if promulgated, have a significant economic impact upon a substantial number of small entities. The reason for this certification is that the proposals, if adopted, would apply only to the Banks but not to any other registrant.

John S. R. Shad,

Chairman.

June 19, 1981.

[FR Doc. 81-18806 Filed 6-24-81; 8:45 am]

BILLING CODE 8010-01-M

[1] 22 U.S.C. 286k-1(a).

[2] 22 U.S.C. 283h(a).

[3] 22 U.S.C. 285h(a).

[4] See generally, Hearings on S. 1664, 81st Cong., 1st Sess., (1949).

[5] Regulation BW was adopted in Securities Act Release No. 33-3384 (January 9, 1950). Regulation IA was adopted in Securities Act Release No. 33-4290 (October 25, 1960). Regulation AD was adopted in Securities Act Release No. 33-4889 (December 18, 1967).

[6] 17 CFR 285.3, 17 CFR 286.3, and 17 CFR 287.3.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625 and 655

[FHWA Docket No. 81-5]

National Standards for Traffic Control Devices: Manual on Uniform Traffic Control Devices

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed amendments to the Manual on Uniform Traffic Control Devices.

SUMMARY: The FHWA is inviting comments on requests for changes to the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD contains the standards for traffic control devices and has been approved by the FHWA for use on all streets and highways open to public travel.

DATE: Comments must be received on or before February 15, 1982.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 81-5, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Partlow, Office of Traffic Operations, (202) 426-0411, or Mr. Lee J. Burstyn, Office of the Chief Counsel, (202) 426-0754, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA prepares and issues the national

standards for traffic control devices used on all streets and highways open to public travel. These standards are published in the MUTCD which has been incorporated by reference into title 23, Code of Federal Regulations (CFR), Parts 625 and 655. The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (18.00). The FHWA both receives requests and initiates recommendations for changes (i.e., amendments) to the MUTCD.

This advance notice contains requests for changes to the MUTCD which were received or originated by the FHWA. These requests are being processed in accordance with the informal rulemaking procedure of the Administrative Procedure Act (5 U.S.C. 553) and the Department of Transportation's regulatory policies and procedures.

Each request has been assigned an identification number which indicates, by Roman numeral, the organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received. This advance notice is being issued to provide the public with an opportunity to participate in the processing of requests for amendments to the MUTCD. Based upon comments received and on its own review, the FHWA will prepare a notice of proposed amendments which will provide recommendations for the disposition of the suggested amendments to the MUTCD. Any final amendments which result from that action will be published in the **Federal Register** and incorporated by reference into title 23, CFR.

Index of Requests

1. General Provisions (Part I)

Request I–1 (Chng.) Legal Authority.

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(b) Request II–58 (Chng.) Median Mounted ONE-WAY Signs.

(c) Request II–59 (Chng.) Temporary Attention-Getting Devices.

(d) Request II–60 (Chng.) Preferential Lane Signing and Marking.

(e) Request II–61 (Chng.) Traffic Control for Reversible/Two-Way Left Turn Lanes.

(f) Request II–62 (Chng.) Alternate NEXT RIGHT Legend for ½ Mile Advance Guide Signs.

(g) Request II–63 (Chng.) Use of the Chevron Alignment Sign on Conventional Roads.

(h) Request II–64 (Chng.) Symbol Sign for NOAA Weather Information.

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Request III–25 (Chng.) Marking of Pedestrian Curb Ramps.

4. Signals (Part IV)

(a) Request IV–29 (Chng.) Warrants for Freeway Entrance Ramp Control Signals (Interim).

(b) Request IV–31 (Chng.) Periodic Darkening of Hazard Identification Beacons.

(c) Request IV–32 (Chng.) Flashing Operation of Newly Installed Traffic Signals.

(d) Request IV–33 (Chng.) Lane-Use Control Signals.

1. General Provisions (Part I)

Request I–1 (Chng.) Legal Authority. Parts II, V, VII and IX of the MUTCD have sections requiring that traffic control devices are to be placed only by the authority of a public body or official having jurisdiction. Although legal authority is necessary for the installation of all traffic control devices, Parts III, IV, VI, and VIII do not have sections on legal authority.

The FHWA believes that references to legal authority should be consistent throughout the MUTCD and applicable to each Part. This inconsistency can be resolved by either adding appropriate text to Parts III, IV, VI and VIII or deleting the existing references to legal authority and adding a new section with appropriate text to Part I. The FHWA favors adding a new section to Part I and invites comments on this approach.

2. Signs (Part II)

(a) *Request II–57 (Chng.) Non-Illuminated Opaque Background Overhead Guide Signs.* California has 13,000 overhead guide signs on its freeways and expressways, some 9,000 of which do not meet current standards of the MUTCD or the California Department of Transportation (CALTRANS) which require a reflectorized message and border. Most of these signs have opaque porcelain enamel backgrounds with external illumination and were installed prior to the requirement for reflectorized message and borders.

Because of the long life of the porcelain enamel signs installed in California and problems now being encountered with maintenance of the electrical components of the sign illumination systems, CALTRANS requested and received approval to evaluate the effectiveness of selected non-illuminated opaque background overhead guide signs having reflectorized border and message. More specifically, CALTRANS was seeking relief from the requirement to reflectorize backgrounds of overhead guide signs that are not independently illuminated. This experimentation was approved on May 21, 1979, by the FHWA as request II–25 (Expr.)—Overhead Guide Signs. The experimentation has been completed and the results included in the final report,[1] "Establishing Priorities for Operation and Maintenance of Overhead Guide Signs," dated March 1981. CALTRANS indicates that certain opaque background overhead guide signs, with reflectorized message and border, need not be illuminated to satisfactorily perform their intended purpose. The overhead guide sign performance under the environmental conditions and restrictive roadway geometrics observed during the study was reported to be fully adequate.

The study also concluded that all immediate action overhead guide signs at freeway off-ramps and those lane assignment signs which generate immediate lane changes should be illuminated. This would emphasize the color coding of the guide signs at points where it may provide some benefit. CALTRANS contends that illumination is not necessary for all advance guide signs nor for those lane assignment guide signs not requiring immediate action, provided they have reflectorized message and border. Having the green background visible to motorists at night, CALTRANS indicates, is not essential as the function of overhead guide signs is basically the same as unlighted roadside signs having non-reflectorized backgrounds.

As a result of these findings, CALTRANS is proposing that the MUTCD be modified to permit overhead guide signs to be either illuminated or non-illuminated and have either reflectorized or non-reflectorized backgrounds, the decision to be determined by an engineering study. An exception to this would be that overhead exit direction signs and those overhead lane drop or pull through signs requiring immediate driver responses would be required to have reflectorized backgrounds where they are not illuminated. The following is a summary

[1] Available for inspection and copying at the Federal Highway Administration, Office of Traffic Operations, Room 3419, 400 Seventh St. SW., Washington, D.C. 20590.

of current provisions as contained in various sections of the MUTCD:

The MUTCD standardizes both color and shape so that the several classes of traffic signs can be promptly recognized by the driver. The horizontal rectangular shape and the background color green is for guide signs. All guide sign letters, numerals, symbols, and borders are to be reflectorized. The background of guide signs may be reflectorized or non-reflectorized. Howevef, all overhead freeway guide signs that are not independently illuminated shall have a reflectorized background. All overhead sign installations should be illuminated where an engineering study shows that reflectorization will not perform effectively. The mixing of signs with reflectorized and non-reflectorized backgrounds in the same general area is not recommended.

On June 15, 1976, the FHWA issued FHWA Notice N 5040.17 which established guidelines on reducing the needs for illuminating overhead guide signs at certain locations. This was done in light of highly reflective materials being marketed, the need to conserve energy and the expense of maintaining lighting systems, but retaining the intent of the MUTCD to provide the green background color as an aid to motorist recognition. These guidelines permitted the elimination of external sign lighting in rural areas where highly reflective material is used on overhead guide signs installed on tangent roadways having a constant grade approach for at least 1200 feet before the sign. In urban areas where conditions are such that satisfactory performance of fully reflectorized overhead guide signs can be expected, the elimination of external lighting on a limited basis was permitted.

The FHWA is seeking comments on the CALTRANS proposal and specifically, on the following two questions: (1) Should overhead guide signs be permitted to have opaque backgrounds when non-illuminated? (2) How important is it for a driver to view the green background of overhead (or roadside) guide signs during both daytime and nighttime conditions?

(b) *Request II–58 (Chng.) Median Mounted ONE-WAY Signs.* Section 2A–31 of the MUTCD provides that where roadways on a divided highway are separated by a median more than 30 feet wide, ONE-WAY signs (MUTCD sign R6–1) should be visible to each crossroad approach on the near right-hand and far left-hand corners of each intersection with the directional roadways.

The Texas Department of Highways and Public Transportation (TDHPT) noted that when an intersection is signed in this manner, a motorist on either crossroad approach may see two ONE-WAY signs in the median pointing at each other. One sign will be at the far corner of the median to the right of the crossroad and the other will be at the near corner of the median to the left of the crossroad. Since signs are normally erected from 6 to 12 feet from the edge of the median, these two ONE-WAY signs could be only 6 to 18 feet apart in the plane of a driver's vision when installed in a 30-foot wide median. This distance is often difficult to perceive even with normal depth perception. Drivers seeing two ONE-WAY signs pointing at each other might become confused.

The TDHPT requested a change in the MUTCD to permit omitting the ONE-WAY signs in the median when the signs would be so close to each other that it might confuse motorists. The TDHPT commented that the first sentence of paragraph 2 in Section 2B–29 would require modification for consistency and that Figure 2–3 should be modified for proper perspective.

The TDHPT also suggested that as an alternative to the request, the use of the DIVIDED HIGHWAY CROSSING sign (R6–3) may be considered as a supplemental sign for use on the approach roadway in lieu of the ONE-WAY signs in the median.

(c) *Request II–59 (Chng.) Temporary Attention-Getting Devices.* Drivers, especially daily commuters, are familiar with neighborhood roads and streets and are conditioned to the pattern of traffic control devices on them. Many such drivers may not immediately detect the installation of new, different, or additional traffic control devices. It is not uncommon to use flags or flashing beacons to help alert drivers to new installations or hazardous situations.

The Michigan Department of Transportation (MiDOT) suggested that temporary devices are needed to draw attention to changes and that flashing beacons use costly energy and are subject to vandalism and theft. MiDOT requested that the MUTCD be amended to provide for the optional and temporary use of three devices to draw motorists' attention to newly installed traffic controls. The three proposed temporary devices are:

1. A "NEW" sign consisting of a red reflectorized circle with the white reflectorized message NEW. The red circle would be surrounded by a 6-inch wide chartreuse fluorescent ring with 16 black radial stripes. The MiDOT proposes that the NEW sign would be displayed 1 inch above the main warning or regulatory sign. The outside diameter of the proposed sign would be 36 inches.

2. A grouping of three 16-inch square fluorescent red-orange flags attached above the warning or regulatory sign.

3. A 24-inch by 12-inch fluorescent red-orange panel attached 1 inch above the warning or regulatory sign.

(d) *Request II–60 (Chng.) Preferential Lane Signing and Marking.* Sections 2B–20 and 3B–19 of the MUTCD provide general information on the use of signing and marking preferential lanes. Preferential lanes are defined in the MUTCD as lanes where usage is limited according to class of vehicle or vehicle occupancy, for example, bus or carpool lanes.

Preferential treatments for high occupancy vehicles (HOVs) are an effective way of moving a greater number of people through a highway corridor. A high occupancy vehicle can be defined as any motor vehicle carrying more than just the driver. A minimum occupancy requirement of two, three, or four persons is established for each area or specific location of preferential treatment for HOVs.

Several types of preferential treatment for HOVs have been implemented in the United States. These include:

1. Concurrent flow lanes where one or more lanes are designated for exclusive use by HOVs in the normal direction of traffic.

2. Contraflow lanes where normally one lane in the underutilized off-peak direction is designated for use by peak direction HOVs (usually restricted to buses).

3. Ramp treatments which include exclusive use by HOVs and by-pass lanes at ramp meters.

4. Exclusive facilities and physically separated lanes. The exclusive treatments are often reversible.

Restrictions can be applied on a full-time basis or only during certain hours on certain days. The various treatments can also be restricted to a specific class of HOV such as buses only.

The MUTCD provides only the general signing characteristics of color, shape and the reserved diamond symbol for preferential treatment. It does not provide specific guidance for signing and marking of these various types of preferential treatment.

The FHWA is considering the posibility of expanding Section 2B–20 and 3B–19 of the MUTCD to provide more specific guidance on the type and frequency of signing and the accompanying pavement markings for all of the various HOV preferential treatments.

(e) *Request II-61 (Chng.) Traffic Control for Reversible/Two-Way Left Turn Lanes.* Reversible land and two-way left turn lane usage is gaining wider acceptance as a means of providing more traffic carrying capability for existing facilities. These treatments are most frequently used individually, although dual use of these treatments is being tried, with some success. The dual use does create complexities in the handling of traffic and special efforts are needed to provide motorists with clear and concise information with traffic control devices.

When the two uses are combined, traffic control is needed for three separate periods during the working day: peak period, inbound; peak period, outbound, and off-peak period. For example, on a 5-lane facility, the center land is used for the reversible flow during peak periods and a two way left turn land during the off-peak period.

Traffic control for this dual purpose is often handled through overhead lane use control signals. The installation of lane use control signals can be expensive. Many times local budgets are unable to handle such an outlay of funds; or conditions along the route preclude the use of the signals.

The FHWA is inviting comments on ways that the operation of dual use two-way left turn lanes and reversible flow lanes can be improved through signs, signals and markings.

(f) *Request II-62 (Chng.)—Alternate NEXT RIGHT Legend for ½ Mile Advance Guide Signs.* Before 1978, the MUTCD defined a guide sign (on freeways and expressways) located approximately ¼ to ½ mile in advance of the exit as an "exit direction sign." The legend NEXT RIGHT (NEXT LEFT) was required for signs at these locations. When an exit direction sign was located very close to an exit an upward pointing arrow instead of the legend NEXT RIGHT (NEXT LEFT) was required. The earlier MUTCD also defined "advance guide signs" and required that the legend on advance guide signs read EXIT 1 MILE or EXIT 2 MILES.

The 1978 MUTCD includes changes resulting from the adoption of Ruling Sn-47/107 (Chng.), which concerned guide signs on freeways and expressways. In this ruling, it was determined that there was ambiguity in the names and definitions of several types of guide signs. It was also determined that a guide sign with an upward pointing arrow should be required very close to the exit at all major and intermediate interchanges. The sign located ¼ to ½ mile from the exit was redefined as an advance guide sign with the required legend indicating mileage rather than NEXT RIGHT (NEXT LEFT). The philosophy behind the change in the 1978 MUTCD was that the advance guide signs should tell the drivers how far away the exit is and the Exit Direction sign should say here it is without unnecessary messages which add to driver confusion.

This request from an individual is for a change in the MUTCD to permit the legend NEXT RIGHT (NEXT LEFT) on advance guide signs (as defined in the 1978 MUTCD) located ¼ to ½ mile from an exit at major and intermediate interchanges. The requester stated that signs installed with the legend NEXT RIGHT (NEXT LEFT) under the provisions of the earlier MUTCD, and functioning properly, were made non-conforming by the 1978 MUTCD. The requester further states that it would be costly and unproductive to change the sign legends to comform with the 1978 MUTCD, that the legend NEXT RIGHT (NEXT LEFT) provides positive direction at closely spaced interchanges and that it is difficult for motorists to respond to mileage legends when interchanges are spaced less than ¼ mile apart.

(g) *Request II-63 (Chng.)—Use of the Chevron Alignment Sign on Conventional Roads.* Section 2C-10 of the MUTCD provides that the Chevron Alignment sign may be used only to supplement standard delineation treatments or as an alternate to the Large Arrow sign. This precludes the use of the Chevron Alignment sign on unmarked conventional roads that do not have other types of standard delineation treatments, such as delineators.

The FHWA is requesting comments on the desirability of identifying curves and other alignment changes on unmarked conventional roads with Chevron Alignment signs in lieu of supplementing delineators or other standard delineation treatments.

A "conventional road" is any road other than an expressway or freeway.

(h) *Request II-64 (Chng.)—Symbol Sign for NOAA Weather Information.* NOAA Weather Radio is a service of the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce. It provides continuous broadcasts of the latest weather information directly from National Weather Service offices. Taped weather messages are repeated every 4 to 6 minutes and are routinely revised every 1 to 3 hours, or more frequently if needed. Most of the stations operate 24 hours daily.

During severe weather, National Weather Service forecasters can interrupt the routine weather broadcasts and substitute special warning messages. The forecasters can also activate specially designed warning receivers. Such receivers either sound an alarm indicating that an emergency exists, alerting the listener to turn the receiver up to an audible volume; or, when operated in a muted mode, are automatically turned on so that the warning message is heard.

The NOAA Weather Radio broadcasts can be useful to the general public, public safety officials, truckers and other highway travelers. The broadcasts are made on one of three high-band FM frequencies—162.40, 162.475, or 162.55 megahertz (MHz). The average car radio cannot receive these frequencies.

The National Weather Service will be operating about 350 stations by the end of 1981 with planned expansion to about 1000 within the next few years. Approximately 90 percent of the nation's population should be within listening range of a NOAA Weather Radio broadcast.

NOAA is promoting a program to install FM radio receivers in highway rest areas to dispense weather information to the public. Where receivers have been installed in rest areas excellent public acceptance has been reported. Additional radio installations are planned by various States.

Since the normal car radio cannot receive the weather information broadcast over these frequencies, such emergency weather reports would have to be obtained elsewhere. Rest areas having the receivers would need to be identified to the traveller by supplementing the existing rest area signing with a sign indicating WEATHER INFO or as proposed by NOA, a new symbol sign to identify a rest area having receivers.

The proposed symbol depicts, within a cartoon type speaking balloon, weather symbols (cloud, sun, rain, etc.) emanating from a radio speaker. The sign would have a white symbol and border on a blue background.

3. Markings (Part III)

Request III-25 (Chng.)—Marking of Pedestrian Curb Ramps. Pedestrian curb ramps are sloped areas through sidewalk curbing to permit access between the street and the sidewalk for persons using wheelchairs. Visually impaired persons have difficulty in detecting these ramps, which extend into the relatively level sidewalk area.

The New York State Department of Transportation (NYDOT) commented that the use of markings on these ramps

would improve their conspicuity, and requested that, if appropriate, national standards regarding color and marking patterns should be developed.

The FHWA notes that any standards developed for this purpose should include anti-skid requirements for the marking material.

4. Signals (Part IV)

(a) *Request IV-29 (Chng.)—Warrants for Freeway Entrance Ramp Control Signals (Interim).* Several years ago the Transportation Research Board (TRB) Committee on Freeway Operations prepared material on Warrants for Freeway Ramp Control Signals. These were incorporated into the MUTCD.

Section 4E-23, Warrants for Freeway Entrance Ramp Control Signals (Interim). The committee has further reviewed these warrants in the light of continuing, broader experience, and has suggested revisions to Section 4E-23 as a result of the review.

Based on further evaluation of these suggestions by the TRB committee, a change to Section 4E-23, Warrants for Freeway Entrance Ramp Control Signals (Interim), to incorporate the recommended revisions shown below is being considered. The proposed revisions are italicized.

There are too many variables that influence freeway capacity (number of lanes, trucks, gradients, merging, weather, etc.) to permit developing numerical *volume* warrants *that are* applicable to the wide variety of conditions found in practice. However, general guidelines have been identified for successful application of ramp control.

The installation of ramp control signals should be preceded by an engineering analysis of the physical and traffic conditions on the highway facilities likely to be affected. The study should include the ramps and ramp connections and the surface streets which would *be affected by the ramp control,* as well as the freeway section concerned. Types of traffic data which should be obtained include but are not limited to traffic volumes, traffic accidents, *freeway operating speeds,* travel time and delay on the freeway and on alternate surface routes.

Capacities *and demand/capacity relationships* should be determined *for each freeway section.* The locations and causes of capacity restrictions *and those sections where demand exceeds capacity* should be identified. From these and other data, estimates can be made of desirable metering rates, probable reductions in delay to freeway traffic, likely increases in delay to traffic on ramps, and *the potential impact on* surface streets. *The analysis should include an evaluation of storage capacities on the ramp for vehicles delayed at the signal, the impact of queued traffic on the local street intersection, and the availability of suitable alternate surface routes having adequate capacity to accommodate any additional traffic volume.*

Before installing ramp control signals, consideration should be given to *public acceptance potential and enforcement requirements of ramp control, as well as* alternate means of increasing the capacity, *reducing the demand,* or improving characteristics of the freeway.

Installation of freeway entrance ramp control signals may be warranted in the following instances:

1. *The total expected delay to traffic in the freeway corridor, including freeway ramps and local streets, is expected to be reduced with ramp control signals.*

2. There is recurring congestion on the freeway due to traffic demand in excess of the capacity; or there is recurring congestion or a severe accident hazard at the freeway entrance because of inadequate ramp merging area. *A good measure of recurring freeway congestion is freeway operating speed. An early indication of a developing congestion pattern would be freeway operating speeds less than 50 mph, occurring regularly for a period of half an hour. Freeway operating speeds less than 30 mph for a half-hour period would be an indication of severe congestion.*

3. *They are needed to accomplish transportation system management objectives identified locally for freeway traffic flow, such as: (a) maintenance of a specified freeway level of service or (b) priority treatments with higher levels of service for mass transit and carpools.*

4. *They are needed to reduce (predictable) sporadic congestion on isolated sections of freeway caused by short-period peak traffic loads from special events or from severe peak loads of recreational traffic.*

(b) *Request IV-31 (Chng.)—Periodic Darkening of Hazard identification Beacons*

Hazard identification beacons are used to supplement warning and regulatory signs or markers. The MUTCD contains guidelines for their use with traffic signals, School signs, and signs to identify work zones, and to identify narrow bridges and tunnels. A comparison of guidelines for the various uses of the hazard identification beacon indicates the MUTCD contains conflicting provisions concerning periodic darkening of these beacons.

Section 4B-19 would appear to preclude such darkening for hazardous beacon signals. Yet such darkening is specifically provided for in Signal Ahead signs (Section 4B-12(3)), School Speed Limit signs (Section 7B-12), and hazard identification beacons used with Emergency Traffic Signals (Section 4E-20). Further, Section 4E-5 provides that Hazard Identification Beacons should be operated only during those hours when the hazard exists.

To eliminate this conflict, the FHWA is considering the following changes in the MUTCD:

1. The fifth paragraph of Section 4B-19 would be changed to read: "The above provisions do not apply to emergency traffic signals, movable bridge signals, ramp control signals, or hazard identification beacons when used to supplement signs."

2. The fourth paragraph of Section 4E-5 would be changed to read: "Hazard identification beacons, when used to supplement signs, should be operated during those hours when the regulation governing their operation applies or the hazard exists. They may be darkened when the regulation does not apply or the hazard does not exist."

(c) *Request IV-32 (Chng.)—Flashing Operation of Newly Installed Traffic Signals.* The Michigan Department of Transportation requested a change in Section 4B-18 to provide for the flashing of a new traffic control signal during a period prior to stop and go operation. This measure is now used by several States to provide notice to motorists that a new signal operation is about to be placed in service.

Specifically the proposal would add a paragraph to the end of Section 4B-18 of the MUTCD:

When a traffic signal is initially installed it should be operated, where feasible, as a flashing device for an appropriate time period prior to stop and go operation. This period of time will allow motorists to adjust to the new signal.

(d) *Request IV-33 (Chng.)—Lane-Use Control Signals.* Reversible lane operation has been frequently used by traffic engineers to increase the capacity of streets or highways during peak demand periods. Reversing the use of the lanes is accomplished with the use of lane markings and overhead signs and/or signals.

It is a requirement of Section 3B-12 that lane-use control signals and/or signs be used with the required pavement markings to designate reversible lane operation. Section 4E-8,

Lane-Use Control Signals, does not include provisions for their use to support the requirements of Section 3B–12.

The FHWA is considering a revision to the second paragraph of Section 4E–8 by inserting after the last sentence: "Pavement markings for reversible lane operation (Section 3B–12) shall be used in conjunction with lane control signals and/or signing for reversible lanes."

This advance notice of proposed amendments to the MUTCD is issued under the authority of 23 U.S.C. 109(d), 315, and 402(a), and the delegation of authority in 49 CFR 1.48(b).

Note.—The Federal Highway Administration has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the Department of Transportation's regulatory policies and procedures. Due to the preliminary nature of this inquiry, a regulatory evaluation has not been prepared at this time. The expected impact of the changes requested is so minimal that a full evaluation does not appear to be warranted. The need to further evaluate economic cosequences will be reviewed on the basis of the comments submitted in response to this notice.

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

Issued on: June 23, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81–18800 Filed 6–24–81; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Ch. II

Safety and Offshore Oil

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Advanced notice of proposed rulemaking; request for comments.

SUMMARY: The U.S. Geological Survey (USGS), in consultation with the U.S. Coast Guard, is conducting a study of the adequacy of existing safety and health regulations and of the technology available for exploration, drilling, development, and production of oil and gas on the Outer Continental Shelf (OCS). This study is in response to enactment of the OCS Lands Act Amendments of 1978 (Pub. L. 95–372). By this notice, public comments are sought concerning the content of this study.

DATES: Written comments must be received on or before September 22, 1981.

ADDRESS: Written comments should be addressed to Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. Giangerelli, Chief, Best Available and Safest Technologies (BAST) Unit, Branch of Offshore Field Operations, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092, (703) 860–7395. Author: Richard J. Giangerelli, U.S. Geological Survey, (703) 860–7395.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate by submitting written data, views, or suggestions. Commenters should include their affiliation, relationship to OCS oil/gas development, and reasons for their comments.

A previous request for comments was published in the **Federal Register** (Volume 45, No. 41, pp. 13127–13128) of February 28, 1980, indicating that the National Academy of Sciences, through its Marine Board, was in the process of preparing a major portion of the technical base and analysis for this study. The report entitled "Safety and Offshore Oil" prepared by the Committee on Assessment of the Safety of OCS Activities, a specially formed committee of the Marine Board of the Assembly of Engineering, National Research Council, National Academy of Sciences, has been completed. Copies are available for $11.00 per copy from: National Academy Press, 2101 Constitution Avenue, NW, Washington, D.C. 20418.

In addition, a limited supply of background papers prepared in support of this report are available from: Marine Board, National Research Council, 2101 Constitution Avenue, NW, Washington, D.C. 20418.

After the Marine Board's supply of background papers is exhausted, the background papers will be available from: National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Discussion of Study

The growing demand for new energy sources in 1978 led to the passage of new amendments to the OCS Lands Act. A basic purpose of this legislation was "to promote the swift, orderly, and efficient exploitation of our almost untapped oil and gas resources in the OCS." Because the Government regulatory mechanisms dealing with the physical processes or exploiting OCS oil and gas resources had largely evolved before the tremendous recent advances in OCS technology, the 1978 amendments call for a comprehensive reassessment of these mechanisms. If found to be inadequate or inappropriate to deal with today's conditions, revisions may be proposed.

The mandate for this study is found in Section 21(a) of the Act which states:

"(a) Upon the date of enactment of this Section, the Secretary of the Interior and Secretary of the Department in which the Coast Guard is operating shall, in consultation with each other and, as appropriate, with the heads of other Federal departments and agencies, promptly commence a joint study of the adequacy of existing safety and health regulations and of technology, equipment, and techniques available for the exploration, development, and production of the minerals of the OCS. The results of such a study shall be submitted to the President who shall submit a plan to the Congress of his proposals to promote safety and health in the exploration and production of the minerals of the OCS."

The study will include all offshore activities, except diving. Diving is excluded from the study because it is specifically addressed in another part of the OCS Lands Act Amendments. Safety, health, technology, equipment, and techniques applying to both offshore operations and industrial activities connected with exploration, development, and production of oil and gas resources will be included in the study. This will include, but will not be limited to, such areas as drilling from floating and fixed structures, subsea completions, pipeline construction and pipelaying operations, and vessel and helicopter operations that directly affect safety of offshore activities and production operations.

The USGS, in the conduct of this study, has particular interest in the prevention of damage to, or waste of, any natural resource or injury to life or property with respect to oil and gas exploration, drilling, and production operations.

To assist the USGS in this study, comments are sought from the public, industry, State Governments, environmental groups, and others. Comments may be general or may discuss specific regulations or needs. General comments should be illustrated with specific examples. The following list of concerns include the types of questions that the study will attempt to address. This list is by no means exhaustive, and comments pointing to other areas of interest are welcomed.

1. *Technological Development.* What technologies have been prone to failure? What have been the consequences of failure? How could technologies and operational procedures be adequately evaluated for frontier offshore areas? How should poor performance be addressed?

2. *Human Element.* How can the regulatory system motivate and ensure safety and responsibility in the various levels of offshore organizations? Where should the emphasis be placed? What options are available to Government to enhance safety consciousness and performance? What actions can be taken to improve or enhance the technical and the enforcement capabilities of Government personnel, is it needed, and where is it needed? How should poor performance be addressed?

3. *Information.* What type and detail of information should be gathered by the Government? How should this information be reported, analyzed, utilized, and disseminated? Should poor performers be identified?

4. *Research.* What type of research should the Government conduct? In what type of research should the Government participate?

5. *Environment.* What types of studies should the Government perform? In what types of studies should the Government participate? When should these studies be performed? What type and detail of regulations are required? How should environmental concerns affect current or future OCS leases?

Dated: June 17, 1981.

Robert L. Rioux,

Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81-18836 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 82

[CGD 80-096]

COLREGS Demarcation Line

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Coast Guard is withdrawing its proposed rule on COLREGS Demarcation Line, Chesapeake Bay Entrance, Virginia (45 FR 83,267, December 18, 1980). Strong public opposition to, and very little support for the proposal to move the demarcation line from its current position to one coinciding with the Chesapeake Bay Bridge-Tunnel has convinced the Coast Guard to take no further action on this or on National Transportation Safety Board (NTSB) recommendation M-79-77.

EFFECTIVE DATE: This withdrawal is effective immediately.

FOR FURTHER INFORMATION CONTACT: Ensign Edward G. LeBlanc, Project Manager, Office of Marine Environment and Systems (G-WWM-2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593, (202) 426-4958.

DRAFTING INFORMATION: The principal persons involved in the drafting of this withdrawal are: Ensign Edward G. LeBlanc, Project Manager, Office of Marine Environment and Systems, and Lieutenant Walter J. Brudzinski, Project Counsel, Office of the Chief Counsel.

SUPPLEMENTARY INFORMATION: On December 18, 1980, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (45 FR 83,267). Interested persons were requested to submit comments and thirty-eight comments were received.

DISCUSSION OF THE COMMENTS: Of the thirty-eight comments received, thirty-two were opposed to the proposal for a variety of reasons, three requested a public hearing, two supported it, and one was neutral and suggested only editorial changes. Of the two comments supporting the proposal, one was from the NTSB, reiterating their recommendation M-79-77. The other comment reflected the concerns of that same recommendation.

Those comments opposed to the proposal addressed a number of issues. Most frequently mentioned were the anticipated increases in insurance premiums for vessels that were insured only for navigation in inland waters. The COLREGS demarcation line delineates Inland from International waters only for the purpose of employing different sets of navigation rules. Those waters seaward of a COLREGS demarcation line are not under international jurisdiction but continue to be wholly U.S. waters out to the three mile limit. Demarcation lines are not relevant in determining areas of territorial jurisdiction. The Coast Guard contacted several insurance companies, and none indicated that insurance premiums would be increased simply by moving a COLREGS demarcation line.

Also frequently mentioned were changes in navigation light configurations that this proposal would have necessitated for small vessels. The Coast Guard believes that this is a valid concern, as some boaters may need to change lighting configurations to conform with these regulations. Some boaters may, however, have to change the lighting configurations near the end of this year to comply with the Inland Navigation Rules Act of 1980. This Act, which will become effective December 24, 1981 on these waters will replace the current Inland Navigation Rules, the Pilot Rules for Inland Waters, Rules of the Road for the Great Lakes and Western Rivers, and certain portions of the Motorboat Act of 1940. The Inland Navigation Rules Act unified the several diverse sets of Rules now in effect throughout the U.S. and will help to standardize the lighting configurations of the U.S. Inland Navigation Rules to the International Navigation Rules.

Other comments were concerned with the degree of vessel congestion around the Chesapeake Bay Bridge-Tunnel, the lack of COLREGS rules knowledge by all vessel operators, and the limitations of some operators' license to operate only in waters shoreward of a COLREGS demarcation line.

The Coast Guard realizes that professional mariners man the vessels operating in the pilotage area near the present COLREGS line. Most of the small vessels causing congestion at the Chesapeake Bay Bridge-Tunnel are manned by recreational boaters and/or sport fisherman. The Coast Guard believes that professional mariners are better able to cope with a rules-of-the-road change and, therefore, moving the demarcation line to the Chesapeake Bay Bridge-Tunnel is likely to increase the risk of a maritime causalty.

Some commentors stated their concern that certain state and local laws could not be adequately enforced if the line were moved shoreward. Although the comments did not specifiy which statutes may be affected, such a use is beyond the intended purpose of the demarcation lines.

Because of the nearly unanimous desire to keep the demarcation line at its current location, and due to the absence of substantial evidence that moving the line to the proposed location would enhance safety, the proposed rule is withdrawn from further consideration.

(Pub. L. 96-324, 94 Stat. 1020; 33 U.S.C. 151; 49 CFR 1.46(b))

Dated: June 18, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-18797 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 81-024]

Drawbridge Operation Regulations; Bayou Plaquemine Brule, La.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development the Coast Guard is considering changing the regulations governing the State Route 91 pontoon bridge across Bayou Plaquemine Brule, mile 8.0, at Esterwood, Louisiana. The bridge now is required to open between 5 a.m. and 9 p.m. on signal and between 9 p.m. and 5 a.m. on at least 12 hours advance notice. The proposed change would require the bridge to open between 5 a.m. and 9 p.m. on at least 4 hours advance notice while retaining the 12 hour advance notice requirement for openings between 9 p.m. and 5 a.m. This proposal is being made because of the limited number of requests for opening the draw. The action should relieve the bridge owner of the burden of having a person constantly available from 5 a.m. to 9 p.m. to open the draw, and should still provide for the reasonable needs of navigation.

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

ADDRESS: Comments should be submitted to and are available for examination from 9 a.m. to 3 p.m., Monday through Friday, at the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, at the address given above, (504) 589-2965.

SUPPLEMENTARY INFORMATION: Interested parties are invited to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information: The principal persons involved in drafting this proposal are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of the Proposed Regulation

Data submitted by the Louisiana Department of Transportation and Development (LDOTD) indicate that for the period January 1979 through January 1981, between 5 a.m. and 9 p.m., the bridge averaged 2.28 openings per month. These openings were for a one barge tow, exclusively. The need to provide four hours advance notice is not anticipated to have a significant economic impact on the operators of this tow, or any other commercial vessel that may use the waterway. There is a small boat passage through the bridge in the closed position, but it is seldom used, as the State maintains boat launch ramps on each side of the bridge. Based on these data, the Coast Guard feels that the proposed regulations should provide relief to the bridge owner and should still meet the reasonable needs of navigation.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since the impact is expected to be minimal for the reasons discussed above. In accordance with § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, it is proposed that Part 117 of Title 33, Code of Federal Regulations be amended as set forth below.

§ 117.540 [Amended]

1. By removing "Bayou Plaquemine Brule, mile 8.0, S-91 highway drawbridge at Esterwood" from § 117.540(b).

2. By revising paragraph (j)(16) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(j) * * *

(16) Bayou Plaquemine Brule, LA:

(i) S-91 highway drawbridge at Esterwood. The draw shall open on signal if at least four hours notice is given from 5 a.m. to 9 p.m., and if at least 12 hours notice is given from 9 p.m. to 5 a.m.

(ii) Texas and New Orleans Railroad Company bridge near Midland. The draw shall open on signal if at least 24 hours notice is given.

* * * * *

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2), 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: June 16, 1981.

W. H. Stewart,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 81-18785 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS 62013; TS-FRL-1832-3]

Polychlorinated Biphenyls (PCBs); Manufacture of PCBs in Concentrations Below Fifty Parts Per Million; Possible Exclusion From Manufacturing Prohibition

Correction

In FR Doc. 81-15041 appearing on page 27617 in the issue of Wednesday, May 20, 1981; on page 27618, first column, fourteenth line from the bottom, "* * * EPA's approved * * *" should read "* * * EPA-approved * * *".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-168; RM-3561; RM-3608; RM-3899]

FM Broadcast Stations in Ellsworth, Maine, et al.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding concerning the proposed assignment of FM channels to various communities in Maine. Petitioner, WXRV, Inc., states that additional time is needed to respond to a recently-filed counterproposal, as well as to the comments of numerous interested parties.

DATE: Reply comments must be filed on or before June 19, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: June 15, 1981.

Released: June 16, 1981.

By the Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ellsworth, Farmington, Lewiston, Skowhegan and Boothbay-Boothbay Harbor, Maine) BC Docket No. 81-168; RM-3561; RM-3608; RM-3899.

1. On March 13, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 18743, published March 26, 1981, in the above-referenced proceeding concerning RM-3561 and RM-3608. The time for filing comments and reply comments have expired.

2. On May 20, 1981, the Commission issued a Public Notice (Report No. 1287), announcing the filing of a petition by Robert Cole ("Cole") in RM-3899, requesting the assignment of FM Channel 237A to Boothbay-Boothbay Harbor, Maine. The Commission therein advised that such petition would be treated as a counterproposal to the Docket No. 81-168 proceeding, and established that responsive statements thereto should be submitted by the date for filing reply comments.

3. On June 11, 1981, counsel for WXRV, Inc. ("WXRV"), the proponent in RM-3561, filed a motion for extension of time for filing reply comments to and including June 19, 1981, noting that the request is late under the time for filing extension requests, Section 1.46(b) of the Rules. Counsel states that additional time is needed to complete its comments, not only to the recently-filed Cole counterproposal, but also to the comments of the numerous interested parties in this proceeding.

4. Counsel for WXRV states that counsel for the other parties have been contacted and advised they will interpose no objection to this requested extension.

5. We are of the view that, under the circumstances mentioned, additional time is warranted. Therefore, we will waive the requirements of Section 1.46(b) since such extension will assure development of a sound and comprehensive record on which to base a decision in this proceeding.

6. Accordingly, it is ordered, that the date for filing reply comments in BC Docket No. 81-168 (RMs-3561, 3608 and 3899) is extended to and including June 19, 1981.

7. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18748 Filed 6-24-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 80-729]

Amateur Radio Service Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: This document extends time for filing comments and reply comments in this proceeding regarding the Amateur Radio Rules. Extension of the comment period was requested by the American Radio Relay League, Inc., who said it needed more time to assimilate the view of its members before submitting comments.

DATES: Comments are now due by August 21, 1981 and replies by October 21, 1981.

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

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554 (202) 632-4964.

SUPPLEMENTARY INFORMATION:

Adopted: June 15, 1981.

Released: June 16, 1981.

By the Chief, Private Radio Bureau.

In the Matter of Revision of the Amateur Radio Service Rules into "Plain Language" PR Docket No. 80-729 (45 FR 83592; 12-19-80).

1. A request from the American Radio Relay League, Inc. (ARRL) to extend for six months the date for receipt of comments in this proceeding was denied on May 28, 1981.

2. On June 11, 1981, ARRL requested reconsideration of that action, and asked that the time for filing comments be extended only until August 21, 1981. ARRL said that its formulation of comments had progressed to the point where only the two-month extension would be needed.

3. It appears that the public interest would be served by this brief extension of time.

4. Accordingly, pursuant to the authority contained in Sections 0.331 and 1.106(a)(1) of the Commission's Rules, the request of the American Radio Relay League for an extension of time to file comments in PR Docket No. 80-729 is hereby granted. Comments in this proceeding are due on or before August 21, 1981, with reply comments due on or before October 21, 1981.

Carlos V. Roberts,

Chief, Private Radio Bureau.

[FR Doc. 81-18747 Filed 6-24-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 212

[FRA Docket No. RSSP-3 Notice No. 1]

Revision of State Safety Participation Regulations

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FRA proposes to revise its regulations on state participation in railroad safety inspections and investigations (49 CFR Part 212). The revisions are necessary to respond to the expanded state participation authority contained in the Federal Railroad Safety Authorization Act of 1980. The proposed rules would implement the new authority and make other changes in the regulations designed to facilitate expanded state participation while assuring proper coordination of Federal and state inspection activities.

DATES: (1) Written comments: Written comments must be received before August 14, 1981. Comments received after that date will be considered so far as possible without incurring additional expense or delay.

(2) Public hearing: A public hearing will be held at 10:00 a.m. on July 30, 1981. Any person who desires to make an oral statement should notify the Docket Clerk before July 24, 1981, by phone or by mail.

ADDRESSES: (1) Written comments: Written comments should identify the docket number and the notice number and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Written comments will be available for examination, both before and after the

closing date for written comments, during regular business hours (8:30 a.m.–5:00 p.m.) in Room 8211 of the Nassif Building at the above address.

(2) Public hearing: A public hearing will be held in Room 4234 of the Nassif Building. Persons desiring to make oral statements at the hearing should notify the Docket Clerk by telephone (202–426–8881) or by writing to: Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Principal Program Person: Bruce Fine, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590 (Phone: 202–426–4345) Principal Attorney: Lawrence I. Wagner, Office of the Chief Counsel Federal Railroad Administration, Washington, D.C. 20590 (Phone: 202–426–8836).

SUPPLEMENTARY INFORMATION: Section 206 of the Safety Act initially provided for a state role in investigation and surveillance activities with respect to safety regulations issued by FRA solely under the Federal Railroad Safety Act of 1970 (45 U.S.C. 435) (Safety Act). This limitation did not permit state participation in effecting compliance with the older Federal railroad safety laws, the Safety Appliance Acts (45 U.S.C. 1–16), the Hours of Service Act (45 U.S.C. 61–64b), the Signal Inspection Act (49 U.S.C. 26) and the Locomotive Inspection Act (45 U.S.C. 22–34). The regulations implementing section 206 of the Safety Act, 49 CFR Part 212 (referred to as the State Safety Participation Program or Program) reflect this statutory limitation. The regulations were published on December 18, 1973 (38 FR 34 748) and amended on November 28, 1974 (40 FR 55508).

Section 4 of the Federal Railroad Safety Authorization Act of 1980, Pub. L. No. 96–423, 94 Stat 1812 (October 10, 1980) authorized FRA to expand the State Safety Participation Program to encourage state participation in effecting all Federal railroad safety statutes. This proposal would implement section 4 and make other changes to improve the strength and quality of the State Safety Participation Program.

The specific objectives of this revision are to:

(1) Expand the scope of the Program to permit the broadest range of state participation allowed by law;

(2) Clarify the policy framework within which the FRA and the states will develop operational arrangements;

(3) Conform the administrative details set forth in the regulations to existing delegations within FRA;

(4) Define strict, but realistic minimum qualification requirements for state inspection personnel engaged in all phases of the Program; and

(5) Reorganize and edit Part 212 to eliminate unnecessary verbage and make it more readable.

Section by Section Analysis

Subpart A—General Revisions

Section 212.1 through 212.5 would describe the purpose and scope of the revised regulations, and define certain terms.

Subpart B—State/Federal Roles

Section 212.101 would enunciate the basic principles of the national railroad safety program and describe in broad terms the intended contribution of the Program to this overall effort. The section states the dual commitment of the FRA to the success of the State Participation Program and to the maintenance of a nationwide Federal capability to be utilized in coordination with, and close support of, state inspection programs.

The thrust of this statement of principles is a fresh delineation of Federal and state roles. At a minimum, participating states are expected to provide an inspection capability adequate to effect basic coverage of all or part of the territory of the state, through planned compliance inspections. State agencies may also provide other investigative services, based on their level of staffing, capabilities of personnel, and desire to take on additional responsibilities. The FRA will maintain the capability to undertake additional investigations and assessments as deemed necessary.

This statement of basic philosophy is intended, in part, to correct the misimpression that each state is expected to operate a self-contained, insular program unrelated to national safety objectives and without the benefit of the support which the FRA field complement of 300 professionals can provide. While it is crucial that each participating state agency take on clearly defined responsibilities for providing inspection services, it is equally important to the success of participating states, and the FRA, that resources be applied in a coordinated and mutually supportive fashion to remedy identified safety problems. This basic philosophy already has the strong support of many participating states.

Section 212.105 would describe the scope of participation by agreement and prescribes procedures for the formation of an agreement.

The FRA proposes to make "agreement" the primary means by which states will participate, starting with the Federal fiscal year beginning October 1, 1981. Presently, "certification" is the primary means of participation. This change in approach appears to be desirable for several reasons.

First, the 1980 safety amendments provide that participation under the older safety laws shall be by agreement, permitting the FRA to reconcile proposed state funding levels with the existing FRA presence in a state or region. If certification were to be utilized as the primary form of participation, it would be necessary for each state engaged as a full participant to file both an annual certification with respect to regulations issued under the Safety Act and to execute an agreement with respect to activities under the older safety laws. Such an arrangement would lead to unnecessary paperwork and foster confusion over the source of investigative and surveillance authority.

Second, the history of state participation under the Program has taught both the FRA and the states that common purpose should predominate over rigid concepts of entitlement if the Program is to make a maximum contribution. Use of the agreement mechanism would emphasize the essentially cooperative nature of the program.

Third, while each certification must, by law, be renewed annually, agreements may be entered into for an indefinite duration, avoiding formalistic filings and assuring that investigative and surveillance authority does not lapse as a result of administrative delay or error.

Fourth, the agreement approach permits the FRA, in concert with the state agency, to determine the minimum level of inspection effort the state will provide based on the full range of real world considerations, rather than a universal formula. For instance, a state agency with responsibility for monitoring the compliance of one or two railroads with good safety records within a territory so compact as to require little extended travel, might wish to effect coverage of its territory with fewer personnel than a rigid national formula might indicate to be necessary. Under the agreement approach, FRA safety program managers could accommodate that state decision without the delays incident to waiver of the regulations.

Using the agreement approach to participate, a state would be identified as a "full participation state"—

• In track safety, if the state undertook responsibility for routine compliance activities under the Track Safety Standards;

• In equipmenty safety, if the state undertook responsibility for routine compliance activities under the Freight Car Safety Standards (and such inspections under the Safety Appliance Acts and Locomotive Inspection Act as might be agreed to by the state and FRA); and

• In operating practices safety, if the state undertook responsibility for routine compliance inspections under the operating practices regulations (49 CFR Parts 217, 218, 220, 221, 225) (and such investigations under the Hours of Service Act and the Signal Inspection Act as might be agreed to by the state and FRA).

A state providing investigative and surveillance activities less extensive than basic coverage of track, equipment, or operating practices under the Safety Act would be known as a "partial participation state".

The proposed section would preserve the existing use of agreements to assist the development of state programs through training and to accommodate those states that wish to provide only a part of the necessary planned inspections.

Most important from the point of view of program improvement, section 212.105 would permit the delegation of Federal safety inspection authority with respect to the Safety Appliance Acts (including the Power Brake Law), the Locomotive Inspection Act, the Hours of Service Act and Signal Inspection Act. While the section would not create any entitlement to participation in these areas, it is FRA's intention to utilize this authority liberally to supplement Federal inspection personnel already deployed and, to the extent states are prepared to shoulder this additional burden, to relieve FRA personnel of routine tasks. To the extent state agencies are willing to accept responsibility for investigating a portion of the large volume of complaints received by FRA each year, for instance, seasoned FRA personnel will be increasingly available for more comprehensive tasks such as assessing railroad training and supervision programs and undertaking major compliance initiatives that involve operations in more than one state.

The selective delegation of inspection authority under the older acts will also provide more efficient use of state personnel. State freight car safety inspectors are presently without authority to commence enforcement actions under the Safety Appliance Acts. This anomaly results in the underutilization of qualified state personnel, while necessitating duplicative FRA coverage of inspection points. Under the proposed section, it is hoped that each state participating in the equipment area will undertake at least limited responsibility for safety appliance and power brake inspections.

Section 212.107 identifies the qualified right of a state agency to participate through the filing of an annual certification. This mechanism is available only with respect to regulations and orders issued under the Safety Act. Under the proposed section, "certification" and "agreement" would be mutually exclusive. That is, FRA would not delegate authority under the older acts to a certified state. A state certification would be accepted only if the state had the current capability to provide the minimum level of inspection effort set forth in the applicable appendix to the rules through qualified personnel.

Section 212.109 provides for joint planning of inspection activities on an annual basis. This proposal, which is derived from the FRA System Safety Plan, is a part of an overall effort that involves an enhanced flow of accident and traffic data from the Office of Safety headquarters staff to the regions and the development of regional work plans identifying prospective state and FRA activities. Although proposed here as a regulatory requirement, this initiative is already being implemented by state agencies and the respective FRA Regional Directors of Railroad Safety.

It should be noted that a certified state wishing not to participate in the discipline of joint planning would be permitted to do so, so long as the state did not seek Federal funding.

Section 212.111 expresses general FRA policy with respect to monitoring and direct FRA inspection activity. Monitoring is conducted at the program level; supervision of individual personnel is the responsibility of the state agency. The FRA coordinates its direct investigative and inspection activities with the particular state agency, providing prior notice to the state agency whenever practicable.

Section 212.113 would require a state to provide thirty (30) days notice of its intention to terminate its participation.

The FRA, on its own initiative, may terminate a state agency's participation, after opportunity for hearing, if the state cannot establish that it has substantially complied with applicable law, regulations, and directives provided for the governance of the Program. This language would include state adherence to jointly developed plans for inspection activities under Section 212.109. The proposed section also contains language to make it explicit that an attempt by a state to enforce requirements preempted by Federal law is inconsistent with the obligations of a state under the Safety Act and is a basis for termination.

The FRA wishes to emphasize that no state has been terminated from this program in the past; and FRA hopes and expects that any difficulties that may arise in the future will be resolved through amicable discussions.

Section 212.115 provides that FRA reserves exclusive authority to execute enforcement actions recommended by state (and FRA) personnel, except to the extent the state agency may be entitled to proceed with its own attorneys pursuant to section 207 of the Safety Act, as amended by section 5, Pub. L. No. 96-423, 94 Stat. 1812 (45 U.S.C. 436). The FRA will endeavor to process all enforcement actions on a timely basis to assure maximum prospective effect and to assure that the Federal railroad safety laws and regulations are applied uniformly throughout the nation.

The section would also specify those FRA offices to which requests for legal action should be submitted.

Subpart C—State Inspection Personnel

This proposed subpart would, for the first time, prescribe qualification requirements for personnel engaged in operating practice inspections, and inspections under the older safety laws. In addition, the subpart would revise existing qualification requirements to put greater emphasis on actual skills, knowledge and ability.

The proposed qualification standards are intended to insure that, at a minimum, state inspection personnel are (1) fully competent to measure conditions and practices observed on the railroads against applicable Federal requirements; (2) capable of understanding the safety consequences of conditions and practices observed, and (3) able to communicate effectively in conversation and in written reports.

The proposal recedes, to a very limited degree, from the premise that each state inspector must have had the same duration of experience in the railroad industry that is expected of FRA inspectors. This "time in service" concept of the present regulations was intended to measure indirectly the overall familiarity of the inspector with the railroad environment and the inspector's depth of technical expertise that could be applied to more sophisticated problems of diagnosis and remediation. The requirement that each state inspector possess such expertise

was based on the assumption that FRA might withdraw its capability entirely from a participating state. However, the development of the Program has established both the necessity and desirability of FRA's remaining involved, in partnership with the state agencies, in safety operations across the nation.

This management concept provides ample room for contributions by highly experienced state personnel, as well as individuals with less industry experience who have demonstrated that they are fully competent to measure and report compliance with objective, minimum safety standards.

This notice does not propose to dilute the concept of "full competence" embodied in existing regulations. The proposed rules would require knowledge of governing Federal requirements, industry standards, personal safety rules of the railroads, and applicable technology and related nomenclature. The FRA, as well as the state agency, would participate in the qualification process; and each would have to be fully satisifed concerning the general competence and particular qualifications of the inspector candidate prior to acceptance into the Program.

At the same time, a highly qualified individual whose knowledge is derived from formal education and training, rather than years of employment in the railroad industry, would not be unduly impeded from progressing to inspector status.

The proposed rule identifies the basic qualifications that would be needed for all state inspectors and then identifies the particular qualifications that would be needed for an inspector who would be authorized to monitor compliance with a select group of Federal requirements. Additionally, the proposed rule would permit the creation of "apprentice" inspector positions (similar to "trainee" positions under the existing regulations) for each major discipline. To the extent of available resources, the FRA will endeavor to provide in-depth training to state apprentice inspectors. In addition, state agencies that already employ experienced and qualified inspectors will be able to use FRA developed training manuals to train their own apprentice inspectors. With the use of a structured training curriculum and the combined resources of the state agencies and FRA, a more rapid development of apprentices to the status of qualified inspector status can be achieved, dependent on an individual's ability.

Section 212.201 would prescribe those basic qualifications common to inspectors of all disciplines, and apprentice inspectors.

Sections 212.203 and 212.205 would prescribe qualification requirements for state track inspectors and apprentices.

Section 212.207 would prescribe qualification requirements for state signal and train control inspectors. A state inspector meeting these qualifications would monitor compliance with all provisions of the signal regulations.

Section 212.209 would prescribe qualification requirements for state train control inspectors. The train control inspector would only monitor compliance with requirements relating to those portions of automatic cab signal, trainstop and train control systems housed on board locomotives. Unlike the "signal and train control inspector", the train control inspector would not monitor the compliance of wayside signals and control systems.

Section 212.211 would prescribe entry requirements for the signal and train control inspector apprentice.

Section 212.213 would prescribe qualification requirements for the state motive power and equipment (MP&E) inspector. A state inspector meeting these qualifications would monitor compliance with the full range of regulations relating to railroad rolling stock safety, including freight cars, safety appliances, power brake, and locomotive standards. In order to perform the functions of an MP&E inspector, the inspector would have to be technically qualified in each of these areas.

Section 212.215, by contrast, describes the qualifications of a state locomotive inspector whose expertise and duties would be limited to locomotives; and *section 212.217* describes the qualifications for a state inspector whose expertise and duties would be limited to freight cars.

Section 212.219 would prescribe entry qualifications for an MP&E inspector apprentice.

Section 212.221 would define the duties and qualifications of a state operating practices inspector. Like the MP&E inspector, the operating practices inspector would have to demonstrate specialized knowledge of a broad range of regulatory fields, including carrier operating rules and programs, FRA Railroad Operating Rules (Radio Rules, Rear End Marking Device Regulations,) and the Hours of Service Act. The operating practices inspector, in short would have to demonstrate extensive knowledge of the operating environment and the ability to evaluate interacting conditions and practices.

Section 212.223, by contrast, would define the position of operating practices compliance inspector, whose duties would be limited to measuring particular mining compliance with the Track Safety Standards (49 CFR Part 213), to make reports of those inspections, and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The track inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of track nomenclature, track inspection techniques, track maintenance methods, and track equipment;

(2) The ability to understand and detect deviations from:

(A) Track maintenance standards accepted in the industry; and

(B) The Track Safety Standards (49 CFR Part 213).

(3) Knowledge of operating practices and vehicle/track interaction sufficient to understand the safety significance of deviations and combinations of deviations; and

(4) Specialized knowledge of the requirements of the Track Safety Standards, including the remedial action required to bring defective track into compliance with the standards.

Administrator to issue qualification requirements. For instance, should the FRA issue an emergency order involving a particular series of freight cars, FRA could involve the state in its enforcement by executing amendments to existing agreements and by requiring state MP&E and car inspectors to demonstrate familiarity with the technical problem to be addressed, the requirements of the emergency order, and FRA procedures for its implementation.

Subpart D—Grants in Aid

Section 212.301 notes that the Safety Act authorizes FRA to pay, out of funds appropriated for the purpose, up to 50 percent of the cost of personnel, equipment and activities reasonably required for a state agency to carry out investigative and surveillance activities prescribed by the FRA as necessary for enforcement of the Federal railroad safety laws and regulations.

Section 212.303 describes the annual funding process.

Section 212.305 refers to the State Safety Participation Program Manual, which contains administrative details related to reporting of inspection activities and documentation of expenditures.

Section 212.307 would describe how the FRA determines the minimum and

maximum levels of reimbursement that will be allowed for each state. Maximum levels for agreement states would be set by the Associate Administrator based on enumerated criteria, with the reimbursement levels set for certified states utilized as the floor below which the Associate Administrator may not go.

The reimbursement levels for certified states would be those set in Appendix A and Appendix B. A certified state must provide the minimum level of effort prescribed in each appendix. Reimbursement for the Federal share of the cost of invstigative and compliance activities with respect to the Track Safety Standards will be allowed up to a maximum reimbursement for man-years of effort prescribed in Appendix A. The levels with respect to the Freight Car Safety Standards are prescribed in Appendix B.

Appendix A. In determining the level of track inspection for each state that is contained in the existing regulation, FRA used a formula based on the determination that one inspector could adequately inspect no more than 2,200 miles of track in a year and that any given segment of track should be inspected once every two years. The total miles of track in a state was then divided by 4,400 to arrive at the minimum level of inspection effort. Once the minimum number of man-years was established for each state, FRA established a maximum level of man-years for Federal reimbursement by allowing up to one man-year of effort for reimbursement purposes in those instances where only a fraction of a man-year of effort would be required to meet the maximum inspection effort. FRA has utilized the same approach for this proposal but has revised the inspection effort of an individual to indicate inspection of only 2,000 miles in a given year. This revision is based on recent inspection data for state and Federal inspectors. The actual miles of track in each state was also revised to reflect changes in operations since the rules were last amended.

Appendix B. In determining the level of freight car inspection for each state that is contained in the existing regulation, FRA used a formula that included a determination that one inspector could adequately inspect no more than 14,280 freight cars in a year and that only a percentage sampling of the freight car fleet was appropriate. FRA has utilized the same approach for this proposal but has revised the inspection levels to reflect recent changes in the Freight Car Safety Standards and reductions in fleet size as well as drops in traffic volumes.

Should appropriated funds ever prove insufficient to make initial grant commitments for a fiscal year for the full 50 percent funding which has been provided since the inception of the program, FRA would determine the allocation of Federal funds to each state and specify the respective amounts in the grant approvals. The most likely method for dealing with a shortfall would be to reduce each state's allotment proportionally (e.g. 46 percent funding of each state program rather than 50 percent). However, in the case of a prolonged shortage of funds, the FRA, within the framework of the budget process, might distribute funds on other grounds.

The section notes that a state may elect to employ, at its own expense, qualified personnel to engage in investigative and surveillance activities under either agreement or certification. For instance, FRA might agree to provide 50 percent funding for only three track inspector positions in a state. That limitation on funding would not bar the state from employing six qualified track inspectors, based on its perception of safety needs within the state. However, three of the six positions would have to be wholly funded by the state. The FRA would evaluate all such candidates proffered for qualification under Subpart C, but might, for reasons of insufficient resources, require the state to provide all orientation and classroom training, including any relevant travel, at its own expense.

Regulatory Impact

This proposal has been evaluated in accordance with existing regulatory policies. This proposal will only affect state governments and will not have an adverse economic impact on any entity since it does not place any new requirements or burdens on the public. Based on these facts, it is certified that the proposal will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act (Pub. L. 95–354, 94 Stat. 1164, September 19, 1980). It does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The proposal does not constitute a major rule under the terms of Executive Order 12291 and does not constitute a significant rule under the Department of Transportation regulatory policies and procedures. The proposal is minimal and it does not warrant a regulatory evaluation.

Public Participation

Interested persons are invited to participate in this proceeding by submitting written data, views or comments. Communications should identify the regulatory docket number and the notice number, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before August 14, 1981, will be considered before final action is taken on the proposed rules. All comments received will be available for examination by interested persons at any time during regular working hours in Room 8211, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

In addition, FRA will conduct a public hearing on July 30, 1981, Room 4234, 400 Seventh Street SW., Washington, D.C. at 10:00 a.m. The hearing will be informal, and not a judicial or evidentiary hearing. There will be no cross examination of persons making statements. A staff member of FRA will make an opening statement outlining the matter set for hearing. Interested persons will then have the opportunity to present their oral statements.

At the completion of all initial oral statements, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they make their initial statements. Additional procedures for conducting the hearing will be announced at the hearing.

Interested persons may present oral or written statements at the hearing. All statements will be made a part of the record of the hearing and will be a matter of public record. Any person who wishes to make an oral statement at the hearing should notify the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration 400 Seventh Street SW., Washington, D.C. 20590 (Phone: 202–426–8836), before July 24, 1981, stating the amount of time required for the initial statement.

In consideration of the foregoing, it is proposed to amend Chapter II, Title 49, Code of Federal Regulations by revising Part 212 to read as set forth below.

Issued in Washington, D.C. on June 16, 1981.

Robert W. Blanchette,

Administrator.

PART 212—STATE SAFETY PARTICIPATION REGULATIONS

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Authority: Secs. 202, 205, 206, 207, Pub. L. No. 91-458, 84 Stat. 971 *et seq.*, as amended by sections 4 and 5, Pub. L. No. 96-423, 94 Stat. 1812 (45 U.S.C. 431, 434, 435, 436).

Subpart A—General

§ 212.1 Purpose and scope.

This part establishes standards and procedures for state participation in investigative and surveillance activities under the Federal railroad safety laws and regulations.

§ 212.3 Definitions.

As used in this part:

(a) "Administrator" means the Federal Railroad Administrator or the Deputy Administrator or the delegate of either of them.

(b) "Associate Administrator" means the Associate Administrator for Safety, Federal Railroad Administration (FRA), or the Deputy Associate Administrator for Safety, FRA.

(c) "FRA" means the Federal Railroad Administration.

(d) "Federal railroad safety laws" means the following enactments, together with regulations and orders issued under their authority:

(1) the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. Sections 421, 431–441);

(2) the Safety Appliance Acts, as amended (45 U.S.C. Sections 1–16);

(3) the Locomotive Inspection Act, as amended (45 U.S.C. Sections 22–34);

(4) the Signal Inspection Act, as amended (49 U.S.C. Section 26);

(5) the Accident Reports Act, as amended (45 U.S.C. Sections 38–42); and

(6) the Hours of Service Act, as amended (45 U.S.C. Section 61–646).

(e) "Planned compliance inspections" means investigative and surveillance activities described in the annual work plan required by section 212.109 of this part that provide basic surveillance of railroad facilities, equipment and/or operations for the purpose of determining the level of compliance with relevant Federal safety requirements.

§ 212.5 Filing.

Each state agency desiring to conduct investigative and surveillance activities must submit to the Associate Administrator for Safety, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, the documentation which contains the information prescribed by sections 212.105 and 212.107.

Subpart B—State/Federal Roles

§ 212.101 Program principles.

(a) The purpose of the national railroad safety program is to promote safety in all areas of railroad operations in order to reduce deaths, injuries and damage to property resulting from railroad accidents.

(b) (1) The national railroad safety program is carried out in part through the issuance of mandatory Federal safety requirements and through inspection efforts designed to monitor compliance with those requirements. FRA and state inspections determine the extent to which the railroads have fulfilled their obligations with respect to inspection, maintenance, training, and supervision. The FRA and participating states do not conduct inspections of track, equipment, signal systems and operating practices for the railroads.

(2) The national railroad safety program is also carried out through accident investigations, formal and informal educational efforts, complaint investigations, safety assessments, special inquiries, regulatory development, research and similar initiatives.

(c) It is the policy of the FRA to maintain direct oversight of railroad conditions and practices relevant to safety by conducting inspections and investigations throughout the national railroad system in coordination with participating state agencies.

(d) The principal role of the State Safety Participation Program in the national railroad safety effort is to provide an enhanced investigative and surveillance capability through assumption, by participating state agencies, of responsibility for planned compliance inspections. The FRA encourages further state contributions to the national railroad safety program consistent with overall program needs, individual state capabilities, and the willingness of the states to undertake additional investigative and surveillance activities.

(e) It is the policy of the FRA to promote the growth and vitality of the State Safety Participation Program through liaison with state governments, coordination of Federal and state investigative and surveillance activities, training of inspection personnel, and grants in aid.

§ 212.103 Investigative and surveillance authority.

(a) Subject to the requirements of this part, a state agency with jurisdiction under state law may participate in investigative and surveillance activities concerning Federal railroad safety laws and regulations by entering into an agreement for the exercise of specified authority under § 212.105.

(b) Subject to the requirements of this part, a state agency with jurisdiction under state law may participate in investigative and surveillance activities with respect to particular rules, regulations, orders or standards issued under the regulatory authority of the Federal Railroad Safety Act of 1970 by filing an annual certification under § 212.107.

§ 212.105 Agreements.

(a) *Scope.* The principal method by which states may participate in investigative and surveillance activities is by agreement with FRA. An agreement may delegate investigative and surveillance authority with respect to all or any part of the Federal railroad safety laws.

(b) *Duration.* An agreement may be for a fixed term or for an indefinite duration.

(c) *Amendments.* An agreement may be amended to expand or contract its scope by consent of FRA and the state.

(d) *Common terms.* Each agreement entered into under this section provides that:

(1) The state agency is delegated certain specified authority with respect to investigative and surveillance activities;

(2) The delegation is effective only to the extent it is carried out through personnel recognized by the state and the FRA (pursuant to Subpart C of this part) to be qualified to perform the particular investigative and surveillance activities to which the personnel are assigned; and

(3) The state agency agrees to provide the capability necessary to assure adequate coverage of facilities, equipment, and operating practices through planned compliance inspections for all, or a specified part of, the territory of the state.

(e) *Request for agreement.* A request for agreement shall contain the following information:

(1) An opinion of the counsel for the state agency stating that:

(i) The agency has jurisdiction over safety practices applicable to railroad facilities, equipment, rolling stock, and operations in that state;

(ii) The agency has the authority to conduct investigative and surveillance activities in connection with the rules, regulations, orders, and standards issued by the Administrator under the Federal Railroad Safety Act; and

(iii) State funds may be used for this purpose.

(2) A statement that the state agency has been furnished a copy of each Federal safety statute, rule, regulation, order, or standard pertinent to the state's participation;

(3) The names of the railroads operating in the state together with the number of miles of main and branch lines operated by each railroad in the state;

(4) The name, title and telephone number of the person designated by the agency to coodinate the program; and

(5) A description of the organization, programs, and functions of the agency with respect to railroad safety.

(f) *Development agreement.* Consistent with national program requirements, the Associate Administrator may enter into an agreement under this section prior to the qualification of inspection personnel of the state under Subpart C of this part. In such a case, the agreement shall specify the date at which the state will assume investigative and surveillance duties and refer to any undertaking by the FRA to provide training for state inspection personnel.

(g) *Action on request.* The Associate Administrator responds to a request for agreement by entering into an agreement based on the request, by declining the request, or by suggesting modification in the form of agrement.

§ 212.107 Certification.

(a) *Scope.* In the event the FRA and the state agency do not agree on terms for the participation of the state under section 212.105 of this part and the state wishes to engage in investigative and surveillance activities with respect to any rule, regulation, order or standard issued under the authority of the Federal Railroad Safety Act of 1970, the state may file an annual certification with respect to such activities.

(b) *Content.* The annual certification shall be filed not less than 60 days before the beginning of the Federal fiscal year to which it applies, shall contain the information required by section 212.105(e) of this part and, in addition, shall certify that:

(1) The state agency has the capability to conduct investigative and surveillance activities under the requirements of this part with respect to each rule, regulation, order or standard for which certification is submitted; and

(2) The state agency will, at a minimum, conduct planned compliance inspections meeting the level of effort prescribed in the applicable appendix to this part.

(c) *Action on certification.* The Associate Administrator responds to the filling of an annual certification within 60 days of its receipt by accepting it or by rejecting it for cause stated.

(d) *Delegation of Authority.* Acceptance of an annual certification will constitute a delegation of authority to conduct investigative and surveillance activities only to the extent that the delegation is carried out through personnel recognized by the state and the FRA (pursuant to Subpart C of this part) to be qualified to perform the particular investigative and surveillance activities to which the personnel are assigned.

§ 212.109 Joint planning of inspections.

Prior to the beginning of each Federal fiscal year, each participating state applying for grant assistance under Subpart D of this part shall develp, in conjunction with the FRA Regional Director of Railroad Safety for the region in which the state is located, an annual work plan for the conduct of investigative and surveillance activities by the state agency. The plan shall include a program of inspections designed to monitor the compliance of the railroads operating within the state (or portion thereof) with applicable Federal railroad safety laws and regulations.

§ 212.111 Monitoring and other inspections.

(a) The FRA may conduct such monitoring of state investigative and surveillance practices and such other inspection and investigation as may be necessary to aid in the enforcement of the Federal railroad safety laws.

(b) It is the policy of the FRA to monitor state investigative and surveillance practices at the program level.

(c) It is the policy of the FRA to coordinate its direct inspection and investgative functions in participating states with the responsible state agency, providing prior advice to the states whenever practicable.

§ 212.113 Program termination.

(a) A state agency participating in investigative and surveillance activities by agreement or certification shall provide thirty (30) days notice of its intent to terminate its participation.

(b) The Administrator may, on his own initiative, terminate the participation of a state agency if, after at least thirty (30) days notice and opportunity for oral hearing under section 553 of Title 5 U.S.C., the state agency does not establish that it has complied and is complying with:

(1) The requirements of this part;

(2) Relevant technical directives, enforcement manuals, and written interpretations of law and regulations provided by the FRA for guidance of the program; and

(3) The rule of national uniformity of laws, rules, regulations, orders, and standards relating to railroad safety as expressed in section 205 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 434).

§ 212.115 Enforcement actions.

(a) Except as provided in paragraph (b) of this section, the FRA reserves exclusive authority to assess and compromise penalties, to issue emergency orders and compliance orders, institute or cause to be instituted actions for collection of civil penalties or for injunctive relief, and to commence any and all other enforcement actions under the Federal railroad safety laws.

(b) (1) Section 207(a) of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 436(a)), authorizes a participating state to bring an action for assessment and collection of a civil penalty in a Federal district court of proper venue, if the FRA has not acted on a request for civil penalty assessment originated by the state, within sixty (60) days of receipt, by assessing the penalty

or by determining in writing that no violation occurred.

(2) Section 207(b) of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 436(b)), authorizes a participating state to bring an action or injunctive relief in a Federal district court of proper venue, if the FRA has not acted on a request to initiate such an action within fifteen (15) days of receipt, by referring the matter to the Attorney General for litigation, by undertaking other enforcement action, or by determining in writing that no violation has occurred.

(3) For purposes of this paragraph, a request for legal action is deemed to be received when a legally sufficient investigative report specifying the action requested is received by the designated FRA office(s).

(c) (1) Requests for civil penalty assessments and other administrative actions shall be submitted to the FRA Regional Director for Railroad Safety for the FRA region in which the state is located.

(2) Requests for the institution of injunctive actions shall be submitted simultaneously to (A) the FRA Regional Director for Railroad Safety for the FRA region in which the state is located and (B) the Enforcement Division, Office of Chief Counsel, FRA.

Subpart C—State Inspection Personnel

§ 212.201 General qualifications of state inspection personnel.

(a) This subpart prescribes the minimum qualification requirements for state railroad safety inspectors, compliance inspectors and inspector apprentices. A state agency may establish more stringent or additional requirements for its employees.

(b) An inspector, compliance inspector or inspector apprentice shall be recognized as qualified under this part by the state agency and the Associate Administrator prior to assuming the responsibilities of the position.

(c) Each inspector, compliance inspector and inspector apprentice shall be a bona fide employee of the state agency.

(d) Each inspector, compliance inspector and inspector apprentice shall demonstrate:

(1) The ability to read and comprehend written materials such as training and enforcement manuals, regulations, operating and safety rules of the railroad, and similar materials;

(2) The ability to compose narrative reports of investigative findings that are clear, complete, and grammatically acceptable;

(3) The ability to record data on standard report forms with a high degree of accuracy;

(4) The ability to communicate orally; and

(5) Basic knowledge of rail transportation functions, the organization of railroad companies, and standard railroad rules for personal safety.

(e) Each inspector shall demonstrate a thorough knowledge of:

(1) Railroad rules, practices, record systems, and terminology common to operating and maintenance functions; and

(2) The scope and major requirements of all of the Federal railroad safety laws and regulations.

(f) In addition to meeting the requirements of this section, each inspector, compliance inspector and inspector apprentice shall meet the applicable requirements of sections 212.203–212.225 of this subpart.

§ 212.203 Track inspector.

(a) The track inspector is required, at a minimum, to be able to conduct independent inspections of track structures for the purpose of determining compliance with the Track Safety Standards (49 CFR Part 213), to make reports of those inspections, and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The track inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of track nomenclature, track inspection techniques, track maintenance methods, and track equipment;

(2) The ability to understand and detect deviations from:

(i) Track maintenance standards accepted in the industry; and

(ii) The Track Safety Standards (49 CFR Part 213).

(3) Knowledge of operating practices and vehicle/track interaction sufficient to understand the safetly significance of deviations and combinations of deviations; and

(4) Specialized knowledge of the requirements of the Track Safety Standards, including the remedial action required to bring defective track into compliance with the standards.

§ 212.205 Track inspector apprentice.

(a) The track inspector apprentice must be enrolled in a program of training prescribed by the Associate Administrator leading to qualification as a track inspector. The track inspector apprentice may not participate in investigative and surveillance activities, except as an assistant to a qualified state or FRA inspector while accompanying that qualified inspector.

(b) A track inspector apprentice shall demonstrate basic knowledge of track inspection techniques, track maintenance methods, and track equipment prior to being enrolled in the program.

§ 212.207 Signal and train control inspector.

(a) The signal and train control inspector is required, at a minimum, to be able to conduct independent inspections of all types of signal and train control systems for the purpose of determining compliance with the Rules, Standards and Instructions for Railroad Signal Systems (49 CFR 236), to make reports of those inspections, and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The signal and train control inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of signal and train control systems, maintenance practices, test and inspection techniques;

(2) The ability to understand and detect deviations from:

(i) Signal and train control maintenance standards accepted in the industry; and

(ii) The Rules, Standards and Instructions for Railroad Signal Systems (49 CFR Part 236).

(3) The ability to examine plans and records and make inspections of signal and train control systems to determine adequacy of stopping distances from prescribed speeds;

(4) Knowledge of operating practices and signal systems sufficient to understand the safety significance of deviations and combination of deviations; and

(5) Specialized knowledge of the requirements of the Rules, Standards and Instructions for Railroad Signal Systems, including the remedial action required to bring signal and train control systems into compliance with the standards.

§ 212.209 Train control inspector.

(a) The train control inspector is required, at a minimum, to be able to conduct independent inspections of automatic cab signal, automatic trainstop, and automatic train control devices on board locomotives for the purpose of determining compliance with Subpart E of the Rules, Standards and

Instructions for Railroad Signal System (49 CFR 236) and to recommend the institution of enforcement action when appropriate to promote compliance.

(b) The train control inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of the various train control systems used on board locomotives, locomotive air brake system and test and inspection procedures;

(2) The ability to understand and detect deviations from:

(i) Train control maintenance standard accepted in the industry; and

(ii) Subpart E of the Rules, Standards and Instructions for Railroad Signal Systems (49 CFR Part 236);

(3) Knowledge of operating practices and train control systems sufficient to understand the safety significance of deviations and combinations of deviations; and

(4) Specialized knowledge of the requirements of Subpart E of the Rules, Standards and Instructions for Railroad Signal Systems, including the remedial action required to bring train control systems used on board locomotives into compliance with the standards.

§ 212.211 Signal and train control inspector apprentice.

(a) The signal and train control inspector apprentice must be enrolled in a program of training prescribed by the Associate Administrator leading to qualification as a signal and train control inspector. The inspector apprentice may not participate in investigative and surveillance activities, except as an assistant to a qualified state or FRA inspector while accompanying that qualified inspector.

(b) Prior to being enrolled in the program the inspector apprentice shall demonstrate:

(1) Working knowledge of basic electricity and the ability to use electrical test equipment in direct current and alternating current circuits; and

(2) A basic knowledge of signal and train control inspection and maintenance methods and procedures.

§ 212.213 Motive power and equipment (MP&E) inspector.

(a) The MP&E inspector is required, at a minimum, to be able to conduct independent inspections of railroad equipment for the purpose of determining compliance with all sections of the Freight Car Safety Standards (49 CFR 215), Safety Glazing Standards (49 CFR 223), Locomotive Safety Standards (49 CFR 229), Safety Appliance Standards (49 CFR 231), and Power Brake Standards (49 CFR 232), to make reports of those inspections and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The MP&E inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of design construction, testing, inspecting and repair of railroad freight cars, locomotives and air brakes;

(2) The ability to understand and detect deviations from:

(i) Railroad equipment maintenance standards accepted in the industry;

(ii) The Freight Car Safety Standards, Safety Glazing Standards, Locomotive Safety Standards, Safety Appliance Standards and Power Brake Standards;

(3) The knowledge of railroad operating procedures associated with the operation of freight cars, locomotives and air brakes sufficient to understand the safety significance of deviations and combinations of deviations; and

(4) Specialized knowledge of proper remedial action to be taken in order to bring defective freight cars, locomotives, and air brakes into compliance with applicable Federal standards.

§ 212.215 Locomotive inspector.

(a) The locomotive inspector is required, at a minimum, to be able to conduct independent inspections of locomotives and air brake systems for the purpose of determining compliance with applicable sections of the Safety Glazing Standards (49 CFR 223), Locomotive Safety Standards (49 CFR 229), Safety Appliance Standards (49 CFR 231) and Power Brake Standards (49 CFR 232), to make reports of those inspections and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The locomotive inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of design construction, testing, inspecting and repair of locomotives and air brakes;

(2) The ability to understand and detect deviations from:

(i) Railroad equipment maintenance standards accepted in the industry; and

(ii) Safety Glazing Standards, Locomotive Safety Standards, Safety Appliance Standards and Power Brake Standards;

(3) The knowledge of railroad operating procedures associated with the operation of locomotives and air brakes sufficient to understand the safety significance of deviations and combinations of deviations; and

(4) Specialized knowledge of proper remedial action to be taken in order to bring defective locomotives, and air brakes into compliance with applicable Federal standards.

§ 212.217 Car inspector.

(a) The car inspector is required, at a minimum, to be able to conduct independent inspections of railroad rolling stock for the purpose of determining compliance with all sections of the Freight Car Safety Standards (49 CFR 215), Safety Glazing Standards (49 CFR 223), Safety Appliance Standards (49 CFR 231) and Power Brake Standards (49 CFR 232), to make reports of those inspections and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The car inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of the design, construction and testing of freight cars and air brakes;

(2) The ability to understand and detect deviations from:

(i) Railroad freight car maintenance standards accepted in the industry;

(ii) The Freight Car Safety Standards (49 CFR 215), Safety Glazing Standards (49 CFR 229), Safety Appliance Standards (49 CFR 231) and Power Brake Standards (49 CFR 232);

(3) The knowledge of railroad operating procedures and associated with the operation of freight cars and air brakes sufficient to understand the safety significance of deviations and combinations of deviations; and

(4) Specialized knowledge of proper remedial action to be taken in order to bring defective freight equipment and air brakes into compliance with applicable Federal standards.

§ 212.219 MP&E inspector apprentice.

(a) The MP&E inspector apprentice must be enrolled in a program of training prescribed by the Associate Administrator leading to qualification as an MP&E inspector. The apprentice may not participate in investigating and surveillance activities, except as an assistant to a qualified state or FRA inspector while accompanying that qualified inspector.

(b) An MP&E inspector apprentice shall demonstrate basic knowledge of railroad equipment and air brake inspection, testing and maintenance, prior to being enrolled in the program.

§ 212.221 Operating practices inspector.

(a) The operating practices inspector is required, at a minimum, to be able to

conduct independent inspections for the propose of determining compliance with all sections of the Federal operating practice regulations (49 CFR Parts 217, 218, 220, 221, 225 and 228) and the Hours of Service Act (45 U.S.C. Section 61–46b), to make reports of those inspections, and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The operating practice inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of railroad operating practices, railroad operating rules, duties of railroad employees, and general railroad nomenclature;

(2) The ability to understand and detect deviations from:

(i) Railroad operating rules accepted in the industry; and

(ii) Federal operating practice regulations;

(3) Knowledge of operating practices and rules sufficient to understand the safety significance of deviations; and

(4) Specialized knowledge of the requirements of the Federal operating practices regulations listed in paragraph (a) of this section, including the remedial action required to bring railroad operations into compliance with the regulations.

§ 212.223 Operating practices compliance inspector.

(a) The operating practices compliance inspector is required, at a minimum, to be able to conduct independent inspections for the purpose of determining compliance with the requirements of the following requirements:

(1) Operating Rules—Blue Flag (49 CFR 218);

(2) Rear End Marking Device Regulations (49 CFR 221);

(3) Railroad accidents/incidents: reports classification and investigations (49 CFR 225); and

(4) hours of Service Act and implementing regulations (49 CFR 228); to make reports of those inspections; and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The compliance inspector shall demonstrate the following specific qualifications.

(1) A basic knowledge of railroad operations, duties of railroad employees and general railroad safety as it relates to the protection of railroad employees;

(2) A basic knowledge of railroad rules and practices;

(3) The ability to understand and detect deviations from the requirements set forth in paragraph (a) of this section; and

(4) Specialized knowledge of the requirements of Federal Operating Practices Regulations listed above including the remedial action required to bring defective conditions into compliance with the regulations.

§ 212.225 Operating practices inspector apprentice.

(a) The operating practices inspector apprentice must be enrolled in a program of training prescribed by the Associate Administrator leading to qualification as an inspector. The apprentice inspector may not participate in investigative and surveillance activities, except as an assistant to a qualified State or FRA inspector while accompanying that qualified inspector.

(b) An operating practices inspector apprentice shall demonstrate basic knowledge of railroad operating practices, railroad operating rules and general duties of railroad employees prior to being enrolled in the program.

§ 212.227 Inapplicable qualification requirements.

The Associate Administrator may determine that a specific requirement of this subpart is inapplicable to an identified position created by a state agency if it is not relevant to the actual duties of the position. The determination is made in writing.

§ 212.229 Subsequent regulations and orders.

The Associate Administrator may implement state participation with respect to future regulations and standards involving the subject matters of track, rolling stock, and operating practices by issuing any supplementary qualification requirements that may be necessary in the form of amendments to the State Safety Participation Manual.

Subpart D—Grants in Aid

§ 212.301 Grant authority.

The FRA is authorized to pay, out of funds appropriated for the purpose, up to 50 percent of the cost of the personnel, equipment, and activities reasonably required for a state agency to carry out investigative and surveillance activities prescribed by the FRA as necessary for enforcement of the Federal railroad safety laws and regulations.

§ 212.303 Annual funding process.

(a) A state agency that is participating in investigative and surveillance activities under this part by agreement or certification, or any state agency making application for such participation, may apply for funding under this subpart. An application for funding for a full fiscal year should be submitted to the Associate Administrator not later than sixty (60) days prior to commencement of that fiscal year.

(b) An application shall contain:

(1) Assurance satisfactory to the Associate Administrator that:

(i) The state agency will provide the remaining cost of the safety program conducted with respect to the agreement or certification entered into pursuant to this part; and

(ii) The aggregate expenditure of funds of the state, exclusive of Federal grants, for the safety program conducted with respect to the agreement or certification entered into pursuant to this part will be maintained at a level which does not fall below the average level of equivalent expenditures by the state for the two fiscal years preceding October 16, 1970.

(2) A description of the state safety program conducted with respect to the agreement of certification entered into pursuant to this part, including a description of the personnel, equipment and activities to be involved in the state program; and

(3) A summary of estimated program costs for the fiscal year.

(c) The Associate Administrator determines the apportionment of Federal funds to be paid to each state agency which submits a funding application under this subpart.

(d) Approval of a funding application, in whole or in part, constitutes a conditional obligation of funds in the approved amount. Payment is made in reimbursement of up to fifty (50) percent of allowable costs actually incurred, not to exceed the approved amount.

§ 212.305 Reports.

Each state agency receiving funding under this subpart shall submit periodic reports of investigative and surveillance activities, and expenses incurred in relation to those activities, as required by the State Safety Participation Program Manual.

§ 212.307 Maximum reimbursement levels.

(a) *Agreement.* (1) The maximum level of inspection effort for which funding will be authorized with respect to a state agency participating by agreement is determined by the Associate Administrator, subject to subparagraph (2) of this paragraph. In determining the maximum level of effort that will be funded, the Associate Administrator considers:

(i) The number of inspection points or miles of track requiring coverage;

(ii) Traffic levels of railroads operating in the state;

(iii) Accident history and accident potential of railroads in the state;

(iv) Any undertakings by the state agency to provide investigative and surveillance activities under the laws set forth at section 212.3(c)(2)–(5) of this part;

(v) The deployment of FRA personnel; and

(vi) Other relevant factors, including available obligational authority.

(2) The minimum level of effort authorized for funding for a state agency providing all planned compliance inspections under the Federal Railroad Safety Act by agreement is not less than that set forth in Appendices A and B to this part.

(b) *Certification.* The maximum level of inspection effort for which reimbursement may be authorized with respect to a state agency participating by certification is set forth in Appendices A and B to this part.

(c) *Allocation.* The FRA reserves the right to allocate available obligational authority among participating states in the event insufficient funds are appropriated to provide the full 50 percent Federal contribution authorized by the Federal Railroad Safety Act of 1970.

(d) *Additional participation.* A state agency participating by agreement or certification may elect to provide increments of inspection effort beyond the level established for purposes of maximum funding under this subpart. However, all investigative and surveillance activities conducted by a participating state agency must be carried out through personnel qualified under Subpart C of this part.

Appendix A.—Track Inspection

As provided in this part, the minimum level of investigative and surveillance effort for a state agency participating by certification and the maximum reimbursement level for the Federal share of such activities with respect to the Track Safety Standards are specified for each state and are expressed in terms of man-years of effort.

State	Minimum inspection effort	Maximum reimbursement level
Alabama	1.66	2
Arizona	.88	1
Arkansas	1.10	2
California	3.38	4
Colorado	1.2	2
Connecticut	.21	1
Delaware	.1	1
Florida	1.41	2
Georgia	1.96	2
Idaho	.93	1
Illinois	5.30	6
Indiana	2.63	3
Iowa	2.54	3
Kansas	2.79	3
Kentucky	1.53	2
Louisiana	1.43	2
Maine	.58	1
Maryland	.47	1
Massachusetts	.48	1
Michigan	2.40	3
Minnesota	2.40	3
Mississippi	1.18	2
Missouri	2.36	3
Montana	1.59	2
Nebraska	1.80	2
Nevada	.50	1
New Hampshire	.23	1
New Jersey	.76	1
New Mexico	.80	1
New York	2.15	3
North Carolina	2.32	3
North Dakota	1.64	2
Ohio	3.34	4
Oklahoma	1.65	2
Oregon	1.07	2
Pennsylvania	3.94	4
Rhode Island	.05	1
South Carolina	1.03	2
South Dakota	.99	1
Tennessee	1.24	2
Texas	4.94	5
Utah	.59	1
Vermont	.24	1
Virginia	1.52	2
Washington	1.92	2
West Virginia	1.54	2
Wisconsin	1.85	2
Wyoming	.70	1

Appendix B.—Freight Car Inspection

As provided in this part, the minimum level of investigative and surveillance effort for a state agency participating by certification and the maximum reimbursement level for the Federal share of such activities with respect to the Freight Car Safety Standards are specified for each state and expressed in terms of man-years of effort:

State	Minimum inspection effort	Maximum reimbursement level
Alabama	1.24	2
Arizona	.28	1
Arkansas	.50	1
California	1.76	2
Colorado	.51	1
Connecticut	.20	1
Delaware	.14	1
Florida	1.82	2
Georgia	1.19	2
Idaho	.41	1
Illinois	3.49	4
Indiana	1.77	2
Iowa	1.82	2
Kansas	.74	1
Kentucky	1.35	2
Louisiana	1.02	2
Maine	.33	1
Maryland	.54	1
Massachusetts	.40	1
Michigan	1.54	2
Minnesota	1.66	2
Mississippi	.47	1
Missouri	.99	1
Montana	.67	1
Nebraska	.54	1
Nevada	.13	1
New Hampshire	.07	1
New Jersey	.77	1
New Mexico	.18	1
New York	1.86	2
North Carolina	.79	1
North Dakota	.23	1
Ohio	4.67	5
Oklahoma	.49	1
Oregon	.66	1
Pennsylvania	3.47	4
Rhode Island	.04	1
South Carolina	.44	1
South Dakota	.15	1
Tennessee	.82	1
Texas	2.94	3
Utah	.85	1
Vermont	.10	1
Virginia	1.66	2
Washington	1.90	2
West Virginia	1.40	2
Wisconsin	1.16	2
Wyoming	.40	1

[FR Doc. 81-18880 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-06-M

49 CFR Part 213

[Docket No. RST-3, Notice No. 2]

Track Safety Standards; Miscellaneous Proposed Revisions

AGENCY: Federal Railroad Administration (FRA); DOT.

ACTION: Withdrawal of proposed rule.

SUMMARY: On September 6, 1979, FRA published a notice of proposed rulemaking (NPRM) (44 FR 52104) proposing to amend the Track Safety Standards (49 CFR 213). This notice announces the withdrawal of that notice. The substantial discrepancies between the figures for rehabilitation costs and the widely differing assessment of the commenters concerning the necessity and impact of the proposed amendments have caused the FRA to conclude that it is not practicable to develop an appropriate final rule on the basis of this NPRM.

FOR FURTHER INFORMATION CONTACT:

Principal Program Person: Rolf Mowatt-Larssen, Office of Standards and Procedures, Room 7315, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, phone (202–426–0924).

Principal Attorney: Edward F. Conway, Jr., Office of the Chief Counsel, Room 8211, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, phone (202–426–8836).

SUPPLEMENTARY INFORMATION: FRA published a notice of proposed rule making (NPRM) on September 6, 1979, proposing to amend the track safety standards (44 FR 52104). Following the publication of the NPRM, FRA conducted public hearings on December

10 and 11, 1979, to provide an opportunity for interested persons and organizations to testify concerning the proposed amendments. At that hearing, testimony was presented by 5 railroads, the Association of American Railroads (AAR), The Railway Labor Executives Association (RLEA), 1 corporation, 3 state agencies, the Southeastern Pennsylvania Transportation Authority, the National Industrial Traffic League, and 1 Congressman. In addition, written comments were submitted by 6 railroads, 20 private corporations, 15 state agencies, 4 transportation organizations, 4 professional consultants, 7 railroad passenger associations, and 17 private parties.

Many of the comments indicated that the impact of implementing these proposed rules would be much greater than originally indicated by the FRA analysis.

The FRA staff analysis indicated that only four of the amended sections (§§ 213.9, 213.57, 213.109 and 213.237) would have a noticeable economic impact on the rail industry. FRA anticipated a total one-time track rehabiliation cost of $20.2 million and a total increase of $3.5 million in annual operating costs. On the other hand, AAR contended that these four and many of the other proposed track standards are economically infeasible and would cost $858.7 million in rehabilitation costs and $63.8 million in additional operating expenses.

The FRA believes that much of the difference between the FRA and AAR figures is due to the AAR's assumption that the implementation of proposed section 213.9 would require the railroads to upgrade most of their existing track. Based on this assumption, the AAR has estimated the total upgrade cost at $720 million and the annual maintenance cost at $14.4 million, whereas the FRA analysis estimated the cost to upgrade the track at $3.1 million.

Specifically, the AAR contends that the proposed changes in § 213.9 would require all track to be upgraded in order to maintain the present operating speed. However, a significant portion of the track in an FRA sampling already complied with higher class requirements and consequently would not require a massive rehabilitation expense.

The substantial discrepancies between these figures and the widely differing assessment of the commenters concerning the necessity and impact of the proposed amendments have caused the FRA to conclude that it is not practicable to develop an appropriate final rule on the basis of this NPRM. Accordingly, FRA is withdrawing the NPRM. However, FRA will continue to review the current Track Safety Standards with the goal of developing another NPRM. This review will be conducted in accordance with the requirements of Executive Order 12291 issued on February 17, 1981 (46 FR 1391). This notice is issued under the authority of sections 202 and 208 of the Federal Railroad Safety Act of 1970, as amended, 45 U.S.C. 431 and 437; Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).

Issued in Washington, D.C., on June 16, 1981.

Robert W. Blanchette,

Administrator.

[FR Doc. 81-18581 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Semi-Annual Regulations Agenda; Docket 80-11, Notice No. 2]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Termination of rulemaking.

SUMMARY: This notice announces termination of rulemaking with respect to amending the Federal motor vehicle lighting standard to require illumination of motorcycle headlamps and taillamps when the engine is running, and to have special tests for waterproof boat trailer lamps (Docket 80-11).

FOR FURTHER INFORMATION CONTACT: W. Marx Elliott, Office of Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-1714).

SUPPLEMENTARY INFORMATION: In its recent semi-annual Regulations Agenda (see e.g. 45 FR 56538, August 25, 1980) the agency has indicated that it would issue a Notice of Proposed Rulemaking, in implementation of a granted rulemaking petition, to amend Motor Vehicle Safety Standards No. 108 to require the taillamps and headlamps of motorcycles to be illuminated at all times when the engine is running. The safety purpose of the amendment would be to improve conspicuity of motorcycles and their riders. Actuation of headlamps and taillamps has been an operational requirement in California for several years, and in some other jurisdictions as well. As a consequence, a NHTSA survey discovered that in 1979, 99.8 percent of all motorcycles manufactured for sale in the United States, other than motor driven cycles such as mopeds and motor scooters, were wired so that lamps were on when the ignition was on and the engine running. Further, the electrical charging systems on these vehicles appear to be adequate for the constant load imposed upon them. Thus, there appears to be no need for an amendment of this nature, and rulemaking with respect to it has been terminated.

On July 3, 1980, the agency issued a Notice of Request for Comments (45 FR 45334; Docket 80-11; Notice No. 1) regarding the need to amend Standard No. 108 to specify requirements and test procedures for boat trailer lamps. The notices specifically requested information regarding the safety need for regulation because the NHTSA had no accident statistics that would justify such a regulatory action. The notice elicted responses from five manufacturers, two trade associations, and the California Highway Patrol. Manufacturers of trailer lighting equipment emphasized that there were few complaints regarding the quality of lamps. Comments also indicated a lack of information showing whether boat trailers have a higher accident rate than other types of trailers. The agency has concluded, therefore, that there is no need for an amendment of this nature, and announces that rulemaking on this subject has been concluded.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.9)

Issued on June 16, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-18512 Filed 6-24-81; 8:45 am]

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Notices

Federal Register
Vol. 46, No. 122
Thursday, June 25, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Equal Access to Justice Act: Agency Implementation

AGENCY: Office of the Chairman, Administrative Conference of the United States.

ACTION: Issuance of model rules.

SUMMARY: The Chairman, Administrative Conference of the United States, issued model rules for the guidance of Federal agencies in implementing the Equal Access to Justice Act (Pub. L. 96-481, 94 Stat. 2325). The Act, which takes effect October 1, 1981, provides for the award of attorney fees and other expenses to parties who prevail over the Federal government in certain administrative and court proceedings. It requires agencies conducting covered adjudications to establish uniform procedures for making awards, after consultation with the Chairman of the Administrative Conference. These model rules are intended to provide guidance for agencies in developing their own regulations.

FOR FURTHER INFORMATION CONTACT: Stephen L. Babcock, Executive Director, or Mary Candace Fowler, Staff Attorney, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037; (202) 254-7020.

SUPPLEMENTARY INFORMATION: On March 4, 1981, the Chairman of the Administrative Conference of the United States requested public comment on draft model regulations for Federal agency implementation of the Equal Access to Justice Act, Pub. L. 96-481, 94 Stat. 2325 (46 FR 15895, March 10, 1981). The Act authorizes the award of attorney fees and other expenses to certain parties who prevail against the United States in adversary adjudications (proceedings under section 554 of the Administrative Procedure Act, 5 U.S.C. 554, in which the position of the United States is represented by counsel or otherwise) conducted by Federal agencies and in civil court proceedings other than tort actions. Eligible prevailing parties are entitled to awards of fees and expenses, unless the presiding officer or judge finds that the position of the United States was substantially justified or that special circumstances make an award unjust. Eligible parties include individuals with a net worth of no more than $1 million; sole owners of unincorporated businesses, partnerships, corporations, associations or organizations with a net worth of no more than $5 million and no more than 500 employees; and tax-exempt charitable, educational or religious organizations and agricultural cooperative associations with no more than 500 employees, regardless of net worth. The Act becomes effective on October 1, 1981, and will apply to proceedings pending on that date.

The Act directs agencies to establish uniform procedures for the award of fees in their administrative proceedings, after consultation with the Chairman of the Administrative Conference. To facilitate this process, we developed the draft model regulations, with the help of a task force of volunteers from numerous Federal agencies. We are now issuing final model regulations, revised in response to the comments we have received.

At the outset, we would like to clarify the effect of the model regulations and the role of the Administrative Conference in the implementation of the Act. Some commenting agencies expressed uncertainty about whether the model rules developed by this office might be binding on them. The Chairman's statutory role is consultative; as we made clear in the draft rules, the Act does not empower the Chairman to compel other agencies to adopt specific procedures or interpretations. The primary purpose of the model rules is to promote uniformity of procedures. Ultimately, questions of the Act's meaning will be resolved by the courts, and we cannot predict how an agency's adoption of, or departure from, the model rules' interpretations and procedures will affect the amount of deference a court accords its actions.

The Act does, however, mandate the establishment of uniform procedures. While identical rules government-wide are a practical impossibility, we expect agencies, in pursuit of this statutory objective, to give serious consideration to the model rules, as well as to the views of this office on the rules proposed by particular agencies.

We received numerous comments on the draft model rules from government agencies and other interested individuals and organizations. A discussion of the model rules and the related comments follows, as well as a section of notes to help agencies use the model rules. In developing the final model rules, we have tried to produce a scheme that is as clear, simple, and straightforward as possible, in view of the remedial purpose of the Act and its focus on small businesses and individuals. In addition to the changes specifically discussed below, we have made extensive editorial changes to help achieve this purpose. The rules have also been reorganized, and the number of subparts reduced. Material in subparts B and F of the draft rules now appears in § 0.106 and § 0.107, respectively, in subpart A of the final rules. Subpart E of the draft rules is now § 0.310 in subpart C of the final rules.

Subpart A—General Provisions

This subpart contains general provisions explaining the Equal Access to Justice Act and its coverage. Section 0.101 summarizes the purpose of the model rules; the draft provision briefly described the Act without referring to the Act's provision that an award may be denied where special circumstances would make one unjust. Several commenters suggested adding a reference to this provision, and we have done so. The Department of Health and Human Services (HHS) proposed a revision to clarify that the purpose of the Act is to reimburse expenses incurred, not to punish agencies. We do not believe the requested change is necessary. The broader issue of whether awards should be based on reimbursement of actual costs is discussed in connection with § 0.106, below.

Section 0.102 provides that the Act applies to adversary adjudications pending at any time between October 1, 1981 and September 30, 1984. The United States Postal Service (USPS) noted that,

as a technical matter, many proceedings in which that agency enters into compromise agreements remain pending indefinitely. USPS said that proceedings already in this status on October 1, 1981 should not be covered by the Act. We believe this is a reasonable interpretation of the Act, assuming the proceedings are not reopened during the Act's effective dates. Since we suspect that this is not a common situation, however, we have not revised the model rules to cover it. We think a special provision in the rules adopted by USPS, and any other agency in a similar situation, will suffice.

Proceedings Covered

Section 0.103 of the rules describes the types of proceedings covered by the Act. Several commenters discussed the draft rules' provision that proceedings in which agencies voluntarily use the formal procedures of section 554 of the Administrative Procedure Act, 5 U.S.C. 554, would be covered by the Act. The Equal Access to Justice Act provides, in 5 U.S.C. 504(b)(1)(C), that covered adversary adjudications are those "under section 554 of this title in which the position of the United States is represented by counsel or otherwise." Section 554 of the Administrative Procedure Act applies, with some exceptions, to "every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing." Exactly what proceedings are encompassed by this language has long been a difficult legal question, and we proposed a broad interpretation of the reference to adjudications "under section 554" largely to avoid protracted debate about whether particular proceedings fall within its ambit. In addition, we reasoned that, considering the purposes of the Equal Access to Justice Act, questions of its coverage should turn on substance—the fact that a party has endured the burden and expense of a formal hearing—rather than technicalities.

Commenters including Division I (Administrative Law and Agency Practice) of the District of Columbia Bar, the Department of Transportation (DOT), the American Metal Stamping Association, the National Screw Machine Products Association, and the National Oil Jobbers Council endorsed this approach, but several government agencies disagreed. Where the use of formal hearing procedures is truly voluntary, they argued, the model rules' approach will give agencies an incentive not to use them, possibly to the detriment of the private party's interests. Where there are questions about the applicability of section 554, according to the commenters, this approach will not avoid disputes, but will merely change them from litigation issues to internal agency controversies. These commenters also contended that our tentative interpretation of the phrase "under section 554" was impermissibly broad, since waivers of sovereign immunity are to be construed narrowly, and that the draft model rules' liberal construction would distort the plain meaning of the phrase.

Giving agencies an incentive to provide informal procedures whenever they have a choice may not always disadvantage the private party; this will depend on the facts of the particular case. We are concerned, however, that the liberal interpretation of the draft model rules may provide for broader applicability than Congress intended. In some statutory schemes, Congess has provided that private parties in disputes with the Federal government are entitled to hearings as of right; in others, for whatever reasons, it has determined that hearings may be provided at the discretion of the government. On reflection, we have concluded that it is more consistent with the purpose of the legislation not to cover proceedings of the latter type than to include them. Moreover, if Congress did intend to restrict awards to cases required to be conducted under the procedures of section 554, then agencies have no legal authority to award fees under the Act in any other class of cases. We have decided, therefore, to drop the provision of the draft rules suggesting that awards will be available when agencies voluntarily use the procedures described in section 554.

There remains, however, the difficult question of what proceedings are "under section 554." Where it is clear that certain categories of proceedings are governed by this section, agencies should list the types of proceedings in their rules. Where the question is not definitively resolved, we believe the agency should determine, to the extent possible, whether section 554 applies before bringing the proceeding. In such situations, the document initiating any proceeding the agency believes to be covered by the Act should so state, and the rules provide for this. In view of the Act's remedial purpose, an applicant should not have to shoulder the burden of demonstrating in each case that the proceeding is covered. Of course, if an applicant believes that a proceeding is covered and the litigating unit of the agency disagrees, the applicant will have to argue the question before the agency, subject to possible judicial review.

The Federal Energy Regulatory Commission (FERC) and the Department of Justice objected to the draft rules' provision that adversary adjudications to determine the reasonableness of past rates or terms of service are covered by the Act, although Division I of the D.C. Bar supported this provision. FERC pointed out that almost all cases involving new rates also involve existing or "past" rates, and suggested that only enforcement or complaint cases should be covered by the Act. We agree that the draft rules oversimplified this issue. As revised, the model rules provide that any proceeding in which an agency may prescribe a lawful future or present rate is excluded from the Act. HHS said the rules should clarify whether initial license denials are covered by the Act; we believe that these fall clearly within the exception for initial licensing proceedings in the rules, so no additional clarification is needed.

USPS suggested revising paragraph (c) of § 0.103, concerning proceedings involving both covered and excluded issues, to provide that only legal fees and espenses incurred solely for the adjudication of covered issues should be recoverable. However, we prefer the draft rules' approach. In those rare cases where fees related to covered issues relate also to excluded issues, we believe the adjudicative officer can make any necessary judgment as to whether to reduce or deny an award for those fees, after considering the individual circumstances.

the International Trade Commission described its hybrid unfair import trade practices proceedings, which open with a section 554 adjudication to determine whether the law has been violated. If a violation is found, the Commission then holds a non-adjudicative proceeding to consider related policy issues. The Commission said that the model rules should make clear that only the initial phase of such a proceeding would be covered by the Act. We don't think the model rules should cover this relatively unusual situation explicitly. Matters of this type, related to specific agencies' unique procedures, are better handled in individual agency rules.

Some agencies asked the Conference to determine whether proceedings conducted by agency boards of contract appeals are covered by the Act, and the Department of Education asked whether the proceedings of its Education Appeal Board are covered. There is some indication in the Act that proceedings of boards of contract appeals are not

included. Section 204 of the Act (28 U.S.C. 2412(d)(3)) provides that courts shall award fees in actions for judicial review of adversary adjudications as defined in 5 U.S.C. 504 *or* of adversary adjudications subject to the Contract Disputes Act of 1978, thus implying that Congress did not regard the latter category of cases to be "under" section 554 for this purpose. As a general matter, however, we believe individual agencies are far better equipped to determine whether their proceedings are under section 554 of the Administrative Procedure Act than we are, since this determination requires knowledge of the particular laws administered by each agency.

Eligibility

Section 0.104 identifies those eligible for awards under the Act. USPS and DOT found the language in the draft provision describing a "party" as "the person or entity identified in the order or notice initiating the proceeding" unclear; we believe the sentence is unnecessary and have dropped it.

Net Worth: First Southern Federal Savings and Loan Association of Mobile, Alabama, objected to the $5 million limit on net worth, since banks must maintain certain net worth ratios. We are not in a position, however, to change the limit, which is explicitly set by the statute. The National Screw Machine Products Association said that assets acquired or obligations incurred during a proceeding should be excluded from net worth. We agree, and both the statute and the model rules provide that eligibility shall be determined as of the date the proceeding begins. The Civil Aeronautics Board (CAB) suggested that the eligibility provisions of this subpart include cross-references to the net worth provisions fo subpart B, but we don't believe that the text of the model rules is long enough to require such cross-references.

The Treasury Department proposed that we clarify that the net worth of sole owners of unincorporated businesses must include both their personal and business assets, and we have done so. In response to a Justice Department suggestion, we have also revised § 0.104(d) to provide that an applicant's status as an individual or a sole owner of an unincorporated business shall be determined based on the personal or business nature of the issues on which the applicant prevails, rather than all the issues in the case.

Employees: The CAB and the Nuclear Regulatory Commission (NRC) believe the draft rules' definition of "employees" is too broad. NRC said the definition should include the concept of employer control, to avoid including independent contractors; similarly, the CAB said the draft definition might include travel agents as airline employees. The Federal Trade Commission (FTC), on the other hand, supports the draft definition, since it believes companies sometimes characterize workers who are really employees as "contractors." The Department of Energy (DOE) said the definition could properly exclude temporary and seasonal workers, but should be revised to include part-time workers explicitly.

While we agree that the definition in the draft model rules may be inadequate, the commenters generally did not offer specific alternatives, and we are concerned that a precise definition may be under-or over-inclusive. We have decided on a general definition that includes the concept of employer control, and we have provided for the inclusion of part-time employees on a proportional basis. Agencies that can anticipate dealing frequently with particular situations that may cause difficulty (*e.g.*, airline-travel agent relationships) should probably provide specific guidelines on these situations in their individual rules.

The American Metal Stamping Association and the National Screw Machine Products Association suggested that the number of employees of an applicant should be determined by looking at the average number of employees for the twelve month period before the start of the proceeding. While this is an interesting suggestion, we believe it goes beyond the statutory mandate that eligibility will be determined as of the date the proceeding in initiated.

Limits on Eligibility: The Department of Justice expressed concern about three provisions in the eligibility section of the draft rules: that providing for aggregation of the net worth of affiliated entities; that disregarding transactions solely for the purpose of meeting a net worth standard; and that disqualifying applicants because of their participation solely on behalf of others who are not eligible. Though it believes such provisions are desirable, the Department doubts whether the Act authorizes agencies to adopt such substantive standards by regulation. Instead, it proposes, factors like these could be considered on a case-by-case basis, as "special circumstances" that may make an award unjust.

We don't agree that agencies lack authority under the Act to adopt regulations such as these. The Act states that "each agency shall by rule establish uniform procedures for the submission and consideration of applications" (5 U.S.C. 504(c)(1)). If an agency proposes to adopt these standards for use in its consideration of applications, this statutory language strongly suggests that the agency should set them out in the form of regulations. Moreover, if an agency intends to apply such standards consistently, considerations of fairness and efficiency would dictate advance public notice of the standards.

The narrow construction of the statutory language reflected in the Department's position is not supported by the legislative history. The Conference Committee, for example, characterized the provision quoted above as one that directs agencies to adopt "uniform implementing regulations with respect to application by prevailing parties for an award * * *." (H.R. Rep. 96–1434, 96th Cong., 2d Sess., at 23.) The House Judiciary Committee's report on S. 265 (a bill substantially identical to the Act as passed) describes the provision as one that "directs each agency * * * to establish uniform procedures governing the awarding of fees." (H.R. Rep. 96–1418, 96th Cong., 2d Sess., at 16.) In order to administer a statute effectively, an agency must of necessity define certain terms and make initial interpretations of the statutory provisions, and the Act, in our view, provides ample authority for agencies to adopt such rules.

We have for other reasons, however, eliminated the draft model rules' provision on transactions for the purpose of meeting a net worth standard. Demonstrating the purpose of such a transaction would be extremely difficult. Moreover, if the transaction is genuine, the party is in fact eligible, regardless of its purpose. We believe agencies should disregard a transaction that reduces net worth only when it is a sham transaction, and we think this type of determination can best be made on a case-by-case basis.

Affiliates: Division I of the D.C. Bar and some government agencies supported the draft rules' provision for aggregating the net worth of affiliated entities. The American Metal Stamping Association, on the other hand, said affiliated entities should be treated separately unless more than one of them is involved in a particular proceeding, and agencies including the CAB, USPS, and the National Labor Relations Board (NLRB) believe affiliation should be determined on a case-by-case basis, considering individual facts. HHS and DOE both said affiliation rules should be applied to individuals and sole owners of businesses as well as to

entities. The SEC said that it is a standard accounting practice to consolidate net worth when one individual or business controls more than 50 percent of another business, and also proposed expansion of the rule to provide for affiliate treatment when a business has two or more 20 percent to 50 percent owners who together own a majority interest. The Justice Department, on the other hand, said the reference to "individuals" in the affiliation definition could be difficult to apply.

In our view, the intent of Congress in passing the Act was to aid truly small entities rather than those that are part of larger groups of affiliated firms. The final model rule, accordingly, requires aggregation of net worth and employees when an individual or entity holds a majority interest in an applicant and when an applicant holds a majority interest in another entity, unless the adjudicative officer determines that such treatment would be unjust in light of the actual relationship between the affiliated entities. When an applicant owns less than 50 percent of an entity, we believe that the employees should not be aggregated, and that inclusion of the interest itself (rather than the second entity's entire net worth) in the assets of the applicant will ordinarily be adequate to reflect the applicant's net worth. (We note that the reference to "individuals" in the model rule refers only to those who own or control entities that are applicants; individuals who are themselves applicants could not be "owned" or "controlled" within the meaning of the rule.) We believe this rule identifies a clear case in which aggregation of net worth and number of employees is almost always justified, and applicants who fall within this definition will know from the start that they must provide aggregated eligibility data. Since we agree that the rule may not include all situations in which individuals or entities should be treated as affiliated, however, we have made clear in the rule that relationships other than majority control may constitute special circumstances that would make an award unjust.

Participation for others: Paragraph (h) of § 0.104 of the draft rules provides that applicants will not eligible when they are participating only on behalf of ineligible individuals or entities. USPS and the CAB suggested that participating *"only"* on behalf of others is too restrictive a standard. We have expanded the provision (now paragraph (g)) to include all situations where a party is participating primarily on behalf of others who are ineligible.

In reference to this provision, we specifically requested comments on how the rules should treat trade associations. The FTC said trade associations should not be eligible for awards if their members, when aggregated, would not be eligible (Acting Chairman Clanton disagreed, believing that associations should be eligible if almost all of their members would be eligible individually). Similarly, the Consumer Product Safety Commission, the Treasury Department, and Division I of the D.C. Bar said that trade associations should be ineligible for awards if they have members that would be ineligible individually. The American Metal Stamping Association commented that associations' eligibility should be determined on the basis of their own net worth and employees, not their members; it also said, along with the National Screw Machine Products Association, that otherwise eligible applicants that consult with their trade association about litigation should not become ineligible on that account.

Of course, trade associations may sometimes become involved in litigation on their own account (*e.g.*, as employers) as well as in the interests of their membership. On reflection, we believe the best way of handling this situation is through the provision on participation on behalf of others. When a proceeding involves a trade association independent of its membership, the association's eligibility should be measured individually, like any other applicant's; when an association is representing primarily the interests of its members, the agency can examine the facts of the particular situation. One factor, for example, that an agency might consider is whether the association is financing its participation in the litigation out of its general budget or through special assessments against members that have agreed to participate. In the latter situation, the agency might look closely at the eligibility of the particular participating members.

We also asked for comments on how to treat situations in which an ineligible party and an eligible one are represented by the same counsel. Division I of the D.C. Bar believes that, in these situations, the ineligible party effectively represents the eligble one, and no award should be made. The FTC said the eligible party should be entitled to an award for the amount it agreed to pay before the proceeding began, while DOE thinks the award should be a *pro rata* share of the total fee, based on the total number of parties commonly represented. This approach, according to DOE, will avoid collusion whereby the eligible party agrees to pay a disproportionate share of the fee. We think the rules should not provide one solution for these situations; when they arise, the adjudicative officer can consider all the facts in determining whether and in what amount to make an award.

Intervenors: The National Screw Machine Products Association, the National Association of Manufacturers, and DOE suggested that the rules should limit or eliminate the eligiblility of intervenors. We don't believe that the Act provides for this. We note, however, that situations in which intervenors actually receive awards will probably be rare. The Act excludes rulemaking, licensing, and ratemaking proceedings, in which voluntary intervention is very likely. In adversary adjudications such as enforcement proceedings, intervention by parties without a direct financial stake in the outcome is relatively infrequent, so the Act seems unlikely to become a substantial source of funds for advocacy organizations promoting generalized points of view in agency proceedings.

The Department of Transportation (DOT) suggested, in response to a question in our request for comments, that the eligibility of intervenors should be determined as of the date of intervention, provided that agencies will disregard any transactions undertaken between the initiation of the proceeding and intervention solely in order to make the party eligible. As noted above, however, we have concluded that the statute requires a determination of eligibility as of the date the proceeding is initiated.

Standards for Awards.

In § 0.105, the draft model rules set forth the standards for making awards under the Act; we asked for comments on whether the rules should provide more detailed standards. No commenters recommended this approach; the NLRB, the SEC and Division I of the D.C. Bar agreed with our tentative conclusion that these standards would have to be developed on an agency-by-agency and case-by-case basis. Division I, in fact, suggested that we delete the definition of a substantially justified position as one that is "reasonable in law and fact." The phrase, however, is borrowed verbatim from the legislative history (*see* Conference Report on H.R. 5612, H.R. Rep. 96–1434, 96th Cong., 2d Sess., at 22). (The phrase was erroneously transcribed as "reasonable in fact and law" in the draft rules; we have reversed the order to conform to the legislative

history.) We believe it reflects the Congressional intent, and we have retained it. Several commenters stated that the rules' reference to a reasonable position "at relevant times" is confusing; we agree and have deleted this phrase.

The Treasury Department, the Justice Department, the Department of Education, DOT, USPS and the FTC were concerned with the rules' provision for awards based on the agency's position on ancillary or subsidiary issues. We have revised this rule and § 0.204 (concerning when applications may be filed); the reasons for our revision are discussed below, in connection with § 0.204.

USPS raised a number of questions about the agency's burden of proof of its substantial justification: is it merely a burden of producing evidence or is it a burden of persuasion? DOT reads the Act not to assign this burden of proof to the agency. The Act provides that an application for an award need include only an allegation that the agency's position was not substantially justified; the Conference Report (H.R. Rep. 96–1434, *supra*, at 22) states that "[a]fter a prevailing party has submitted an application for an award, the burden of proving that a fee award should not be made rests with the agency." This appears clearly to indicate that the burden of persuasion that an eligible prevailing applicant should not receive an award rests with the agency. Some commenters suggested that, if the rules mention burden of proof at all, they should provide explicity, that the applicant has the burden of proving eligibility. We have revised § 0.104, on eligibility, to make this clear.

The Interior Department said the draft rules incorrectly imply that some form of misconduct by an applicant is necessary for a finding that special circumstances make an award unjust. This was not our intent, and we have revised the provision.

According to the International Trade Commission, the rules should cover situations where private parties take the same position as the government (for example, third-party complaint cases in which the government supports one side). The Commission recommends that awards be limited to fees and expenses directly caused by the government. While there may certainly be cases in which the limited role of the government or the aggressive tactics of the private party would make such a limitation appropriate, agencies that have chosen to participate in proceedings should not be able to avoid awards by relying on private parties to support their positions. We think this problem should be handled on a case-by-case basis.

In response to several comments, we have eliminated the provision on awards of fees and expenses incurred before the beginning of the proceeding. We think such fees will occasionally be recoverable, since activities like the drafting of a complaint will necessarily occur before the proceeding begins. We agree, however, that inclusion of a specific provision on this subject may mislead applicants as to the scope of the fees available under the Act.

Allowable Fees and Expenses

Section 0.106 describes the fees and expenses awardable under the Act. Several commenters questioned its reference to "prevailing market rates" for the services of attorneys, agents and witnesses. Some contend that the purpose of the Act is reimbursement, and awards should never exceed the actual fees charged. (Based on similar reasoning, some commenters said actual attorney fees charged should be awarded even when they exceed the statutory cap of $75 per hour; the statute, however, authorizes fees in excess of $75 per hour only where agencies have so provided by rule.) Others believe that the "prevailing market rate" should not apply to in-house attorneys.

The Act explicitly provides for awards at "prevailing market rates for the kind and quality of the services furnished," up to the ceilings for attorneys and experts (5 U.S.C. 504(b)(1)(A)); the model rules follow the statutory mandate. On reflection, however, we are persuaded that the "prevailing rate" for in-house attorney services may be different from that for outside counsel, and this is reflected in the final rules.

The General Services Administration suggested that the Conference or the Justice Department should circulate reports of prevailing fees in various localities; we think, however, that this task would be unmanageable and would not take into account differences in rates for particular fields of legal practice. We agree with the SEC's suggestion that agencies work out their own standards for determining prevailing rates.

We requested comment on whether the rules should deal with awards for *pro se* representation and, if so, what they should provide. The NRC said the rules should offer guidance on this question, while the FTC said they should not. DOE commented that *pro se* services should be compensable only when the party is an attorney.

The courts have split on whether to award attorney fees to *pro se* litigants under existing statutes. Compare *Crooker* v. *Department of Justice*, 632 F. 2d 916 (1st Cir. 1980), with *Cox* v. *Department of Justice*, 601 F. 2d 1 (D.C. Cir. 1979). Moreover, Congress has provided no guidance on this question, either in the Act or in its legislative history. We have decided not to cover this issue in the model rules. We think agencies should deal with the question, if it arises, on a case-by-case basis.

The third paragraph of § 0.106 lists certain factors to be considered in determining the reasonableness of the fees requested, with the primary emphasis on the attorney's regular rate. (We have added, for in-house attorneys, a reference to fully allocated cost.) Division I of the D.C. Bar supported the rules' focus on the regular rate, while the Treasury Department, the Justice Department, and NASA noted that cases under other laws identify as many as twelve factors to be considered and suggested that the rule include some or all of these. Ordinarily, we think the lengthy lists of factors applied in court cases will be too elaborate and complex to be easily adapted to an administrative context. We did not intend for our listed factors to be exclusive, however; where warranted, an adjudicative officer should certainly be free to take additional factors into consideration. We have adopted NASA's suggestion that we explicitly state that the factors that may be considered are not limited to those listed.

DOE and Kenneth E. Malmborg, a Member of the Conference, suggested inclusion of an additional factor—whether the time spent was reasonable in relation to the value of the client's interests. While this may frequently be a relevant consideration, we are reluctant to identify it as a factor of major importance. The clear implication of the purpose clause of the Act, combined with its legislative history, is that litigants should not be forced to pay fines or otherwise settle litigation with the government when their legal position is sound, simply because the amount at stake is less than the cost of litigation. Emphasizing the suggested factor might imply that litigants are not entitled to fees when it would have been cheaper to settle.

The Justice Department, adopting a narrow interpretation of the statutory language, questioned whether expenses of attorneys are compensable under the Act. We believe that they are compensable. The Act provides for the award of "fees and other expenses" and explains, in 5 U.S.C. 504(b)(1)(A), that these include the reasonable expenses of expert witnesses and the reasonable

cost of studies or tests as well as reasonable attorney or agent fees. We think the purpose of this provision is expressly to cover specific items of expense that might not otherwise be included and that might be payable to someone other than an attorney, rather than to prohibit reimbursement of attorneys' out-of-pocket expenses. In other statutes providing for the award of fees, the phrase "reasonable attorney's fee" has been interpreted to include the attorney's out-of-pocket expenses ordinarily chargeable to clients as well as charges for the attorney's time. See *Northcross* v. *Board of Education*, 611 F. 2d 624, 639 (6th Cir. 1979), *cert. denied*, 447 U.S. 911 (1980). The House Judiciary Committee Report on S. 265 supports our conclusion that Congress intended to cover out-of-pocket expenses in the Equal Access to Justice Act as well. That report states that the $75 ceiling on fees applies only to the services of the attorneys themselves, and not to "their overhead expenses or other costs connected with their representation." (H.R. Rep. 96–1418, 96th Cong., 2d Sess., at 15.)

Several commenters said the model rules should identify particular expenses of attorneys and witnesses that are compensable, while the FTC and Division I of the D.C. Bar said individual agencies should make these determinations. Commenters also took varying positions on whether paralegal costs should be chargeable as expenses. We do not believe the rules should discourage the use of paralegals, which can be an important cost-saving measure. On the other hand, lawyers' practices with respect to charging for paralegal time, as with respect to other expenses such as duplicating, telephone charges and the like, vary according to locality, field of practice, and individual custom. We have decided not to designate specific items as compensable expenses. Instead, we will adopt a suggestion of the Treasury Department and revise the model rule to provide that expenses may be charged as a separate item if they are ordinarily so charged to the attorney's clients.

USPS and George Reichenbach objected to the inclusion of the $24.09 per hour cap on expert witness fees. USPS stated that the rules should simply track the statute in case some agencies are authorized to pay higher rates, and Mr. Reichenbach contended that it is unfair to authorize higher rates for attorneys than for expert witnesses. We included the $24.09 figure because we believe it will be widely applicable. It is in brackets, however, precisely because some agencies may be authorized to pay a different rate. Agencies should, of course, include in their own rules whatever figure is applicable to their activities. Mr. Reichenbach's complaint is with the Act, not the model rules; we do not have authority to equalize the ceilings for attorneys and expert witnesses.

The General Services Administration suggested that the rules provide for an interagency exchange of information to prevent multiple billings. We believe the circumstances in which this might occur are rare; when they do arise, existing informal channels of communication should be adequate to deal with the problem.

HHS proposed a provision that any reimbursement an applicant has already received from the government (for example, under funded participation programs) be deducted from any award. We certainly agree that applicants should not be entitled to double payment. Again, however, we believe that this situation will not arise with sufficient frequency that the model rules need contain a special provision to deal with it. If it does occur, we believe it can be handled under the Act's provision for denying awards in "special circumstances."

HHS also expressed concern that awards not be available for studies required by statute, such as the tests new drug sponsors must make to demonstrate their products' safety and effectiveness. We do not think this will be a problem. To be compensable, studies and tests must be necessary to the preparation of the party's case, which we interpret to mean conducted for that purpose. The specific drug tests mentioned, if found to be conducted for the purpose of litigation at all, would presumably be conducted in connection with initial licensing proceedings not covered by the Act. If problems of this type arise, however, we think they can best be dealt with by particular agencies familiar with the relevant statutory provisions.

The American Metal Stamping Association and the National Screw Machine Products Association said awards should include the full cost of studies and tests, regardless of "reasonableness." The Act, however, authorizes payment of only the "reasonable cost" of such items (5 U.S.C. 504 (b)(1)(A)).

Rulemaking on Hourly Rates

Section 0.107 of the model rules (§§ 0.601 and 0.602 of the draft rules) explains that agencies have authority to raise the ceiling on hourly rates of attorneys by rulemaking, and describes how petitions for rulemaking should be filed. Division I of the D.C. Bar supported the provision generally, suggesting addition of a deadline for completion of agency rulemaking proceedings begun in response to rulemaking petitions. The Treasury Department said the rulemaking provisions should be eliminated and the question of whether to raise the ceiling left to Congress in its 1984 review of the Act. The Interior Department proposed removal of the reference to rulemaking petitions, because it might suggest a greater receptivity to such petitions than actually exists and might duplicate existing rules.

We have decided to retain the substance of these provisions, revised and combined into a single section for clarity. While Congress can certainly reconsider the maximum rate, it explicitly authorized agencies to raise the ceiling if warranted. The Treasury Department's approach would read this provision out of the Act. There is some merit to the Interior Department's position; where agencies already have rules regarding petitions for rulemaking, they may not need to adopt the full text of the model rule. We believe, however, that at least a cross-reference to such general rules should be included in agencies' Equal Access to Justice regulations. Finally, we don't think a specific deadline of the type requested by Division I of the D.C. Bar is practicable. It is reasonable to commit an agency to decide whether to explore a rulemaking question within a definite amount of time, but the amount of time necessary to conduct that exploration and reach a final decision is simply too contingent on the issues in the proceeding, and on the status of the agency's entire agenda, to be predicted accurately.

HHS has asked that we include a provision that higher rates adopted in rulemaking proceedings should apply only to services provided on or after adoption of the rule. We believe this is an issue to be resolved in the rulemaking proceedings themselves, rather than by the model rules. HHS has also suggested that agencies be permitted to reconsider denials of rulemaking petitions, and that no appeal be permitted from final agency decisions on rulemaking petitions. The former provision is not really necessary, since agencies can simply initiate proceedings on their own motion; an agency that customarily entertains petitions for reconsideration of denials of rulemaking petitions, however, can do so here as well. As to the second point, we question whether an agency can legally restrict, by regulation or otherwise, any

right a party may have to appeal its decisions.

Proceedings Involving Two Agencies

Section 0.108 of the rules deals with awards in situations where one Federal agency participates in a proceeding before a second agency; the draft provision stated that agencies would condition other agencies' participation in their proceedings on the other agencies' agreement to honor any resulting award decisions. While some private commenters supported this provision, many government agencies expressed doubt about the wisdom of the provision and about their legal authority to limit other agencies' participation in this manner. Commenters did not agree on whether the Act applies in two-agency situations. The Federal Mine Safety and Health Review Commission, for example, said that it would be logical to interpret the Act to apply to proceedings the Department of Labor brings before the Review Commission, and Division I of the D.C. Bar, the American Metal Stamping Association, and the National Screw Machine Products Association also believe the Act applies in two-agency situations. The Justice Department and some other agencies, however, state that the Act refers to awards by "the agency" based on the position of "the agency," and cannot be construed to apply where two agencies are involved.

We continue to believe that two-agency situations are within the coverage of the Act. Section 203 of the Act (5 U.S.C. 504(b)(1)(C)) defines the adversary adjudications covered by the Act as those in which the position of "the United States" is represented, not just the position of the particular agency conducting the adjudication. Additionally, the Act provides in (5 U.S.C. 504(d)(1)) that awards may be paid by "any agency over which the party prevails," rather than by "the agency." While the question is a difficult one, we believe our interpretation is consistent with the language and purpose of the Act. Moreover, the testimony of witnesses at hearings on related bills and statements during the floor debate preceding passage of the Act include frequent references to OSHA proceedings, which involve two agencies—the Department of Labor as litigator and the Occupational Safety and Health Review Commission as decider. (*See e.g.*, Statement of Senator DeConcini, *Congressional Record*, September 26, 1980, at S.13690; Statement of Rep. Symms, *Congressional Record*, October 1, 1980, at H.10229.) This strongly suggests that Congress intended to include such proceedings. While there is no such explicit reference to proceedings involving litigating units of both the deciding agency and an intervening agency, we think these too are within the intendment of the Act. (In any event, we think the situations in which the position of such an intervening agency, which is not the primary litigator in the case, will justify an award will be rare.)

We agree, however, that the draft rules' provision conditioning participation on agreement to honor awards is impractical; in many situations in which two agencies will be involved, the agency that is a party to the proceeding will have a statutory right to participate. Accordingly, we have revised § 0.108 to provide that awards will be made against other agencies when their positions have led to the awards.

DOT has asked for guidance on how fee awards should be allocated when the Justice Department represents other agencies in court. Since this question does not relate to the part of the Act that applies to administrative proceedings, it is beyond the scope of the model rules.

Subpart B—Information Required From Applicants

This subpart of the model rules details the information an applicant should provide to demonstrate that it is entitled to an award. HHS said the Conference should develop and clear a standard application form. We don't believe the necessary information is sufficiently complicated to require a form, which seems a burdensome bureaucratic detail. The information can be clearly and completely presented in narrative form, like a simple legal pleading, with appropriate supporting material and exhibits.

Two commenters discussed the basic application described in § 0.201. The National Screw Machine Products Association said that an applicant should not have to state the specific issues on which the government's position was not substantially justified, while DOE said an applicant should have to explain why the government's position was unjustified. We have removed the reference to specific issues, which may be confusing. The rules retain, however, a requirement that the applicant identify the agency's allegedly unjustified position; we think this is not a burdensome requirement and will facilitate consideration of an application, especially where, for example, both covered and excluded claims are litigated in one proceeding, or more than one agency (or agency unit) participates in a proceeding. We believe the Energy Department's suggestion goes beyond the terms of the statute, which refers only to an "allegation" that the agency position is unjustified.

DOE also suggested that tax-exempt organizations be required to show that they are listed in IRS Bulletin 78 at the end of a proceeding as well as the beginning, in case the first listing is an error. However, we have revised this provision to refer to IRS rulings on tax-exempt status rather than to Bulletin 78.

We have added one item to the contents of the application on our own initiative—for applicants other than individuals, a brief description of the type of entity or business. We are seeking this information for use in our annual report to Congress, so that we will be able to describe the types of entities most frequently benefiting from the Act.

Net Worth Exhibits

Section 0.202 describes the contents of net worth exhibits (called "statements of net worth" in the draft rules) to be submitted by applicants other than tax exempt organizations and agricultural cooperatives. We have revised this section considerably from the draft provision, which prescribed a standard form statement with a specified breakdown of assets and liabilities and provided alternatively for submission of an optional form statement in a format convenient to the applicant. The final model rule eliminates the "standard form" concept in favor of having all applicants submit information on their net worth in a format of their own choice, whether a statement or schedule prepared for another purpose, such as a tax return or loan application, or an exhibit developed expressly for the application. Where the presentation made is insufficient, the rule provides that the adjudicative officer can request more information from the applicant. NASA suggested that the "optional form" approach would be too complicated, but we believe that allowing applicants some flexibility will be an effective way of reducing needless burdens on applicants that are obviously eligible, while still obtaining the information necessary to make an eligibility determination.

The SEC said the rules should not require detailed net worth information in any form. It believes this requirement will be burdensome to clearly eligible applicants; instead, the agency can ask for additional information when warranted. This approach, the SEC suggested, will also be a more effective way to protect the confidentiality of net

worth information than the measures proposed in the draft rules (discussed below). This proposal has some merit, and prompted our simplification of the net worth exhibit requirement. We are not willing to drop the net worth exhibit altogether, however, since we are concerned that a simple assertion of eligibility will not provide agencies with enough information to evaluate net worth, or even to decide when more information should be obtained. To meet their obligation to ensure that awards go only to eligible applicants, we think agencies should generally require the submission of some detailed information on net worth. On the other hand, where agencies have some independent means of verifying eligibility, the SEC approach would be workable and timesaving. For example, a regulatory agency that already keeps extensive financial data on the businesses it regulates, or that has legal authority to perform random audits on some applicants to verify eligibility, may prefer this approach, and we recommend it for such agencies. To provide adequate public notice, such an agency should describe in its own rules whatever alternative method may be available for an applicant to establish its eligibility.

USPS suggested that applicants verify eligibility with audited net worth exhibits. We think this requirement is too burdensome, however, especially for individuals and for applicants who are far below the eligibility ceilings. Nor will we adopt the Treasury Department's suggestion that an applicant attest specifically to its net worth exhibit; the rules require verification of the application, which includes statements concerning the applicant's eligibility, and we believe this is adequate.

Valuation of assets: One controversial aspect of the draft rule was its provision that determinations of net worth may be based on either acquisition cost or fair market value of assets. The exact meaning of "net worth" is not described in the Act or the Conference Report, although Committee reports on S. 265 state that acquisition cost should be used. We interpreted this as a Congressional intent to permit a low valuation, and provided for the use of fair market value where that is lower. The American Metal Stamping Association supported this approach, but NASA, the Treasury Department, the Justice Department and HHS objected to it. NASA believes all determinations should be based on fair market value. The other agencies said the legislative history of S. 265 should be followed exactly; they noted that acquisition cost would avoid the need for appraisals and would also exclude adjustments to basis for items like depreciation or capital additions. As a compromise, DOE suggested that fair market value be used only when it is lower and reasonably provable. In revising the rule to give applicants more flexibility in demonstrating their net worth, we have eliminated the reference to any standard of valuation. Applicants that are clearly eligible will probably be able to demonstrate eligibility regardless of the standard used and should be permitted to submit net worth information using whatever standard is convenient. Where there is a real question about eligibility, applicants and agencies may take into account the reference to acquisition cost in the legislative history of S. 265; in most cases, we believe this will work to the applicant's benefit.

Confidentiality: Several commenters discussed the draft rules' provision for confidential treatment for net worth exhibits. Division I of the D.C. Bar suggested that the rules provide greater protection for this information by permitting only *in camera* inspection of the exhibits, while the American Metal Stamping Association and the National Screw Machine Products Association recommended that net worth exhibits be reviewed only by neutral third parties, such as accountants. Several agencies were concerned that the rules appeared to prejudge Freedom of Information Act (FOIA) requests without reference to the particular information in question, and a few said that confidential treatment of net worth exhibits might complicate verification of net worth information and invite fraud.

We continue to believe that applicants should have an opportunity to seek confidential treatment of their net worth information, to the extent it is legally available; we understand, however, that this information may frequently not be exempt from disclosure under FOIA. Although the draft rule was not intended to preclude disclosure of net worth information when required by FOIA, it would impose considerable burdens on agencies by requiring special handling even for material ultimately found to be disclosable under that law. As suggested by the CAB, we have revised the rule to place on an applicant seeking confidential treatment for net worth information the burden of demonstrating that it is entitled to such treatment, in a motion presented to the adjudicative officer. If the adjudicative officer denies the motion, the material will be made public; otherwise, any FOIA request for the information will be handled under standard agency FOIA procedures.

Documentation of Fees and Expenses

Section 0.303 describes the documentation of fees and expenses to be submitted. USPS and HHS said the rule should provide for a breakdown of hours spent on issues not covered by the Act, as well as those covered, in cases where both types of issues are involved. We don't think this should be required as a general rule; where the fee request submitted in such a case seems excessive, the adjudicative officer can require such information. GSA asked that attorneys or witnesses certify to the accuracy of billing. This should not be necessary in most cases; an adjudicative officer can raise questions about the hours or rates shown if the figures presented seem unreasonable, and will in any event award only a reasonable amount for the services.

Prevailing Parties

Section 0.204 deals with when parties may file an application for an award; it presents some difficult legal questions. The draft rule provided that a party must apply for an award within 30 days after final disposition of a proceeding, and may also apply at any earlier time that the party believes it has prevailed with respect either to the entire proceeding or to a significant ancillary or subsidiary issue. The legislative history (*see* H.R. Rep. 96–1434, 96th Cong., 2d Sess., at 21–22) clearly indicates that Congress intended "prevailing" to include some situations in which the entire proceeding has not yet been fully disposed of, such as when a party obtains an interim order of central importance or wins an interlocutory appeal on a significant, separable issue. Application of these principles in an administrative context is difficult, the more so because the Act, in apparent contradiction to this legislative history, provides that agencies may not make awards in proceedings when judicial review has been sought (5 U.S.C. 504(c)(1)). As a result, some agencies have suggested that we provide that awards may never be sought before final disposition of all the issues in a proceeding, or that these questions be handled on a case-by-case basis, rather than through rules. The FTC, citing *Hanrahan v. Hampton*, 100 S. Ct. 1987 (1980), and *Smith v. University of North Carolina*, 632 F. 2d 316 (4th Cir. 1980), recommended either a case-by-case approach or revision of the rule to refer to significant, separable "substantive claims" rather than "ancillary or subsidiary issues."

We agree with the FTC that the current case law under other statutes apparently requires the final disposition of some substantive part of the case, rather than just a victory on a purely procedural issue, for a party to be considered "prevailing," and we have revised the rule accordingly. This is not inconsistent with 5 U.S.C. 504(c)(1), because of the requirements that the disposition be final and the portion of the proceeding be separable. If, for example, certain claims are finally dismissed or favorably settled while others go to hearing, a party may have prevailed with respect to the dismissed or settled claims, which will not ordinarily be subject to judicial review. Whether such separate treatment is appropriate will, of course, have to be decided on a case-by-case basis.

HHS contends that the rules apparently permit parties who win partial victories in final dispositions to be treated as "prevailing," and that they should not receive this treatment. While this question is not without difficulty, we disagree. If a party can prevail by winning on a separable claim before disposition of the rest of the case, then it can presumably do so by winning on the claim at the same time as the rest of the case is disposed of. Whether it has prevailed will perforce have to be decided on a case-by-case basis, taking into consideration the significance and nature of the claims involved in the proceeding and the relationships among them. Where several claims are related to a single incident or set of facts and the government wins most of them, for example, it may be determined that the private party has not "prevailed" even though the government lost the additional claims. On the other hand, where essentially unrelated claims of relatively equal significance have been handled together for administrative convenience, we think a party may prevail as to one although it loses the other.

USPS suggests that we include other possible final dispositions of cases in our listing. We have revised the provision to avoid any inadvertent exclusion of possible final dispositions; this is a complex area, however, and we recommend that agencies review the provision carefully to determine whether it accurately reflects their own practices. The Justice Department has suggested a different interpretation of the Act's reference to "final disposition" of a proceeding. Analogizing to judicial proceedings, it contends that final disposition occurs when the agency issues its final order, and not when the period for seeking reconsideration has passed. We think a party might reasonably file an application as soon as such an order has been entered. Since the 30-day deadline may well be interpreted by the courts as an unwaivable statutory bar to late filing, however, we think the fairer practice is to permit the filing of an application up until 30 days after the last date on which petitions for reconsideration could have been filed. If another party seeks reconsideration, the award proceeding would ordinarily be delayed in any event, pending an agency decision on reconsideration and possibly (if, for example, another private party is involved) judicial review. A new provision in the model rules (§ 0.204(b)) incorporates this point. Indeed, the applicant itself may be seeking reconsideration of some aspect of the decision, and thus be unlikely to conclude that a final disposition has occurred.

Subpart C—Procedures for Considering Applications

This subpart contains procedure to be used in the consideration of applications. Our goal on drafting these rules has been to keep the procedures as simple and as compatible with existing agency procedures as possible. Some commenters have suggested that the rules will conflict with existing agency procedures; the Treasury Department said that almost all of subpart C should be eliminated for this reason. We disagree. Inevitably, there may be overlaps or conflicts between these rules and some existing agency procedures; we would expect that individual agencies will resolve these by harmonizing the two sets of rules in whatever way seems most effective. In this area, agency practices vary so widely that complete uniformity will be impossible. For some agencies with extensive procedural rules, in fact, much of this subpart may be replaced by cross-references to existing rules. Other agencies, however, may have few formal proceedings and few detailed procedural rules. For the benefit of agencies like these, we think the model rules should include an essentially complete treatment of the formal procedural aspects of the awards process.

Similarly, we have retained specific time limits in the model rules even though some commenters said that the limits provided were too short, and that agencies should adopt their own limits based on actual practice. (We have, however, changed some particular time limits in response to the comments.) If the limits prove impracticable for individual agencies, they may, of course, modify them.

Other commenters made some general suggestions about subpart C. The American Metal Stamping Association and the National Screw Machine Products Association said that agencies should be required to include a notice about the Act and the procedure for applying for awards on all their citations or other documents initiating proceedings. This is an interesting suggestion, and agencies that deal frequently with parties who may not be familiar with the Act or with the agencies' own procedural regulations may wish to consider providing some sort of notice of the Act's existence. As a general matter, however, we don't believe such a notice is necessary; if agencies have regulations describing the Act and the relevant procedures, an attorney who has undertaken to represent a party before the agency should ordinarily be responsible for knowing about them. The National Screw Machine Products Association also asked the Conference to require agencies to publish their proposed rules by July 1, 1981; this would be beyond our statutory authority, however. Finally, HHS was confused by our use of the term "agency counsel," since agency lawyers may participate either as adversaries in a proceeding or as advisors to the deciding officer or body. As we explained in our request for comments, we have used the term "agency counsel" for convenience to designate the agency unit that is a party to a proceeding. For clarity, we recommend that individual agencies substitute the names of the relevant agency units or some other more specific term.

Pleadings and Time Limits

Section 0.403 of the draft rules set a deadline for agency answers to applications and described the types of answers that may be filed. This provision (now § 0.302) has been revised and simplified in response to the comments. Numerous agencies stated that 15 days would be inadequate time to prepare a complete answer, and we have substituted 30 days. At the suggestion of the Treasury Department, we have deleted the provision requiring the filing of a consent if the agency counsel does not object to an award. We have retained in somewhat modified form, however, the provision that agency counsel's silence will be treated as consent unless an extension of time has been requested. The Justice Department contended that this provision is equivalent to a default

judgment against the United States. While we do not agree, since the adjudicative officer of the agency will still have an opportunity to review the application and determine whether an award should be made, we have revised the provision to permit, but not require, treatment of failure to answer as consent.

We have also revised the provision permitting 30-day postponement of the filing of an answer pending settlement negotiations to clarify that it was not intended to limit such negotiations to 30 days. The SEC so interpreted the draft provision.

The CAB asked us to specify whether the time limits are calendar days or workdays. We intended calendar days. We are not including a provision to this effect because we anticipate that most agencies that conduct adversary adjudications will have such a rule in their general rules of procedure; if not, however, agencies may wish to specify calendar days. The CAB also suggested that the adverse effects on an applicant of a long award proceeding could be reduced by requiring the agency to tender any non-controversial part of an award within 60 days after receiving an application. This is an interesting idea that individual agencies may with to consider. However, since we are not sure it would be practicable for all or most agencies, we are not including it in the model rules.

The Treasury Department saw no need for the rules to provide for replies, as they do in § 0.303, since the agency counsel will be making an affirmative case on the issue of substantial justification, we believe the applicant should have an opportunity to respond, and we have retained the section.

Division I of the D.C. Bar supported the rule (now § 0.304) permitting other parties to a proceeding to comment on an application for an award or an answer. NASA and the Treasury Department contended that these parties should not participate in award proceedings in any way, while the Capital Legal Foundation said organizations not parties to a proceeding, such as other government agencies and public interest groups, should be allowed to comment. We believe the original draft rule provides the best approach. As a result of their participation in the proceeding, other parties to a proceeding may have some valuable information about a party's eligibility or insights into the justification of the government's position, but award proceedings should not be delayed by the intervention of new parties, nor by extensive participation of parties other than the applicant and the agency counsel. We have changed the time limit for comments on an application to conform to that for an answer.

Settlement Procedures

Section 0.305 of the rules permits a settlement of an award, either in connection with a settlement of the underlying issues or after the underlying proceeding has been concluded. DOT suggested that settlement negotiations on awards may prejudice later determinations of whether an agency's position is substantially justified. We think this problem can best be avoided by developing a sound agency policy on when to undertake settlement negotiations, rather than by forbidding settlements of awards. Capital Legal Foundation expressed concern about permitting award settlements to be included in settlements of the merits of a proceeding, because of increased pressure on the government to settle and because of possible conflicts of interest between attorneys and their clients. While these concerns are legitimate, we think these risks are unavoidable. In settling the merits of a case, both parties will have in mind the possibility that an award of attorney fees may follow. Where it is probable that no award will be made because the private party has not prevailed or the government's position is substantially justified, the possibility of an award should have little influence on the negotiations, and will not pressure an agency into an unfair settlement. But if an award is a likely possibility, it will affect settlement negotiations even if, as a technical matter, the settlement process involves two separate steps. The agency counsel could simply agree not to contest a later application for an award of a certain amount. The Justice Department agreed with this analysis and supported the rule as drafted; we have decided to retain it in that form.

DOE said that the model rules should provide special settlement procedures, since agencies' existing procedures vary so widely, and the Interior Department recommended that adjudicative officers review settlements, since they will be familiar with the record. We have decided not to change the draft rule in response to these comments. Precisely because agencies' settlement procedures vary, we think they should use their own normal procedures to approve award settlements. A separate procedure, differing from that generally applicable within the agency, will be burdensome and increase the costs of administering the Act. Some existing agency procedures already involve adjudicative officers in the settlement review process; agencies without such procedures may wish to gain the benefit of the officer's knowledge of the record and the attorneys' performance by voluntarily seeking an opinion or recommendation from the adjudicative officer. Without a sense of how time-consuming or cumbersome this would be in particular agencies, however, we are not disposed to include a requirement of consultation with the adjudicative officer in the model rules. (It should be noted that, if the agency counsel merely consents to the award requested, the application will be before the adjudicative officer for review in any event. Only where the proposed award is part of a negotiated settlement will the agency follow settlement procedures that may bypass the adjudicative officer.)

The Justice Department questioned why the rules provide that a proposed settlement of an award that is agreed upon before an application has been filed must be accompanied by an application. There are three reasons. First, the Act appears to require the filing of an application before an award may be made; second, the information in the application will permit the agency unit with authority to approve settlements to review the reasonableness of the settlement; and, finally, the information in applications will provide the data base for the annual reports to Congress that the Act requires the Chairman of the Administrative Conference to prepare. We have, accordingly, retained the requirement.

Further Proceedings; Decision

Section 0.306 describes the further proceedings to be conducted when necessary to develop a complete record on an application. DOT pointed out that elaborate proceedings will be costly, and that adjudicative officers should be able to handle all situations in which more information is necessary by ordering written submissions. While we agree that oral evidentiary hearings on award applications should almost never be necessary, we can imagine situations in which they should be held. We have, however, revised the rules to emphasize the simplest approaches and to make clear the extraordinary nature of extended or formal proceedings on award applications.

Four commenters discussed the draft rules' provision that adjudicative officers should issue award decisions as promptly as possible. The CAB and the Atlanta Regional Commission said the rules should include a firm time limit for decisions, while USPS said they should not; NASA suggested a change to "as

soon as practicable." We agree that firm limits are a good idea (see Administrative Conference Recommendation 78–3, *Time Limits on Agency Action*, 1 CFR § 305.78–3); not only should the deserving applicant be able to get an award promptly but, since the decision turns largely on factors within the judgment of the adjudicative officer, the decision should follow as closely as possible the proceeding on the merits. However, we don't think the model rules can realistically include a single uniform deadline for decision, since the workloads of individual agencies and the complexity of the particular types of cases they handle vary widely. We have accordingly revised the rule to provide for a specific time limit of each agency's choice.

Agency Review

Several agencies objected to § 0.409 of the draft rules, which provided that an adjudicative officer's decision is reviewable by the agency under ordinary standards, except that the decision as to certain issues explicitly assigned in the Act to the adjudicative officer is reversible only for abuse of discretion. HHS, the FTC, the NLRB, and the Treasury Department all said the Act should be interpreted to fall within 5 U.S.C. 557, providing broad agency authority to review and modify the decisions of administrative law judges, since there is no explicit indication to the contrary. They noted that use of an abuse of discretion standard for review of adjudicative officers' decisions on certain issues could result in arbitrary and erratic development of the law on those issues, since the agency would not be able to develop consistent standards through the review process, and that the term "adjudicative officer" may be interpreted to mean the agency itself, when it makes a final decision. Division I of the D.C. Bar, on the contrary, said the adjudicative officer's entire decision should be reversible only for abuse of discretion. The Justice Department, while expressing no opinion, noted that the Act can be read to provide that the adjudicative officer's decision is unreviewable except in court.

On reflection, we agree with those agencies that believe the standard of review in 5 U.S.C. 557 applies to decisions on applications for attorney fees, and the final model rule (§ 0.308) does not include a special standard of review. While the Act can admittedly be interpreted as the Justice Department has suggested, there is no clear indication that Congress intended to adopt such an unusual and potentially impractical procedure. Instead, we believe Congress mentioned the adjudicative officer in order to ensure that the initial ruling on an application would be made by someone with direct knowledge of the underlying proceeding. If Congress meant to depart so substantially from customary agency practice in adjudications under the Administrative Procedure Act, we believe it would have done so explicitly.

USPS and NASA raised questions about the section's provision that agency review is discretionary; USPS said the availability of review should parallel its availability in the underlying case, while NASA said review should be in the form of reconsideration by the original decider, not higher level review. We believe these concerns are related to problems unique to particular agencies and situations, and should accordingly be handled by the agencies involved.

In miscellaneous comments on § 0.308, USPS asked that we define "adjudicative officer" to include both the officer presiding over initial proceedings and the officer or officers presiding over review proceedings, and that we clarify that a decision on a fee award cannot be final until there is a final decision on the merits of the case. As to the first point, we do not agree as a general matter with USPS' interpretation. We believe that the "adjudicative officer" is ordinarily the person who hears the evidence and sees the efforts of the attorneys, rather than a reviewing body, although there may, of course, be situations in which a reviewing body or group of officers itself performs that function. The second point, we believe, needs no clarification. The rules already provide that a party prevails only when final disposition of a proceeding or a separable part of the proceeding has occurred. Finally, the Consumer Product Safety Commission said the rules should acknowledge an agency's authority to review the agency counsel's consent to an award as well as the adjudicative officer's decision. This is already provided for under the rules, since an award application to which the agency counsel has consented will be before the adjudicative officer for decision.

Section 0.309 of the rules contains a reference to the statutory provision for judicial review. The Atlanta Regional Commission said the rules should provide that fees for court review of an agency fee decision should be recoverable; this is a matter to be determined in the first instance by the courts, rather than by agency regulations. The National Screw Machine Products Association suggested that judicial review of awards should be in the Federal court closest to the applicant. This is a legislative matter, however, and not one within the agencies' competence.

Section 0.310 explains how applicants that have been granted awards may obtain payment. The Treasury Department noted that there is much confusion about the Act's provisions on payment of awards, and recommended that the rules include no payment provisions until the confusion is resolved. We agree that the Act's payment mechanism is complicated. It provides for payment by agencies or, alternatively, from a no-limit continuing-appropriation fund maintained for the payment of judgments against the United States. Under section 207 of the Act, however, no payment of awards may be made from this judgment fund unless there is a specific appropriation for that purpose. To date, no such appropriation has, to our knowledge, been proposed or made. Thus, as we interpret the Act, agencies will be liable to pay awards out of their own available funds; in comments on the draft rules, the Comptroller General of the United States also reached this conclusion. The model rules reflect this interpretation.

The Treasury Department, along with USPS and the Interior Department, also said that the 60-day deadline for payment of an award is impracticable; USPS noted that some statutes, such as the Contract Disputes Act, allow 120 days for judicial review, so an applicant might seek review after receiving an award. The American Metal Stamping Association and the National Screw Machine Products Association, on the other hand, said that awards should be payable within 30 days, or immediately. As noted above, there is some question whether administrative proceedings under the Contract Disputes Act fall within the Act. In any event, we think such a longer appeal period can best be handled, where it applies, in individual agency rules. We believe the 60-day period should be generally workable; a 30-day period, on the other hand, seems inadequate, and would also present the possibility that an applicant could receive payment and then seek judicial review.

NASA expressed concern that the rules imply that agencies may determine entitlement to an award while judicial review is pending on the merits of the proceeding; it believes this is barred by 5 U.S.C. 504(c)(1). We agree that an agency should not ordinarily conduct proceedings on an application for attorney fees if judicial review of the merits has been sought. However, there may be instances in which a simple award proceeding is completed, and

then another party seeks review of the merits. The rule is intended to cover these situations.

We requested comment on whether the rules should provide for interim payments to applicants. Several commenters said that they should not, since such a program goes beyond the statutory authority and would be extremely hard to administer, and we agree. We have therefore decided not to include such a provision.

Miscellaneous Comments

In addition to the specific items covered above, we received several miscellaneous comments on the draft model rules. The Treasury Department suggested a revision to the title of the model rules to clarify that they apply only to agency proceedings, which we have made. The Gate City Savings and Loan Association of Fargo, North Dakota, believes the rules are far too long. We have made efforts to simplify them, but we believe the material to be covered in the rules is complex and requires thorough treatment.

The Heritage Federal Savings and Loan Association of Daytona Beach, Florida, wrote objecting to the Act itself. We are not in a position, of course, to act in response to this comment.

Kenneth Malmborg said the rules should state who will pay an award when agency reorganizations result in the transfer of an agency unit in which an adjudication occurs before an award is paid. We believe this circumstance will be sufficiently unusual that it can be handled on an *ad hoc* basis if it arises. Finally, the Administrative Office of the United States Courts said the rules should provide for a specific data collection form, for the purpose of the annual report to Congress. We are now considering how best to collect from agencies the data necessary for that report; we don't believe, however, that this subject should be covered by the model rules, which are intended for agencies' use in developing their own implementing regulations.

Notes on Use of the Model Rules by Agencies

Model rules are, by their nature, general. In adopting the model rules to their own use, agencies should, where possible, make them more specific, including references to particular agency units, proceedings and procedures where appropriate, and eliminating irrelevant or redundant material. The following section-by-section notes on the model rules are intended to help agencies with this task by identifying matter that may need such revision.

0.101: Here and throughout the rules, the phrase "this agency" is used to indicate the agency promulgating the rules. Each agency should substitute its own name for "this agency."

0.103: Agencies that conduct no ratemaking proceedings may wish to delete the reference to such proceedings. Similarly, agencies that conduct no licensing proceedings may eliminate the sentence concerning those proceedings. Agencies should add to this section a list of their own covered proceedings. If an agency conducts no proceedings in which other Federal agencies participate, it may delete the references here and elsewhere in the rules to awards against other agencies.

0.015: For convenience, we have used the term "agency counsel" to refer to the litigating unit of the agency against which an award is sought. When an agency has only one litigating unit that participates in its covered proceedings, it should insert the name of that unit (e.g., "the Division of Enforcement"). When an agency itself has more than one litigating unit, or when other agencies participate in an agency's covered proceedings, the agency may wish to retain the term "agency counsel" or some similar term (such as "agency party" or "agency litigating unit") and add a definition section in which it explains the term and lists the agencies and agency units that may be covered by it.

0.106: Each agency should insert in § 0.106(b), where the model rules say "[$24.09 per hour]", its own highest rate for the compensation of expert witnesses. This section also contains the first use of the statutory term "adjudicative officer." Agencies may wish to include in their rules a definition of "adjudicative officer" identifying the agency personnel who may be in that role or if the adjudicative officer will virtually always be an administrative law judge, substitute that term for "adjudicative officer."

0.107: Agencies with standard rulemaking procedures may wish to substitute a cross-reference to those procedures for the procedural material contained in this rule.

0.109: This section is necessary only if an agency delegates authority to take final agency action, in adjudications covered by the Equal Access to Justice Act, to subsidiary officers or bodies.

0.202: A cross-reference to the agency's Freedom of Information Act procedures should be included in paragraph (b) of this section.

0.204: In this section and throughout subpart C of the rules, an agency with an intermediate review board should include references to it where appropriate. An agency with no such intermediate authority should delete the reference in this provision. An agency should also revise paragraph (c) of this section as necessary to identify the particular events that might constitute "final disposition" of its proceedings.

0.301: If an agency has a standard set of rules on filing and service for all proceedings, this provision may include a cross-reference to that set of rules.

0.305: If an agency has a uniform rule describing the procedure for settlement of proceedings, a cross-reference to the rule may be included here. Otherwise, the agency may wish to include a brief summary of settlement procedures. This rule's reference to a "proposed settlement" is based on the assumption that agency litigators must ordinarily obtain approval from an administrative law judge or from the agency in order to settle a proceeding. If an agency delegates to its litigators final authority to settle proceedings, the rule should be revised to reflect that authority.

0.307: This rule describes the adjudicative officer's decision on an application as an initial decision. If an agency believes it helpful, it may wish to include here a description of or cross-reference to rules on the significance and effect of an initial decisions. In addition, an agency should replace the brackets with a specific time limit for the adjudicative officer's decision.

0.308: An agency should include here a cross-reference to its procedures for review of initial decisions. It should also replace the brackets with the number of days after which an initial decision of which review has not been taken becomes a final decision of the agency.

0.310: An agency should include here the name and address of the agency office that will handle payment of awards.

In addition, we note that agencies may be required to comply with the Regulatory Flexibility Act (5 U.S.C. 601–612) and the Paperwork Reduction Act (44 U.S.C. 3504(h)) in promulgating their own rules under the Equal Access to Justice Act. In our view, these rules fall within § 605(b) of the Regulatory Flexibility Act, permitting agencies to certify that the rule "will not * * * have a significant economic impact on a substantial number of small entities" in lieu of preparing a regulatory flexibility analysis. While the Equal Access of Justice Act itself may have such an impact, the rules merely implement the Act's provisions and do not themselves impose significant economic burdens or benefits. Accordingly, agencies may wish to consider making such a certification under 5 U.S.C. § 605(b). To

facilitate any review that may be called for under the Paperwork Reduction Act, we are sending a copy of the model rules to the Director of the Office of Management and Budget.

The text of the model rules follows.

MODEL RULES

PART 0—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Subpart A—General Provisions

Subpart B—Information Required From Applicants

Subpart C—Procedures for Considering Applications

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 [5 U.S.C. 504(c)(1)].

Subpart A—General Provisions

0.101 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before this agency. An eligible party may receive an award when it prevails over an agency, unless the agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that this agency will use to make them.

0.102 When the Act applies.

The Act applies to any adversary adjudication pending before this agency at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final agency action occurs.

0.103 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by this agency. These are adjudications under 5 U.S.C. 554 in which the position of this or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Any proceeding in which this agency may prescribe a lawful present or future rate is not covered by the Act. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise "adversary adjudications." For this agency, the types of proceedings generally covered include: [Here list].

(b) This agency may also designate a proceeding not listed in paragraph (a) as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. This agency's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

0.104 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in subpart B.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

0.105 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the

applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the agency counsel, which may avoid an award by showing that its position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

0.106 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which this agency pays expert witnesses, which is [$24.09 per hour]. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the adjudicative officer shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

0.107 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), this agency may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. This agency will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with this agency a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with [cross-reference to, or description of, standard agency procedure for rulemaking petitions.] The petition should identify the rate the petitioner believes this agency should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. This agency will respond to the petition within 60 days after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

0.108 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before this agency and takes a position that is not substantially justified, the award or an appropriate portion of the award shall be made against that agency.

0.109 Delegations of authority.

This agency delegates to [identify appropriate agency unit or officer] authority to take final action on matters pertaining to the Equal Access to Justice Act, 5 U.S.C. 504, in actions arising under [list statutes or types of proceedings.] This agency may by order delegate authority to take final action on matters pertaining to the Equal Access to Justice Act in particular cases to other subordinate officials or bodies.

Subpart B—Information Required From Applicants

0.201 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes this agency to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

0.202 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 0.104(f) of this part) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The adjudicative officer may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the adjudicative officer in a

sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the adjudicative officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with this agency's established procedures under the Freedom of Information Act [insert cross reference to agency FOIA rules].

0.203 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The adjudicative officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

0.204 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after this agency's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) the date on which an initial decision or other recommended disposition of the merits of the proceeding by an adjudicative officer or intermediate review board becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of this agency's final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

Subpart C—Procedures for Considering Applications

0.301 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 0.202(b) for confidential financial information.

0.302 Answer to application.

(a) Within 30 days after service of an application, counsel representing the agency against which an award is sought may file an answer to the application. Unless agency counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If agency counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the adjudicative officer upon request by agency counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 0.306.

0.303 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 0.306.

0.304 Comments by other parties.

Any party to a proceeding other than the applicant and agency counsel may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

0.305 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with the agency's standard settlement procedure. If a prevailing party and agency counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

0.306 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or agency counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the adjudicative officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

0.307 Decision.

The adjudicative officer shall issue an initial decision on the application within [ ] days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's

eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

0.308 Agency review.

Either the applicant or agency counsel may seek review of the initial decision on the fee application, or the agency may decide to review the decision on its own initiative, in accordance with [cross-reference to agency's regular review procedures.] If neither the applicant nor agency counsel seeks review and the agency does not take review on its own initiative, the initial decision on the application shall become a final decision of the agency [30] days after it is issued. Whether to review a decision is a matter within the discretion of the agency. If review is taken, the agency will issue a final decision on the application or remand the application to the adjudicative officer for further proceedings.

0.309 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

0.310 Payment of award.

An applicant seeking payment of an award shall submit to the [comptroller or other disbursing official] of the paying agency a copy of the agency's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. [Include here address for submissions at specific agency.] The agency will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

Dated: June 18, 1981.

Reuben B. Robertson,

Chairman.

[FR Doc. 81-18632 Filed 6-24-81; 8:45 am]

BILLING CODE 6110-01-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Agreement Regarding Permits for Energy Exploration and Development in the Little Missouri National Grasslands, North Dakota

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to Sec. 800.8 of the regulations for the "Protection of Historic and Cultural Properties" (36 CFR Part 800) with the U.S. Department of Agriculture, Forest Service (Custer National Forest), and the North Dakota State Historic Preservation Officer concerning permits issued by the Custer National Forest for energy exploration and development in the Little Missouri National Grasslands. The agreement establishes a system that will ensure that adequate consideration is given to historic and cultural properties in planning and carrying out projects under such permits, in order to meet the requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470).

COMMENTS DUE: July 22, 1981.

ADDRESS: Comments should be addressed to Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Niquette, Archeologist, Western Division of Project Review, Advisory Council on Historic Preservation, 44 Union Blvd., Suite 616, Lakewood, Colorado 80228, 303-234-4946.

SUPPLEMENTARY INFORMATION: This notice of the proposed agreement invites comments from interested parties. Copies of the proposed agreement are available from the Council. The proposed agreement provides for development of a general historic preservation plan to guide decisionmaking in the issuance of permits for energy exploration and development in the Little Missouri National Grasslands. Case-by-case Council review of proposals to issue permits in conformance with the plan will be eliminated. The proposed agreement also provides interim measures for treating ridgetop lithic scatters, a common type a little-understood archeological site in the region, during the period until the plan is complete.

Dated: June 22, 1981.

Robert R. Garvey,

Executive Director.

[FR Doc. 81-18602 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Land and Resource Management Plan, Winema National Forest, Klamath County, Oreg.; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the Winema National Forest Land and Resource Management Plan.

The proposed action is to prepare and implement an integrated management plan for the lands and resources of the Winema National Forest.

The Forest Land and Resource Management Plan will be prepared pursuant to the National Forest Management Act of 1976 and its implementing regulations (36 CFR Part 219). A range of management alternatives will be considered and described in draft and final environmental impact statements. The alternatives will reflect combinations of resource management practices designed to meet management objectives for the various multiple uses, including outdoor recreation, wilderness, wildlife and fish, range, timber, and water. Alternatives will be formulated according to the following guidelines: (1) each alternative will be capable of being achieved; (2) each alternative will provide for the orderly elimination of backlogs of needed treatments for the restoration of renewable resources as necessary to achieve the multiple-use objectives of the alternative; (3) each identified major public issue and management concern will be addressed in one or more alternatives; and (4) each alternative will represent the most cost efficient combination of management practices examined that can meet the objectives established in the alternaive. In addition, a no-action alternative will be formulated as the most likely condition expected to exist in the future if current management direction were to continue unchanged.

Federal, state, and local governments, Indian tribes, and the general public will be invited to participate in the scoping process which includes: (1)

identification of issues to be addressed in the Forest Land and Resource Management Plan; (2) identification of issues to be analyzed in depth; and (3) elimination of insignificant issues. Preliminary issues, concerns, and opportunities will be identified from previous public input to RARE II, unit plans and other activities. This information will be presented to the public for review and comment beginning in August 1981. Specific dates, times, and locations will be announced through local media and direct mailings.

R. E. Worthington, Regional Forester, Pacific Northwest Region, is the responsible official.

The draft environmental impact statement is expected to be available for public review by December 1982. The final environmental impact statement is scheduled for completion in June 1983.

Questions or comments on the proposed action and environmental impact statement should be addressed to Arthur W. DuFault, Forest Supervisor, or Lenard L. Morin, Forest Planner, Winema National Forest, P.O. Box 1390, Klamath Falls, Oregon 97601.

Dated: June 16, 1981.

Paul E. Buffam,

Acting Regional Forester.

[FR Doc. 81-18721 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-11-M

Forest Service, Southwestern Region, South Kaibab Grazing Advisory Board; Meeting

June 18, 1981.

The South Kaibab Grazing Advisory Board will meet at 9:00 A.M., Friday, August 7, 1981, at the Ramada Inn Conference Room, Williams, Arizona.

The purpose of this meeting is:

1. Allotment Management Planning—

(a) Water Rights

(b) Wildlife Population, Trends, and Objectives

(c) Reforestation Objectives and Site Selection Criteria

(d) Range Condition and Trend Studies

2. Utilization of Range Betterment Funds—

The meeting will be open to the public. Persons who wish to attend should notify:

Forest Supervisor
Kaibab National Forest
800 South 6th Street
Williams, Arizona 86046
Telephone: (602) 635-2681

Those attending may express their views when recognized by the chairman.

Leonard A. Lindquist,

Forest Supervisor.

[FR Doc. 81-18786 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Blacktail Recreation Road PWB Recreation RC&D Measure, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Amos I. Garrison, Jr., State Conservationist, Soil Conservation Service, Room 345, 304 North Eighth Street, Boise, Idaho 83702, telephone (208) 334-1601.

Notice: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Blacktail Recreation Road PWB RC&D Measure, Bonneville County, Idaho.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Amos I. Garrison, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

Blacktail Recreation Road measure concerns a plan for providing adequate access to an existing water based recreation facility. The planned works of improvement consists of preparing suitable subbase and paving about 6 miles of an existing gravel road. Conservation practices will be to grade and seed the borrow areas to control existing erosion and provide improved aesthetics.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Amos I. Garrison, Jr. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18812 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-16-M

Cheboygan City-County Airport Critical Area Treatment and Land Drainage RC&D Measure, Mich.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, given notice that an environmental impact statement is not being prepared for the Cheboygan City-County Airport Critical Area Treatment and Land Drainage RC&D Measure, Cheboygan County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of practices for critical area treatment and land drainage. Critical area treatment will include 6 grade stabilization structures, 5 sod chutes, approximately 1,100 cubic yards of excavation, and approximately 3.4 acres of critical area seeding. Land drainage will include outlet channel improvement, drainage channel improvements, and approximately

27,000 feet of underground drainage. total construction cost is estimated to be $72,000; $42,500 RC&D funds, and $29,500 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will be not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 16, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18813 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-16-M

Corral Creek Critical Area Treatment RC&D Measure, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Amos I. Garrison, Jr., State Conservationist, Soil Conservation Service, Room 345, 304 North Eighth, Boise, Idaho 83702, telephone 208-334-1601.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Corral Creek Critical Area Treatment RC&D Measure, Camas County, Idaho.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Amos I. Garrison, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns first year plans to construct a gabion-type structure with training dikes to funnel flood flows through the structure. The second year, seven additional gabion-type structures will be installed in about 1,700 linear feet of channel below each structure. The channel will not be deepened or widened in this action.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Amos I. Garrison, Jr. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 16, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18814 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-16-M

Heart-O'-Hills Camp Critical Area Treatment RC&D Measure, Okla.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Office Building, Stillwater, Oklahoma 74074, telephone 405-624-4460.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Heart-O'-Hills Camp Critical Area Treatment RC&D Measure, Cherokee County, Oklahoma.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a critical area treatment plan for erosion control. The planned works of improvement include diversion terraces, tiled drains, gabions, concrete stabilization structures, seeding and fertilizing.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18815 Filed 6-24-82; 8:45 am]

BILLING CODE 3410-16-M

Lakeview Watershed, Tex.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, 101 South Main, Temple, Texas 76501, telephone number (817) 774-1214.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lakeview Watershed, Hall and Donley Counties, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of three floodwater retarding structures, two grade stabilization structures, and 2.9 miles of channel work.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 18, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18816 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-16-M

Little Whitestick-Cranberry Creeks Watershed, W. Va.; Intent To Prepare an Environment Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone 304-599-7151.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Little Whitestick-Cranberry Creeks Watershed, Raleigh County, West Virginia.

The environmental assessment of this federally assisted action indicates the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection and flood prevention. Alternative works of improvement under consideration include installation of land treatment measures, stream channel work, nonstructural measures, and stream corridor acquisition and preservation. The scoping process, as mandated by the Council on Environmental Quality Guidelines (40 CFR Part 1500), has included numerous onsite meetings. The most recent scoping meeting occurred on February 6, 1981, with the Soil Conservation Service, West Virginia Department of Natural Resources, and the U.S. Fish and Wildlife Service participating. Further scoping meetings will be held as necessary.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Craig M. Right, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 16, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18817 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-16-M

Martin Lateral Watershed, Utah; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. George D. McMillan, State Conservationist, Soil Conservation Service, P.O. Box 11350, Salt Lake City, Utah 84147, telephone 801-524-5050.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Martin Lateral Watershed, Uintah and Duchesne Counties, Utah.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George D. McMillan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. Planned actions include the installation of irrigation water measuring devices, irrigation pipeline with appurtenant devices for water control, and resource management systems on irrigated pasture and cropland. Conservation treatment elements of the resource management systems include land leveling, pasture and hayland planting and management, irrigation water management, and conservation cropping systems.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George D. McMillan. The FNSI has been sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 18, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18818 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-16-M

Morgan County Schools Critical Area Treatment RC&D Measure, Ga.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, Federal Building, 355 East Hancock Avenue, Athens, Georgia 30613, telephone 404–546–2273.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Morgan County Schools Critical Area Treatment RC&D Measure, Morgan County, Georgia.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the treatment of critically eroding school ground areas. The planned works as described in the Finding of No Significant Impact consists of the establishment of erosion control vegetation on 13.4 acres.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: June 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–18819 Filed 6–24–81; 8:45 am]

BILLING CODE 3410–16–M

Sugar River Watershed, N.H.; Intent To Prepare a Supplement to the Environmental Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of intent to prepare a supplement to the environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Mr. Richard L. Porter, State Conservationist, Soil Conservation Service, Federal Building, Durham, New Hampshire 03824, telephone 603–868–7581.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that a supplement to the environmental impact statement is being prepared for the Sugar River Watershed, Grafton, Sullivan, and Merrimack Counties, New Hampshire.

The environmental impact statement of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Richard L. Porter, State Conservationist, has determined that the preparation and review of a supplement to the environmental impact statement are needed for this project.

The project concerns a plan for flood control for the towns of Croydon, Goshen, Grantham, Lempster and Newport, and the city of Claremont. The planned works of improvement include construction of six multipurpose floodwater retarding and recreation structures, four floodwater retarding structures, and land treatment measures.

A draft supplement to the environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft supplement to the environmental impact statement.

Scoping meetings will be held at 2 p.m. and 7 p.m. on Tuesday, July 7, 1981, in the third floor conference room of the Newport Savings Bank Building, 9 Main Street, Newport, New Hampshire. All interested Federal, State, local agencies, and the public are invited to present their significant concerns.

The draft supplement to the environmental impact statement will be developed by Mr. Richard L. Porter, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Floor Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–18820 Filed 6–24–81; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Fitness Determination of Chautauqua Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81–6–137, order to show cause.

SUMMARY: The Board is proposing to find that Chautauqua Airlines, Inc. 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: 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 7, 1981, together with a summary of the testimony, statistical data and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–6–137.

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 81–6–137 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–6–137 to the Distribution Section, Civil

Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18833 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[81-6-129]

Air Florida Additional Points Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (81-6-129).

SUMMARY: The Board is instituting the *Air Florida Additional Points Proceeding*, Docket 39490, and is proposing to grant, under Subpart Q procedures, authority to Air Florida at twelve Florida points: Eglin Air Force Base, Ft. Pierce, Lakeland, Marco Island, Melbourne, Naples, Ocala, Ocean Reef, Punta Gorda, St. Augustine, Titusville, and Vero Beach. A one-stop restriction will be imposed between each of these points and Sarasota. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing the proposed authority shall file, no later than July 23, 1981, a statement of objections, together with a summary of the testimony, statistical data and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 39490, which we have entitled the *Air Florida Additional Points Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon Air Florida, the mayor and airport manager of each of the twelve cities to which the application refers, the Florida Department of Transportation, Aviation Bureau, the Florida Public Service Commission, and the City of Melbourne Airport Authority.

FOR FURTHER INFORMATION CONTACT: Donna Stright, Bureau of Domestic Aviation Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202)673-5215.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-129 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-6-129 to that address.

By the Bureau of Domestic Aviation: June 18, 1981.

Phyllis T. Kaylor,

Secretary.

[FR. Doc. 81-18828 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-138]

Fitness Determination of Alaska Island Air, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-6-138, order to show cause.

SUMMARY: The Board is proposing to find that Alaska Island Air, Inc. 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.

DATES: 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 9, 1981 , together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-138.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-138 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-138 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428

By the Civil Aeronautics Board: June 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18829 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-140]

Fitness Determination of Atlanta Express Airline Corporation, Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-6-140, order to show cause.

SUMMARY: The Board is proposing to find that Atlanta Express Airline Corporation is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, 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 7, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-140.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Lawyer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-140 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-140 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18830 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-139]

Fitness Determination of Bar Harbor Airlines; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-6-139, order to show cause.

SUMMARY: The Board is proposing to find that Bar Harbor Airways, Inc., d.b.a. Bar Harbor 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 9, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-139.

FOR FURTHER INFORMATION CONTACT: Thomas Chew, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5056.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-139 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-139 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18831 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-142]

Fitness Determination of Danbury Airways, Inc.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-6-142, order to show cause.

SUMMARY: The Board is proposing to find that Danbury Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, 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 10, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-142.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce A. Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-142 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-142 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18834 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-141]

Fitness Determination of Eagle Air Charter, Inc., d.b.a. Atlantic Air; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-6-141, order to show cause.

SUMMARY: The Board is proposing to find that Eagle Air Charter, Inc. d.b.a. Atlantic Air is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, 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 9, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-141.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-141 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-141 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18835 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-148; Dockets 35084, etc.]

June 19, 1981.

United Air Lines, Inc., et al.; order granting emergency exemptions to provide air transportation services during strike or other job actions of the professional air traffic controllers organization issued under delegated authority.

In the matter of application of United Air Lines, Inc., Docket 35084, for an exemption pursuant to section 403 of the Federal Aviation Act of 1958; application of Transamerica Airlines, Inc., Docket 39715, for an emergency exemption from sections 401 and 403 of the Act; Emergency Air Transportation requirements, Docket 39722.

On June 18, 1981, the Board issued a notice to inform the airline industry and the public of the emergency measures it intends to take in the event of a strike or job action by the Professional Air Traffic Controllers Organization (PATCO) on or about June 22, 1981.[1]

[1] Published in the **Federal Register** (see 46 F.R. 32057, June 19, 1981.

Because of the anticipated reduction in the number of airline flights [2] and the resultant disruptions to the carriers' schedules, we believe that we must take extraordinary measures to give wide latitude to the carriers so that they may tailor their services as best they can under very extenuating circumstances that are beyond their control. We have, therefore, determined that broad relief from the tariff rules is necessary to allow carriers to set up emergency schedules and emergency operational arrangements in an attempt to provide the maximum amount of service allowable in the event of a PATCO strike. We are, therefore, granting all U.S. certificated carriers an exemption from the requirement to observe tariff rules (*e.g.*, Rule 240 of Airline Tariff Publishing Company Agency, CAB No. 352).[3]

We also believe that, because of the significant disruptions to the carrier's schedules that may result, the carriers should be exempt from the Board's denied boarding rule (Part 250) and the smoking rule (Part 252).[4] We believe that this relief is necessary to avoid compounding the difficulties that the carriers will be confronted with in processing passengers during this crisis.

Also, in this emergency situation, carrires may not be able to transport passengers on their charter or scheduled flights to their return destination. In order to avert hardships that may befall these passengers, we will grant an exemption to all U.S. certificated air carriers and all foreign air carriers from the provisions of sections 401, 402, and 403 of the Act and Part 221 of our Regulations to permit them to provide alternate transportation to any stranded charter or scheduled passenger on their charter flight (including ferry legs) at no additional charge.[5]

The provisions of this order will become effective in the event of a PATCO strike and for this reason we are issuing this order today to give the carriers sufficient lead time concerning our actions.

Finally, the implementation of priorities for persons and property shown in our notice and proposed order issued on June 18 rests upon the priorities and allocations authority of the Defense Production Act of 1950, as amended and the delegation of this authority from the Secretary of Transportation to the Chairman, Civil Aeronautics Board. However, the Secretary has not as yet delegated this authority to the Chairman. Should such a delegation be received, we will issue a separate order regarding the transportation of persons and property on a priority basis.

Accordingly, acting under authority delegated by the Board in the Board's Regulations, 14 CFR 385.16 and 385.26:

1. We exempt all certificates air carriers and commuters air carriers designated by the Board to provide essential air service from the provisions of Section 403 of the Act and Part 221 of our Regulations to the extent that they would be required to observe tariff rules and of Parts 250 and 252 to the extent that they would hinder a carrier's ability to operate during a PATCO strike, *provided* that this exemption shall not authorize any carrier to increase the price of any ticket which has been issued; [6]

2. We exempt all certificated air carriers and all commuter air carriers designated by the Board to provide essential air service from the appropriate provisions of sections 419 and 401(j) of the Act and appropriate Board orders to the extent that they would (a) prohibit flight reductions, terminations or suspensions of service required to comply with flight schedule plans established by the FAA for implementation by these carriers and (b) require 30-day, 60-day or 90-day notices of such terminations, reductions, or suspensions;

3. We exempt all U.S. certificated air carriers from the provisions of Section 401 and all foreign air carriers from the provisions of Section 402 of the Act to the extent necessary to permit them to provide the emergency transportation on any charter flight (including ferry legs) otherwise authorized by the carrier's certificate or permit, to any charter or individually-ticketed passenger who has been stranded as a result of the strike, *provided* that this exemption shall not authorize any foreign air carrier to engage in air transportation between United States points;

4. We exempt all U.S. certificated air carriers and foreign air carriers from the provisions of Section 403 of the Act and Part 221 of the Board's Economic Regulations, insofar as enforcement of Section 403 and Part 221 would prevent them from providing emergency transportation as described in paragraph 3, *provided* that such transportation shall be provided at no additional charge to the passenger;

5. Order 81-5-31, May 6, 1981, is hereby amended to the extent necessary to permit any carrier to transfer any of its own stranded charter passengers to any of its own scheduled flights;

6. The exemptions and amendments granted here shall become effective simultaneously with any PATCO strike;

7. The exemptions and amendments permitted by this order shall expire upon notification from the Secretary of Transportation that the strike is over; and

8. This order shall be served on all U.S. certificated air carriers, all commuter air carriers designated by the Board to provide essential air service, the Department of Transportation, the Federal Emergency Management Agency, the Federal Aviation Administration, the Professional Air Traffic Controllers Organization, the Postmaster General and the Department of Defense.

A copy of this order will be published in the **Federal Register.**

Persons entitled to petition the Board for review of this order under the Board's Regulations, 14 CFR 385.50, may file their petitions within 10 days after the date of service of this order.

This order shall be effective as noted above, and the filing of a petition for

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[2] The FAA has developed a system for flight movements under its Contingency Plan for Potential Strikes or other Job Actions by Air Traffic Controllers. (Published in the **Federal Register** (see 45 F.R. 75100, November 13, 1980)). Under the FAA plan, a reduced number of normally scheduled air carrier flights are tentatively identified to be allowed to operate under the flight priorities shown in the plan and within certain rigid constraints to maintain air safety. The FAA order of flight priority, in general terms, is (1) air traffic movements required for national defense; (2) medical emergency flights; (3) long-range flights for which no reasonable alternative means of transportation exists; and (4) shorter-range flights capable of serving the most people or national needs. The exemmptions in this order are effective whether or not the contingency plan goes into effect at the beginning of the strike.

[3] This exemption from the observance of tariff rules is applicable only to those rules which would inhibit a carrier's operations during any strike, and does not apply to such rules as acceptance of baggage and baggage liability limits. In addition the exemption does not authorize a carrier to increase the price of any ticket which has been issued, nor does it relieve them from filing any price increases or reductions.

[4] While we are exempting the carriers from the smoking rules (14 CFR 252), we nonetheless expect them to make a reasonable effort to provide non-smoking sections aboard the aircraft.

[5] Transamerica Airlines, Inc. by application filed on June 18, 1980, Docket 39715, requested authority to provide this transportation, which we are granting here. Further, we are also amending Order 81-5-31, May 6, 1981, to the extent necessary to permit any carrier to transfer any of its own stranded charter passengers to any of its own scheduled flights.

[6] We fully expect the carriers to make a reasonable attempt to accommodate passengers who have reserved seats on regularly scheduled flights without discrimination as to fare category.

review shall not preclude such effectiveness.

By Barbara A. Clark,
Director, Bureau of Domestic Aviation.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-18804 Filed 6-24-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Schrader Stoves of Nevada, Inc., 4750 Highway 50 East #3, Carson City, Nevada 89701, producer of heating stoves (accepted June 9, 1981); (2) Bradburn and Brooks, Box 2276 Highway 9, Mount Vernon, Washington 98273, producer of cedar shakes (accepted June 10, 1981); (3) Beck 'N' Sue Fashion Company, Inc., P.O. Box 325, Maysville, North Carolina 28555, producer of women's and girls' dresses, blouses and pantsuits (accepted June 11, 1981); (4) Steen Engineering, Inc., 920 S. Prairie Avenue, Waukesha, Wisconsin 53186, producer of metal parts for industrial equipment (accepted June 12, 1981); (5) Thorntown Textile Company, Thorntown, Indiana 46071, producer of women's tops (accepted June 16, 1981); (6) Unity Knitting Mill, Inc., P.O. Box 827, Wadesboro, North Carolina 28170, producer of men's, women's and children's underwear and shirts (accepted June 16, 1981); (7) Family Garment Company, 324 East Locust Street, Scranton, Pennsylvania 18508, producer of women's skirts (accepted June 16, 1981); (8) Kinestar, Inc., 9613 Oates Drive, Sacramento, California 95827, producer of loudspeaker, amplifiers and other sound equipment (accepted June 16, 1981); (9) Pantalones Manso, Inc., Box 7, San Sebastian, Puerto Rico 00755, producer of men's slacks (accepted June 17, 1981); (10) North Shore Shake, Inc., P.O. Box 363, Hoquiam, Washington 98550, producer of cedar shakes and shingles (accepted June 17, 1981); (11) Landes, Inc., 8930 Westpark, Houston, Texas 77063, producer of handbags, smocks, garment and laundry bags, eyeglass and jewelry cases, book covers, log carriers and stadium seats (accepted June 17, 1981); (12) The Nelson McCoy Pottery Company, 451 Gordon Street, Roseville, Ohio 43777, producer of tableware and other earthenware (accepted June 18, 1981); (13) Lehigh Dress Company, Inc., 919 Silk Mill Street, Bethlehem, Pennsylvania 18018, producer of women's dresses and blouses (accepted June 18, 1981); and (14) Novasac Sales Company, Inc., 416 West 13th Street, New York, New York 10014, producer of handbags, tote bags and cosmetic bags (accepted June 19, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,
Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81-18773 Filed 6-24-81; 8:45 am]
BILLING CODE 3510-24-M

International Trade Administration

University of Washington; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00067. Applicant: University of Washington, Department of Zoology NJ-15, 24 Kincaid Hall, Seattle, Washington 98195. Article: Micromanipulator, SM-20 and Accessories. Manufacturer: Narishige Scientific Instrument Laboratory, Japan. Intended use of article: See Notice on page 2667 in the Federal Register of January 14, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides freedom from lateral motion or backlash and an advance precision of one micron. The Department of Health and Human Services advises in its memorandum dated March 28, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knowns of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Frank W. Creel
Acting Director
Statutory Import Programs Staff

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 81-18786 Filed 6-24-81; 8:45 am]
BILLING CODE 3510-25-M

Spirits From Ireland; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On April 20, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order

on spirits from Ireland. The review is based upon information for the period January 1, 1980 through December 31, 1980. Interested parties were given an opportunity to submit written or oral comments. We received no comments.

As a result of this review, the Department has determined to assess countervailing duties of 0.004 Irish pounds per liter of alcohol in plain spirits and 0.008 Irish pounds per liter of alcohol in compounded spirits.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 25, 1914, in T.D. 34466, the Department of the Treasury imposed countervailing duties on certain classes of spirits imported directly or indirectly from the United Kingdom of Great Britain and Ireland. On June 20, 1935, in T.D. 47753, the Department of the Treasury stated that countervailing duties continued to be applicable to spirits from Ireland, notwithstanding the establishment of the Irish Free State.

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination had been requested under section 104(b) of the Trade Agreements Act of 1979. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of spirits from Ireland entered, or withdrawn from warehouse, for consumption on or after that date.

On April 20, 1981, the Department published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" (46 FR 22632). The Department has now completed its administrative review of that countervailing duty order.

Scope of the Review

Imports covered by this review are plain spirits and compounded spirits from the Republic of Ireland. These imports are currently classifiable under items 168.96, 168.98, 169.19, 169.20, 169.46 and 169.47, Tariff Schedules of the United States. The review is based on information for the period January 1, 1980 through December 31, 1980.

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Final Results of the Review

Since we have received no comments, the final results of our review are the same as those presented in the preliminary results of the review. We therefore determine that the net subsidy conferred on spirits from Ireland is 0.004 Irish pounds per liter of alcohol in plain spirits and 0.008 Irish pounds per liter of alcohol in compounded spirits for the period Janury 1, 1980 through December 31, 1980.

The U.S. Customs Service shall assess countervailing duties at the rates stated above on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption prior to April 3, 1980. In addition, should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties at these rates on all unliquidated entries of plain and compounded spirits entered, or withdrawn from warehouse, for consumption from April 3, 1980 through December 31, 1980.

Further, as required by section 751(a)(1) of the Tariff Act of 1930, the Customs Service shall collect a cash deposit of the estimated countervailing duties listed above on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results, and liquidation shall continue to be suspended on such shipments.

This deposit requirement will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of June, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 22, 1981.

[FR Doc. 81-18775 Filed 6-24-81: 8:45 am]

BILLING CODE 3510-25-M

Sugar From the European Communities; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on sugar from the European Communities ("the EC"). The review is based upon information for the period from July 1, 1979 through June 30, 1980. As a result of this review the Department has tentatively determined the rate of net subsidy to be 3.5¢ per pound of sugar. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: June 25, 12981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 31, 1978 a notice of "Final Countervailing Duty Determination," T.D. 78–253, was published in the Federal Register (43 FR 33237). The notice stated that the Treasury Department had determined that exports of sugar from the EC received bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act"). Accordingly, imports into the United States of sugar from the EC were subject to countervailing duties.

On January 1, 1980 the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Treasury Department to the Department of Commerce ("the Department"). On April 4, 1980 the International Trade Commission ("ITC") notified the Department that the EC had requested an injury determination under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on all shipments of sugar from the EC entered, or withdrawn from warehouse, for consumption on or after April 4, 1980. The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Act, the Department has conducted an administrative review of the order on sugar from the EC.

Scope of Review

Imports covered by this review are sugar from the EC, which consisted of

Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, Luxemburg, the Netherlands, and the United Kingdom during our review period. Sugar is currently classifiable under items 155.20 and 155.30 of the Tariff Schedules of the United States. The review is based on information for the period from July 1, 1979 through June 30, 1980. The countervailable program cited in the final determination is restitution payments made under the guidance and guarantee fund which in turn is operated under the Common Agricultural Policy ("CAP") of the EC. On January 1, 1981 Greece became a member of the EC and was simultaneously covered by the CAP as it applies to sugar; therefore, our instructions regarding suspension of liquidation and deposit of estimated countervailing duty apply to sugar from Greece as of that date.

Analysis of Programs

The resolution payments made under the CAP vary in amount and are granted only when the world price of sugar as established on international markets is lower than the EC "threshold price". The world price of sugar has been higher than the threshold price since May, 1980, and as a consequence restitution payments were suspended by the EC as of June 1, 1980. Under the guidance and guarantee fund program, not all sugar exported form the EC benefits from the same level of export subsidies. Sugar produced in and exported form the EC is classified in one of three production quotas: A, B and C quota. Only A and B quota sugar are eligible for restitution payments. We verified the information submitted by the Delegation of the Commission of the European Communities through a review of public documents published by the EC, the U.S. Department of Agriculture, and data developed by an independent statistical gathering organization.

Preliminary Results of Review

As a result of our administrative review, we preliminarily conclude that the rate of net subsidy was 3.5¢ per pound of sugar for the period from July 1, 1979 through June 30, 1980. There are no known unliquidated entries of this merchandise entered, or withdrawn from warehouse, on or before June 30, 1980. The Department intends to instruct the Customs Service to collect an estimated countervailing duty of 3.5¢ per pound on shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present administrative review. This deposit requirement will remain in effect until publication of the final results of the next administrative review. Pending the publication of the final results of the present review, a deposit of estimated dutes of 10.8¢ per pound shall continue to be required on each entry of the subject merchandise. The suspension of liquidation previously ordered will continue in effect until the ITC completes its injury investigation.

Interested parties may submit written comments on these preliminary results on or before July 27, 1981 and may request disclosure and/or a hearing on or before July 10, 1981. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review after analysis of issues raised in written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 22, 1981.

[FR Doc. 81-18776 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

Sugar From The United Kingdom; Final Results of Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review and revocation of countervailing duty order.

SUMMARY: On March 26, 1981, the Department of Commerce published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination to Revoke" with respect to sugar from the United Kingdom. Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral views. The Department received no comments. Therefore, the Department is revoking this order on the grounds that the subsidy practices cited in the final determination have been terminated and that the merchandise remains covered by the order on sugar from the European Communities.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black or Josephine A. Russo, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774 or 377-1168)

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 22, 1938, the Department of the Treasury, in T.D. 49355, imposed countervailing duties on refined sugar from the United Kingdom of Great Britain and Northern Ireland ("the UK"). On July 23, 1978, a notice of "Final Countervailing Duty Determination," T.D. 78-253, was published in the **Federal Register** (45 FR 33237) regarding exports of sugar from the European Communities ("the EC"). On March 26, 1981, the Department of Commerce ("the Department") published the preliminary results of its administrative review and a tentative determination to revoke the countervailing duty order on sugar from the UK (46 FR 18751).

Scope of the Review

Imports covered by this review are sugar from the UK. Sugar is currently classifiable under item numbers 155.20 and 155.30 of the Tariff Schedules of the United States. The countervailable program cited in the final determination was the excessive drawback of customs duties on imported raw sugar.

The preliminary results of the review stated that the imported merchandise no longer benefited from subsidies from the Government of the UK and that entries of this merchandise are presently covered by the subsequent countervailing duty order on sugar from the EC. Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Final Results of the Review

As a result of the review, we conclude that the imported merchandise no longer benefits from net subsidies from the Government of the UK. Therefore, in accordance with § 355.42(c)(2) of the Commerce Regulations, the Department revokes the countervailing duty order concerning sugar from the UK (T.D. 49355) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after March 26, 1981. There are no known unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption prior to April 4, 1980, the date of suspension of liquidation of all entries covered by the countervailing duty order on sugar from the EC. Entries on or after April 4, 1980 of UK sugar will be included in the Department's

administrative review of the order on sugar from the EC.

We are discontinuing the practice of updating the table in Annex III to Part 355 of the Commerce Regulations. Instead, interested parties may contact the Director of the Office of Compliance, International Trade Administration, for copies of the updated list of countervailing duty orders.

This revocation, administrative review, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 22, 1981.

[FR Doc. 81-18777 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

Clear Plate and Float Glass From Japan; Final Results of Administrative Review and Revocation of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Final Results of Administrative Review and Revocation of Antidumping Finding.

SUMMARY: On February 5, 1981, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on clear plate and float glass from Japan. The scope of the review covered the three known exporters: Central Glass Co., Ltd., Nippon Sheet Glass Co., Ltd., and Asahi Glass Co., Ltd. For Central Glass, the review covered the period January 1, 1975 through February 17, 1977. For Nippon Sheet Glass and Asahi Glass, the review covered the period July 1, 1973 through February 17, 1977. Interested parties were provided an opportunity to submit written comments or request disclosure and/or a hearing. Based on comments made by the petitioner, the Department recalculated home market prices. Additional written comments were received subsequent to disclosure, but no further revisions were made. The revised figures continue to show that all sales by the three exporters covered by the finding were made at not less than fair value. Accordingly, we are revoking the finding.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3986).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 18, 1971, a dumping finding with respect to clear plate and float glass from Japan was published in the **Federal Register** as Treasury Decision 71-130 (36 FR 9009). On February 5, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review and its tentative determination to revoke the finding (46 FR 10970-71).

The Department has now completed its administrative review of the finding.

Scope of the Review

Merchandise covered by this review is clear plate and float glass, currently classifiable under items 543.2100 through 543.3100 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of three Japanese exporters of clear plate and float glass to the United States: Central Glass Company, Ltd., Nippon Sheet Glass Company, Ltd., Asahi Glass Company, Ltd. For Central Glass, the review covered the period January 1, 1975 through February 17, 1977. For Asahi Glass and Nippon Sheet Glass, the review covered the period July 1, 1973 through February 17, 1977.

The Department received a timely request from the petitioner for disclosure. At the disclosure meeting, the petitioner submitted comments concerning the time periods over which weighted-average home market prices were calculated. As a result of this meeting, we recalculated weighted-average home market prices on a monthly basis.

Petitioner submitted additional comments concerning other adjustments to prices. The petitioner questioned the fact that home market packing is higher on a per unit basis than export packing. The difference in packing costs is accounted for by the fact that home market transactions involve individualized packing and that export sales to the U.S. involve use of pallets.

The petitioner also noted that inland freight charges for Central were higher than those for Nippon and Asahi. On that basis the petitioner suggested that we should make an adjustment to Central's inland freight costs to equal those of the other two companies. Additionally, the petitioner alleged that agent commissions for Nippon and Asahi should have been higher. The relative costs for inland freight and commissions among the three companies, however, have not changed from those given in the most recent prior submission.

We rejected petitioner's argument that it was inappropriate to use a factory net-back method to calculate home market price. Petitioner argued specifically that there should be no downward adjustment to foreign market value for home market packing costs which are higher than export packing costs. In a different case, *Brother Industries, Ltd., v. United States*, Consol. No. 80-9-01436 (C.I.T., July 3, 1980), this argument is the subject of pending litigation. No recalculations were made resulting from petitioner's comments concerning use of a factory net-back method to calculate home market price, nor were recalculations made concerning costs for packing, inland freight, and commissions.

Final Results of Review

Adjustments made as a result of shortening the time periods for computing weighted-average home market prices had an insignificant effect on the results of the Department's preliminary calculations.

Therefore, the final results of our review indicate that all sales were made at not less than fair value by Central Glass Co., Ltd. for the period January 1, 1975 through February 17, 1977, and by Nippon Sheet Glass Co., Ltd., and Asahi Glass Co. for the period July 1, 1973 through February 17, 1977.

Determination

As a result of this review, the Department revokes the antidumping finding on clear plate and float glass from Japan.

This revocation applies to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after February 17, 1977. Since all sales by Central Glass between January 1, 1975 and February 17, 1977, and all sales by Nippon Sheet Glass and Asahi Glass between July 1, 1973 and February 17, 1977 were made at not less than fair value, the Department shall instruct the Customs Service to liquidate all entries between those dates without reqard to anitdumping duties. The Department will issue appraisement instructions directly to the Customs Service.

This administrative review, revocation, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1).

(c)) and § 353.54 of the Commerce Regulations (19 CFR 353.54).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 22, 1981.

[FR Doc. 81-18731 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

Kraft Condenser Paper From France; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the anitdumping finding on kraft condenser paper from France. The review covers the only known exporter of this merchandise to the United States, Papeteries Bollare S.A., Paris, France, for two consecutive time periods up to August 31, 1980. This review indicates for the first period the existence of weighted-average margins of 3.46% for one type of condenser paper and 31.32% for all other types, and no shipments of any type for the second period.

As a result of this review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between foreign market value and exporter's sales price or purchase price during the first time period. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Depatrment of Commerce, Washington, D.C., 20230 (202-377-2209).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 21, 1979, a dumping finding with respect to kraft condenser paper from France was published in the Federal Register as Treasury Decision 79-247 (44 FR 54696). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on kraft condenser paper from France. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of kraft condenser paper, meaning capacitor tissue or condenser paper containing 80% or more by weight chemical sulphate or soda wood pulp based on total fiber content. Kraft condenser paper is currently classifiable under items 252.4000, 252.4200, and 256.3080 of the Tariff Schedules of the United States Annotated (TSUSA). Papeteries Bollare S.A. is the only known exporter to the United States of French kraft condenser paper. This review covers two consecutive time periods from February 20, 1979, the date of suspension of liquidation, through August 31, 1980.

For the period January 1, 1980 through August 31, 1980, there were no known shipments to the United States.

Exporter's Sales Price

The Department used exporter's sales price, as defined in section 204 of the 1921 Act, for sales of unslit kraft condenser paper to a related U.S. purchaser. In this case, exporter's sales price was calculated on the basis of the related U.S. firm's selling price to unrelated U.S. purchasers, with adjustments for ocean freight, insurance, foreign and U.S. inland freight, customs duties and clearance charges, U.S. selling expenses, and any increased value resulting from further manufacture (through slitting) performed on the imported merchandise after importation and before its sale to an unrelated purchaser in the U.S. No other adjustments were claimed or made.

Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act, for sales of kraft condenser paper to unrelated U.S. purchasers. In this case, purchase price was calculated on the basis of the delivered price to the unrelated U.S. customer, with deductions for ocean freight, insurance, foreign and U.S. inland freight, and customs duties and clearance charges. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Papeteries Bollare sold in the home market at least 15% of its total sales (by quantity) and home market sales were at least 20% of the quantity sold for exportation to countries other than the U.S. In this case the home market prices are based on delivered prices to unrelated purchasers in the home market, with adjustments, where applicable, for foreign inland freight, and indirect selling expenses to offset the amount of selling expenses incurred in the United States, in accordance with § 153.10 of the Customs Regulations. Adjustments were also made, where applicable, for differences in the merchandise, in accordance with section 153.11 of the Customs Regulations, and for packing cost differences.

Papeteries Bollare claimed that foreign market value should be determined on the basis of third country sales, since the merchandise sold in the home market is not similar to that exported to the United States. Bollare alleged that the merchandise sold in the home market was inappropriate for comparison purposes due to the difference in the gauges and densities of the papers sold in each market. Since these differences are mainly in production and are able to be quantified, the Departmemt determined that the merchandise sold in the home market meets the definition of "similar" as set forth in section 212(c) of the 1921 Act. We denied a claimed adjustment for trade show expenses because they bear no direct relationship to the sales under consideration. No other adjustments were claimed or made.

Preliminary Results of the Review

As a result of our comparison of purchase price and exporter's sales price to foreign market value, we preliminarily determine that the following margins exist:

Paper types	Time period	Margins (pct)
Dried KCT Voltam 1.17	2/20/79-12/31/79	3.46
Air dry density	1/1/80-8/31/80	[1] 3.46
All others	2/20/79-12/31/79	31.32
	1/1/80-8/31/80	[1] 31.32

[1] No shipments during this period.

Interested parties may submit written comments on these preliminary results

on or before July 27, 19— and may request disclosure and/or a hearing July 10, 1981. Any request for an administrative protective order must be made no later than July 30, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties, where appropriate, on all entries made during the period. Individual differences between purchase price or exporter's sales price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as required by §353.48(b) of the Commerce Regulations, a cash deposit of 3.46% for dried KCT Voltam 1.17 air dry density paper and 31.32% for all other types, based upon the last known shipments, shall be required on all shipments of kraft condenser paper entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge, III,

Acting Deputy Assistant Scretary for Import Administration.

June 19, 1981.

[FR Doc. 81-18732 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

Large Power Transformers From France; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on large power transformers from France. The review covers the only known exporter from France to the United States, Alsthom-Unelec, S.A., and the period October 1, 1972 through June 30 1980.

As a result of this review the Department has preliminary determined to postpone appraisement of shipments entered during the above period pending receipt of more specific information from the exporter regarding merchandise sold in the home market. For purpose of determining the cash deposit to be required on shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review, the Department will use the rate developed during the fair value investigation as the best information available.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Sid Briggs, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5346).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 14, 1972, a dumping finding with respect to large power transformers from France was published in the **Federal Register** as Treasury Decision 72-160 (37 FR 11772). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on large power transformers from France. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of large power transformers, that is, all types of transformers rated 10,000 KVA (kilovolt-amperes) or above, used in the generation, transmission, distribution, and utilization of electric power. Such transformers are currently classifiable under items 682.0765 and 682.0775 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of one exporter of large power transformers from France to the United States, Alsthom-Unelec, S.A., which sells to the U.S. through its subsidiary, Cogenel, Inc. This review covers the period October 1, 1972 through June 30, 1980.

Preliminary Results of the Review

During the period of review there were seven known entries of large power transformers from France, the most recent one entering on November 28, 1975. These entries and any other during the period will be the subject of a subsequent review. Responses to our questionnaire from Alsthom-Unelec have been deficient for the purposes of our analysis. Alsthom has not provided a complete listing of transformer sales in the home market, from which the Department, using a more thorough methodology than previously used, will select suitable individual models for comparison to individual shipments to the U.S.

Interested parties may submit written comments on these preliminary results on or before July 27, 1981 and may request disclosure and/or a hearing on or before July 10, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based on the best evidence available, which is the 24% rate determined during the fair value investigation, shall be required on all shipments of large power transformers from France entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 19, 1981.

[FR Doc. 81-18733 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

Spun Acrylic Yarn From Japan; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of final results of administrative review of antidumping duty order.

SUMMARY: On March 30, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on spun acrylic yarn from Japan. The review covered the four known manufacturers and nine known exporters and the time period of July 13, 1979 through March 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. The Department received a request on behalf of Asahi Chemical Industry Co., Ltd. for an opportunity to present oral views. Accordingly, the Department held a hearing on April 24, 1981, concerning its administrative review of this order. As a result of that hearing, the Department has not changed the results published in the March 30, 1981 notice.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Larry T. Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3058).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 9, 1980, an antidumping duty order with respect to spun acrylic yarn from Japan was published in the **Federal Register** (45 FR 24127). On March 30, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the order (46 FR 19287–8). The Department has now completed its administrative review of the antidumping duty order.

Scope of the Review

The imports covered by this review are spun acrylic plied yarn primarily for machine knitting. Spun acrylic yarn is currently classifiable under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of four manufacturers and nine exporters of Japanese spun acrylic yarn to the United States. The review covered the time period of July 13, 1979 through March 31, 1980 for all thirteen firms.

Interested parties were afforded an opportunity to furnish written or oral comments. One manufacturer, Asahi Chemical Industry Company, Ltd. ("Asahi"), requested a hearing in connection with this review. Accordingly, the Department held a hearing on April 24, 1981.

Analysis of Comments Received

The Department has analyzed the comments submitted by Asahi, and comments submitted on behalf of the American Yarn Spinners Association ("AYSA"), the petitioner in this proceeding.

All comments addressed the issue of whether or not the Department has the authority to establish the rate of deposit of estimated antidumping duties based upon the most recent information available, regarding the foreign market value and United States price of entries of merchandise subject to the order, for companies who had no shipments of such merchandise to the United States during the period covered by the administrative review.

Specifically, Asahi contends that, since the review disclosed that Asahi made no shipments to the United States during the period of review, section 751 of the Tariff Act of 1930 ("the Tariff Act") requires the Department to determine that the amount by which the foreign market value of each entry exceeds the United States price is zero, and that this amount be the basis for the deposit of estimated duties. Asahi further contends that no statutory authority exists for the Department to rely upon information from outside the period of review.

AYSA contends that, in the absence of shipments by a firm during the period of review, the Department may not determine that foreign market value does not exceed United States price. AYSA further contends that no statutory authority exists for the Department to establish a zero rate for the deposit of estimated duties, absent any shipments, and that legislative history and congressional intent obligate the Department to determine the rate of deposit based upon the margin found during the most recent period in which the firm made shipments.

The Department has considered these comments, and has determined that when an administrative review of an antidumping duty order discloses no record of shipments by a firm during the period of review, the Department is precluded from determining the foreign market value and United States price of each entry (there being none), and thus precluded from determining the amount by which the foreign market value exceeds the United States price of each entry. The absence of entries during a review period obviates the requirements to determine a basis for the assessment of antidumping duties.

Since the statute directs that duties and deposits be based upon price information, the Department has established and consistently applied the policy of resorting to the most recent price information available for firms not shipping during a review period to estimate information deemed necessary to determine deposits of estimated duties. That information is considered to be the latest appraisement instructions containing foreign market value and United States price information, or the foreign market value and United States price information found in the determination of sales at less than fair value, whichever is the most recent.

As stated in the notice of the preliminary results of the administrative review, this is the initial review of this order and there are no previous appraisement instructions. Therefore, for those companies having no shipments of spun acrylic yarn to the United States during the period of review, the estimated deposit rates for these companies are the rates found in the fair value investigation.

Final Results of the Review

For all companies, the final results of our review are the same as those presented in the preliminary results of the review. We therefore determine that for the time period of July 13, 1979 through March 31, 1980, the following margins exist:

Japanese exporter	Margin (pct)
Mitsui & Co., Ltd.:	
(MFR: Kanegafuchi Chem. Ind. Co., Ltd.)	0
Diaifibers Co., Ltd.:	
(MFR: Japan Exlan Corp.)	[1] 18.33
(MFR: Mitsubishi Rayon Co., Ltd.)	[1] 20.26
C. Itoh & Co., Ltd.:	
(MFR: Asahi Chem. Ind. Co., Ltd.)	[1] 29.05
(MFR: Mitsubishi Rayon Co., Ltd.)	[1] 20.26
Gunze Sangyo, Inc.:	
(MFR: Asahi Chem. Ind. Co., Ltd.)	[1] 29.05
Teijin Shoji Kaisha, Ltd.:	
(MFR: Asahi Chem. Ind. Co., Ltd.)	[1] 29.05
Itoman & Co., Ltd.:	
(MFR: Japan Exlan Corp.)	[1] 18.33
Nissho Iwai Corp.:	
(MFR: Japan Exlan Corp.)	[1] 18.33
Mitsubishi Corp.:	
(MFR: Mitsubishi Rayon Co., Ltd.)	[1] 20.26
Nichimen Co., Ltd.	[1] 23.19

[1] No shipments during review period

The Department will issue appraisement instructions on the exporter with a shipment directly to the Customs Service. As required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins stated above, expressed as a percent of the entered value, shall be required on all shipments entered, or withdrawn form warehouse, for consumption on or after the date of publication of the final results of the next administrative review. The Department intends to conduct the next

administrative review by the end of April, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 19, 1981

[FR Doc. 81-18734 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Agenda Amendment

AGENCY: National Marine Fisheries Service, Commerce.

ACTION: Notice of Additional Meeting Agenda Item.

SUMMARY: The agenda for the scheduled public meeting of the Mid-Atlantic Fishery Management Council, as published in the **Federal Register** (page 31299), June 15, 1981, has been changed to include the following item for discussion: The Council will also consider amendment #3 to the Surf Clam/Ocean Quahog Fishery Management Plan.

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115—Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: June 22, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-18836 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meetings With a Partially Closed Session

AGENCY: National Marine Fisheries Service, Commerce.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended in 1976 by Public Law 94-409, notice is hereby given of public meetings with a partially closed session of the Pacific Fishery Management Council. The Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265), 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act.

MEETING AGENDAS:

Council (open meeting)—consideration of the fiscal year 1982 Council budget; status of the 1981 salmon fisheries and 1981-1982 anchovy quota; conduct a public comment period beginning at 4 p.m., on July 8, 1981.

Council (closed session)—discussion of the status of maritime boundary and resource negotiations between the U.S. and Canada. Only those Council members and related staff having security clearances will be allowed to attend this closed session.

ADDRESS: The meetings will take place at the Red Lion Motor Inn, 2900 Chinden Boulevard, Boise, Idaho.

DATES:

Council (open meeting) July 8-9, 1981 (2 p.m. to 5 p.m., on July 8; 10 a.m. to 5 p.m., on July 9).

Council (closed session) July 9, 1981 (8 a.m. to 10 a.m.).

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on June 19, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the meeting will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1), as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such an executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meetings will be open to the public.

Dated: June 22, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-18837 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-22-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, S.W., Washington, DC 20324

Patent application 6-207,829 Diethynylbenzene-Ethynylpyrene Copolymers. Filed November 17, 1980.

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 6-227,340: Potting Techniques for Fiber Optical Couplers. Filed January 22, 1981.

Patent 4,238,093: Aircraft Launcher. Filed December 21, 1978, patented December 9, 1980. Not available NTIS.

Patent 4,238,464: Air Revitalization Materials. Filed August 9, 1978, patented December 9, 1980. Not available NTIS.

Patent 4,240,272: Arctic Canteen. Filed June 18, 1979, patented December 23, 1980. Not available NTIS.

Patent 4,240,599: Vehicle Launching Device. Filed April 30, 1979, patented December 23, 1980. Not available NTIS.

Patent 4,241,167: Electrolytic Blocking Contact to InP. Filed May 25, 1979, patented December 23, 1980. Not available NTIS.

Patent 4,243,024: G-Protection System Sensing a Change in Acceleration and Tilt Angle.

Filed April 2, 1979, patented January 6, 1981. Not available NTIS.

Patent 4,245,558: Infrared Proximity Fuze Electronic Amplifier. Filed September 26, 1963, patented January 20, 1981. Not available NTIS.

Patent 4,246,472: Controlled Store Separation System. Filed December 18, 1978, patented January 20, 1981. Not available NTIS.

Patent 4,246,571: High Resolution Quantizer. Filed March 23, 1978, patented January 20, 1981. Not available NTIS.

Patent 4,248,630: Method of Adding Alloy Additions in Melting Aluminum Base Alloys for Ingot Casting. Filed September 7, 1979, patented February 3, 1981. Not available NTIS.

Patent 4,248,663: Localized Anodic Thinning. Filed April 22, 1980, patented February 3, 1981. Not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-4, Washington, DC 20546

Patent application 6-119,337: Partial Interlaminar Separation System for Composites. Filed February 7, 1980

Patent application 6-147,695: Receiving and Tracking Phase Modulated Signals. Filed May 7, 1980

Patent application 6-185,866: A Method and Technique for Installing Light-Weight Fragile, High-Temperature Fiber Insulation. Filed September 11, 1980.

Patent application 6-191,746: Improved Refractory Coatings. Filed September 29, 1980.

Patent application 6-191,747: Solar Power Satellite System. Filed September 29, 1980.

Patent application 6-195,547: An Electro-Optical Doppler Tracker Means and Method for Optical Correlation of Synthetic Aperture Radar Data. Filed October 9, 1980.

Patent application 6-198,093: Kinesimetric Method and Apparatus. Filed October 17, 1980.

Patent application 6-199,768: Thermoset-Thermoplastic Aromatic Polyamides. Filed October 23, 1980.

Patent application 6-210,632: Mechanical Bonding of Metal. Filed November 26, 1980.

Patent application 6-217,336: Improved Attachment System for Silica Tiles. Filed December 17, 1980.

Patent application 6-218,587: Texturing Polymer Surfaces by Transfer Casting. Filed December 19, 1980.

Patent application 6-219,639: A Method for Producing a Solidified Body of Silicon. Filed December 24, 1980.

Patent application 6-219,680: Method of Forming Frozen Spheres in a Force-Free Drop Tower. Filed December 24, 1980.

Patent application 6-219,681: Absorbent Product and Articles Made Therefrom. Filed December 24, 1980.

Patent application 6-220,212: Gyrotron Transmitting Tube. Filed December 24, 1980.

Patent application 6-220,214: An Improved Solid Electrolyte Cell. Filed December 24, 1980.

Patent application 6-224,231: CAT Altitude Avoidance System. Filed January 12, 1981.

Patent application 6-225,500: Tactile Sensing System. Filed January 16, 1981.

Patent 4,213,064: Redundant Operation of Counter Modules. Filed April 4, 1978, patented July 15, 1980. Not available NTIS.

Patent 4,213,684: System for Forming a Quadrified Image Comprising Angularly Related Fields of View of a Three Dimensional Object. Filed March 20, 1978, patented July 22, 1980. Not available NTIS.

Patent 4,216,542: Method and Apparatus for Quadriphase-Shift-Key and Linear Phase Modulation. Filed March 6, 1979, patented August 5, 1980. Not available NTIS.

Patent 4,219,203: Thermal Barrier Pressure Seal. Filed December 29, 1978, patented August 26, 1980. Not available NTIS.

Patent 4,220,171: Curved Centerline Air Intake for a Gas Turbine Engine. Filed May 14, 1979, patented September 2, 1980. Not available NTIS.

Patent 4,221,005: Pseudonoisa Code Tracking Loop. Filed May 21, 1979, patented September 2, 1980. Not available NTIS.

Patent 4,225,102: Aerodynamic Side-Force Alleviator Means. Filed March 12, 1979, patented September 30, 1980. Not available NTIS.

Patent 4,229,182: Recovery of Aluminum from Composite Propellants. Filed September 29, 1978, patented October 21, 1980. Not available NTIS.

Patent 4,243,323: Interferometer. Filed November 30, 1978, patented January 6, 1981. Not available NTIS.

Patent 4,243,327: Double-Beam Optical Method and Apparatus for Measuring Thermal Diffusivity and Other Molecular Dynamic Processes in Utilizing the Transient Thermal Lens Effect. Filed January 31, 1979, patented January 6, 1981. Not available NTIS.

FR Doc. 81-18720 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent

June 15, 1981.

To Prepare a Draft Environmental Impact Statement (DEIS) for the Hilo Area Comprehensive Study, Hilo Harbor Navigation Improvements.

AGENCY: U.S. Army Corps of Engineers, DoD, Honolulu District.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. The U.S. Army Engineer District, Honolulu, is studying the feasibility of improving Hilo Harbor on the east coast of the Island of Hawaii.

2. The study is investigating methods of reducing surge damages, improving navigational operation, and providing adequate improvements to accommodate existing and future vessels visiting Hilo Harbor.

3. The Corps has held a series of workships in Hilo since the initiation of the Hilo Area Comprehensive Study in 1977 to identify problems and needs and alternatives in formulating a plan of action. Local interest groups, private organizations and parties and Federal, State and County of Hawaii agencies are participating in the study. At this time, the DEIS will address the effects of the improvements on water quality, fish and wildlife resources, historic sites, ocean resources and social considerations identified by local residents at the public meetings and workshops. The U.S Fish and Wildlife Service will provide their opinion of the project effects on fish and wildlife resoruces for inclusion in the DEIS. Consultation with the U.S. Advisory Council on Historic Preservation, and State Historic Preservation Officer, State Department of Health, U.S. Environmental Protection Agency, National Marine Fisheries Service, State Harbor Division, State Department of Parks and County Department of Parks and Recreation will be completed during the study.

4. A scoping meeting is not planned at this time.

5. The DEIS will be made available for public review about August 1981.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Eugene Dashiell, Study Manager, U.S. Army Engineer District, Honolulu, Building 230, Fort Shafter, Hawaii 96858, Telephone (808) 438-2240/2249.

Dated: June 15, 1981

Kenneth E. Sprague,

LTC, Corps of Engineers, Deputy Commander and Deputy District Engineer.

[FR Doc. 81-18766 Filed 6-24-81; 8:45 am]

BILLING CODE 3710-NN-M

DEPARTMENT OF ENERGY

No Significant Impact

The Department of Energy (DOE) has prepared an environmental assessment for the finalization of prohibition orders for Units 1, 2, 3 and 4 of the Irvington Generating Station. The Irvington facility is owned by Tucson Electric Power Company (TEP) and is located near the center of Tucson Basin, one mile south and east of Tucson, Arizona. On December 31, 1980, the Economic Regulatory Administration (ERA) of DOE issued proposed prohibition orders to Irvington pursuant to Section 301(c) of the Powerplant and Industrial Fuel Use Act of 1978. If finalized, the orders would prohibit the use of petroleum or natural gas in a mixture in excess of the maximum amounts necessary to maintain reliability of operation of the units and reasonable fuel efficiency. This would probably result in the

conversion of the facility to coal as the primary fuel.

Conclusion

Based on the information contained in the environmental assessment, DOE has determined that finalization of prohibition orders for the Irvington Station is not a major Federal action significantly affecting the quality of the human environment and therefore does not require preparation of an environmental impact statement.

Environmental Consequences of the Proposed Action

The environmental consequences of the prohibition orders and the conversion of the Irvington Generating Station to coal as the primary fuel relate primarily to the maintenance of air quality in Tucson and to the disposal of the solid waste generated by coal burning. Other environmental impacts include the potential effects on water, land, and community resources.

Air Quality Impacts:

The air quality impacts of coal-firing as measured against existing conditions are not considered significant for the following reasons:

- All applicable state and Federal emissions and ambient air quality standards will be met under the option that involves use of coal that would produce a maximum of 1.0 lb. of sulfur dioxide/10^6 Btu. In addition, ambient concentrations of pollutants will only vary slightly from existing conditions.
- Even if "worst-case coal" producing 1.18 lbs. of sulfur dioxide/10^6 Btu is used, ambient concentrations will meet all ambient air quality standards and will vary little from existing concentrations. In addition, short-term (3 hr. or 24 hr.) concentrations of sulfur dioxide may actually improve. (A change in the state sulfur dioxide emissions limit would be required for use of such coal.)
- Long-term (annual) concentrations of sulfur dioxide will improve in comparison to burning 100% oil because of the derating that results from conversion to coal. Compared to the historic oil/gas ratio utilized at the plant there will be a slight increase in annual average sulfur dioxide concentrations for worst-case coal.
- There will be an insignificant increase in particulate concentrations because the proposed particulate control device is very efficient, i.e., 99.8% removal of particulate matter.
- Small increases in emissions of carbon monoxide, nitrogen oxides, and volatile organic compounds as a result of coal-firing are not expected to increase ambient concentrations of carbon monoxide or ozone.
- Maintenance of the proposed opacity stipulations and particulate, sulfur dioxide and nitrogen oxide emission rates as proposed will ensure that the changes in visibility, if any, will be undetectable to the average human eye.
- Extensive measures will be implemented to control fugitive dust emissions. These measures will reduce potential emissions by 95% and to a level that will be an insignificant contribution to ambient concentrations.
- The increased stack height will mitigate existing downwash problems when burning oil and prevent downwash when burning coal.
- Under the state regulations, the permitting responsibilities for this proposed conversion will rest at the state, rather than the county level. Both an installation and an operating permit will be required. Tucson Electric has been working very closely with the Arizona Department of Health Services. In view of the anticipated environmental impacts described above and in order to ensure maintenance of this minimal impact level, the utility and the Arizona Department of Health Services have tentatively agreed to several emission limitations and monitoring stipulations. Annual renewal of the operating permit will be based on maintaining the emissions limitations, as demonstrated by the monitoring data.

Solid Waste Impacts:

- Conversion to coal as proposed would produce an estimated 25,000 tons per year of bottom ash and 75,000 tons per year of fly ash. If the ash is sold for commercial use off-site, there will be no disposal impacts. If the ash is disposed on site, there is adequate land available for ash burial at the plant and Tucson Electric Power has proposed an acceptable approach to construction of the on-site disposal area and appropriate groundwater protection methods. Therefore, no significant impact is anticipated from disposal of the solid waste from the proposed conversion.

Secondary Environmental Concerns:

- Conversion to coal-firing will require modifications to the existing plant and intensification of the current industrial use of the plant site. The primary impact to on-site land resources will be the disturbance of up to 379 acres and construction of the ash burial area, if needed. Since the surrounding area is primarily industrial, no significant impact is expected on land resources.
- Community resources will not be affected by the conversion except for temporary increases in truck traffic and noise from construction and coal and ash transport which will not exceed the Pima County zoning code for noise.
- The 102 foot increase in stack height will be the primary aesthetic impact of the conversion but is not considered to be significant because of the industrial nature of the surrounding area.

Single copies of the EA are available from: Kathleen J. Ewing, FUA Public Hearing Staff, Economic Regulatory Administration, Case Control Unit (FUA), Box 4529, 2000 M Street, N.W., Washington, D.C. 20461, 202–653–4258.

For Further Information Contact: Elizabeth V. Jankus, Department of Energy, Office of Environmental Protection, Safety, and Emergency Preparedness, Forrestal Building, Room 4G–057, 1000 Independence Ave., S.W., Washington, D.C. 20585, 202–252–6374.

Dated: June 18, 1981.

Barton R. House,

Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81-18717 Filed 6-24-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket Nos. 53146-3803-01-84 and 53146-3803-02-84]

Virginia Electric Power Co. (Portsmouth Generating Station, Units 1 and 2); Issuance of Notice of Intention To Rescind Prohibition Orders

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Issuance of notice of intention to rescind ESECA prohibition orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice under 10 CFR 303.134 that, pursuant to the Energy Supply and Environmental Coordination Act of 1974 (ESECA), (15 U.S.C. 792(f)),[1] it intends to rescind the

[1] Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319, (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 94-163, Pub. L. 95-70, Pub. L. 95-91 and Pub. L. 95-620 (15 U.S.C. 761 *et seq.*), as amended by Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70 and Pub. L. 95-91; Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7101 *et seq.*), as amended by Pub. L. 95-509, Pub. L. 95-619, Pub. L. 95-620 and Pub. L. 95-621; Powerplant and

Continued

Prohibition Orders issued on June 30, 1975, to the Portsmouth Generating Station, Units 1 and 2. This action is taken in accordance with the provisions of 10 CFR 303.130(b) of the ESECA regulations.

DATES: Comments on the proposed rescision must be received on or before July 6, 1981.

ADDRESS: Comment on ERA's intention to rescind the Prohibition Orders for Portsmouth Units 1 and 2 is invited. Interested persons may submit written data, views, or arguments with respect to the proposed action to the Department of Energy, Economic Regulatory Administration, Case Control Unit (ESECA), Mail Stop Room 3214, 2000 M Street, N.W., Washington, D.C. 20461. All comments and other documents should be identified both on the outside of the envelope and on the document itself with the designation "Proposed Rescision of Prohibition Orders for Portsmouth Generating Station, Units 1 and 2 (Docket Nos. 53146-3803-01-84 and 53146-3803-02-84)." All written comments must be received no later than ten (10) days after publication of this notice. In making its decision regarding the proposed rescision action, DOE will consider all relevant information submitted to it or otherwise available to it.

Any information considered to be confidential by the person furnishing it must be so identified at the time of submission in accordance with 10 CFR 303.9(f). ERA reserves the right to determine the confidential status of the information and to treat it in accordance with that determination.

FOR FURTHER INFORMATION CONTACT:

Steven A. Frank, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Case Control Unit (ESECA), Mail Stop Room 3214, 2000 M Street NW., Washington, D.C. 20461, Tel. (202) 653-4187

L. Dow Davis IV, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, Washington, D.C. 20585, Tel. (202) 252-2967

Written questions should be identified on the envelope and in the correspondence with the designation set out above.

SUPPLEMENTARY INFORMATION: On June 30, 1975, the Federal Energy Administration (FEA)[2] issued Prohibition Orders for Portsmouth Generating Station, Units 1, 2, 3, and 4. The Prohibition Orders, if made effective by the issuance of a Notice of Effectiveness (NOE), would have prohibited these powerplants from burning petroleum products or natural gas as their primary energy source. However, in the intervening period since the prohibition orders in question have been issued, Portsmouth Units 3 and 4 have converted to coal and Units 1 and 2 have been placed in a cold reserve. Since cold reserve, Units 1 and 2 have not been used for the production of power due to an apparent management decision that it was not cost beneficial to continue to use the Units with either oil, gas or coal. In addition, the two units are now scheduled for retirement in 1987.[3] Accordingly, since there is no reasonable likelihood that these units will be operated at a sufficient capacity factor to warrant conversion to coal, ERA feels that the issuance of a Notice of Effectiveness for these units would not tend to further the objectives of ESECA. Because of these changed circumstances, under 10 CFR 303.136(c) ERA hereby proposes to rescind the previously-issued prohibition orders in accordance with 10 CFR 303.130(b). Comments on ERA's intention to rescind these prohibitions must be received no more than ten (10) days after the date of publication of this notice.

Issued in Washington, D.C. June 18, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-18839 Filed 6-24-81; 8:45 am]

BILLING CODE 6450-01-M

Pyrofax Gas Corp.; Action Taken on Consent Order

Pursuant to 10 CFR Section 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR Section 205.199J(c), no Consent Order involving sums in excess of $500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On April 20, 1981, ERA published a notice of a Proposed Consent Order which was executed between Pyrofax Gas Corporation and the ERA (46 FR 22636, April 20, 1981). With that notice, and in accordance with 10 CFR Section 205.199J, ERA invited interested persons to comment on the proposed Consent Order. Also, in that notice, and in accordance with 10 CFR Section 205.283, interested parties who believe that they have a claim to all or a portion of the refund were instructed to provide written notification to ERA.

Four parties submitted written notification of claim. After consideration of the comments received, the ERA has concluded that the Consent Order as executed between ERA and Pyrofax Gas Corporation is an appropriate resolution of the compliance proceedings described in the notice published April 20, 1981, and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on *(date of publication)*.

For further information contact: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

Issued in Dallas, Texas this 12th day of June, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-18710 Filed 6-24-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[EN-6-FRL-1862-1]

Region 6; Approval of NESHAP Application of IT Corporation

Notice is hereby given that on February 18, 1981, the Environmental Protection Agency approved the application of IT Corporation to construct and install two rotary kiln incinerators and one liquids incinerator which have the capability of incinerating wastewater treatment plant sludge at the proposed IT Corporation hazardous waste facility near Burnside, Louisiana.

This approval has been issued under and pertains only to EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR 61, Subparts A and E, which are standards for mercury applicable in part to stationary sources which incinerate or dry wastewater treatment plant sludge.

The letter of approval does not relieve IT Corporation of the legal responsibility to comply with NESHAP regulations applicable to mercury sources, 40 CFR 61, Subparts A and E, and to comply with other applicable federal, state and

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Industrial Fuel Use Act of 1978, Pub. L. 95-620 (42 U.S.C. 8301 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).

[2] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy (42 U.S.C. 7101 *et seq.*).

[3] Letter from James M. Rinaca to James R. Caverly (June 1, 1979). The units originally went commercial in 1951 and 1953 respectively and would have required 36-37 months for the installation of electrostatic precipitators. Letter from Daniel J. Snyder of EPA to Frank Zarb (July 26, 1976).

local laws and regulations. It also does not in any way affect the construction status and permit obligations of IT Corporation under the Resource Conservation and Recovery Act (RCRA), under 40 CFR Part 52 pertaining to the Prevention of Significant Deterioration of Air Quality (PSD), and under state and local permit programs.

Approval of this application is reviewable under Section 307(a)(1) of the Clean Air Act only in the U.S. Court of Appeals for the Fifth Circuit. A petition for review must be filed on or before August 24, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the letter of approval issued to IT Corporation are available for public inspection upon request at the following locations:

Air Enforcement Branch, Environmental Protection Agency, Region 6, First International Building, 1201 Elm Street, Dallas, Texas 75270

Air Quality Division, Office of Environmental Affairs, Department of Natural Resources, 625 North Fourth, Baton Rouge, Louisiana 70804.

Dated: May 11, 1981.

Frances E. Phillips,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 6.

[FR Doc. 81-18757 Filed 6-24-81; 8:45 am]

BILLING CODE 6560-38-M

[OPTS-59053 (TSH-FRL-1862-5)]

Silicone Polyol; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Secion 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by July 13, 1981. Persons should submit written comments on the application no later than July 10, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Robert Jones, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St. SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or imports begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application on or before August 10, 1981, interested persons should provide comments on or before July 10, 1981.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before July 10, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St. SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit copies of comments. The comments are to be identified with the document control number "[OPTS-59053]". Comments received may be seen in Rm. E-401 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: June 19, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM-81-15

The following summary is taken from data submitted by the manufacturer in

the test marketing exemption application.

Close of Review Period. July 13, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Manufacturing site—Middle Atlantic, U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Indentity. Claimed confidential business information. Generic name provided: silicone polyol.

Use. Claimed confidential business information. Generic use information provided: open use that will release more than 50 but less than 5,000 kilograms (kg) per year into the environment with potential skin and eye exposure to chemical and nonchemical industry employees.

Production Estimates. The submitter estimates production of 950–2,900 kg for test marketing purposes.

Physical/Chemical Properties

Percent total solids—44.3 mg KOH/gm.

Viscosity (Gardner)—A.

Color (Gardner)—1.

Flash point—110° F.

(Values on a solution of the new substance at percent total solids indicated.)

Toxicity Data. No data were submitted.

Environmental Test Data. No data were submitted.

Exposure. The submitter states that at two manufacturing sites, a maximum of 33 workers may have skin and eye exposure 4 to 6 hr/da, 3 da/yr during the production of the new substance for test marketing purposes. In two user's sites, a maximum of ten workers may have skin and eye exposure 12 hr/da, 45 da/yr.

Environmental Release/Disposal. The manufacturer estimates that total sites environmental release of the new substance will be less than 40 kg/yr to air and water and up to 200 kg/yr to air and water and up to 200 kg/yr to land. Disposal of any waste material will be by incineration.

[FR Doc. 81-18756 Filed 6-24-81; 8:45 am]

BILLING CODE 6560-31-M

[PP 6G1807/T309 (PH-FRL-1861-8)]

Thidiazuron; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice extends temporary tolerances for residues of the herbicide thidiazuron (*N*-phenyl-*N'*-1,2,3-thiadizol-5-ylurea) and its aniline-containing metabolites in or on the raw agricultural commodities: cottonseed at 0.2 part per million (ppm), milk at 0.05 ppm, eggs at 0.1 ppm, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm.

DATE: These temporary tolerances expire July 1, 1982.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of October 17, 1979 (44 FR 59956) that Nor-Am Agricultural Products, Inc., had submitted pesticide petition 6G1807 to the EPA. The petition requested the establishment of temporary tolerances for residues of the herbicide thidiazuron (*N*-phenyl-*N'*-1,2,3-thiadizol-5-ylurea) and its aniline-containing metabolites in or on the raw agricultural commodities cottonseed at 0.2 part per million (ppm), milk at 0.05 ppm, eggs at 0.1 ppm, and the meat, fat, and meat byproduct of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm.

Nor-Am has requested a one-year extension of these temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit (2139-EUP-23) that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (92 Stat. 819; 7 U.S.C.).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerances are extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Nor-Am will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire July 1, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances.

These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance 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 temporary tolerance from the OBM 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 does not have 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(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: June 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-18758 Filed 6-24-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81-236; Transmittal Nos. 13663, 13686]

American Telephone and Telegraph Co.; Order

Adopted: June 11, 1981.

Released: June 17, 1981.

By the Acting Chief, Common Carrier Bureau:

Revisions to Tariff F.C.C. No. 260, Series 7000, Type 7008 (Satellite Television Service).

1. Before the Bureau is a motion filed by the American Telephone and Telegraph Company (AT&T) requesting an extension of time in which to submit its direct case in the above-captioned proceeding (46 FR 23532; 4-27-81). AT&T's direct case is due on June 11, 1981, but it requests an extension to June

25. In support of its motion, the company states that it needs additional time to compile data required to address the issues designated for investigation. Good cause having been shown, we will grant the motion.

2. Accordingly, it is ordered, pursuant to authority delegated under Section 0.291 of the Commission's Rules, 47 CFR 0.291, that the motion is granted and the American Telephone and Telegraph Company shall submit its direct case on or before June 25, 1981.

3. It is further ordered, that this Order shall be published in the **Federal Register.**

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-18751 Filed 6-24-81; 8:45 am]

BILLING CODE 6712-01-M

Meeting of the Advisory Committee on Radio Broadcasting and Its Technical and Allocations Subgroups

June 18, 1981.

The following open meetings will be held on Wednesday, July 8, 1981, at the times stated below, in Room A-110 of the FCC Annex, 1229-20th Street, N.W., Washington, D.C.:

A. The fourteenth meeting of the Advisory Committee on Radio Broadcasting, starting at 9:30 a.m. the agenda will be:

1. Call to order by the Chairman;
2. Approval of minutes of previous meeting;
3. Announcements of progress in FCC preparations for Second Session of Region 2 Conference on AM Broadcasting;
4. Recess for conduct of meetings of the Subgroups on Allocations and Technical Matters;
5. Reconvening of meeting of the Advisory Committee;
6. Receipt of reports by Allocations Subgroup;
7. Receipt of reports by Technical Subgroup;
8. Other business;
9. Future meeting dates;
10. Adjournment.

B. The seventh meeting of the Subgroup on Radio Spectrum Allocations, starting after Item No. 4 of the Advisory Committee Agenda. The agenda for the subgroup will be:

1. Call to order;
2. Approval of minutes of previous meeting;
3. Transmittal of reports to the Advisory Committee;
4. Other business;
5. Adjournment.

C. The seventh meeting of the Subgroup on Technical Matters, starting upon conclusion of the seventh meeting of the Subgroup on Radio Spectrum Allocations. The agenda will be:

1. Call to order;
2. Approval of minutes of previous meeting;
3. Transmittal of reports to the Advisory Committee;
4. Other business;
5. Adjournment.

If it should not be possible to complete consideration of an entire agenda on the scheduled date, that meeting will be continued at an announced date and time.

All interested parties are invited to participate and may submit comments, addressed to Mr. Henry L. Baumann, Chairman, Advisory Committee on Radio Broadcasting, Federal Communications Commission, Washington, D.C. 20554.

William Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-18746 Filed 6-24-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-30]

The Boston Shipping Association, Inc. v. New York Shipping Association, Inc. et al.; Filing of Amended Complaint

Notice is given that an amended complaint filed by The Boston Shipping Association against The New York Shipping Association et al. was served June 17, 1981. Complainant alleges that Rule 10 of the Master Contract negotiated by respondent with the International Longshoreman's Association, effective October 1, 1980, exacts charges or assessments in violation of Section 8 of the Merchant Marine Act, 1920, Section 205 of the Merchant Marine Act, 1936 and Sections 15, 16, 17, and 18 of the Shipping Act, 1916.

Initial decision in this matter will be issued on or before February 16, 1982 (Rule 75). Any hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18822 Filed 6-24-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-31]

The Boston Shipping Association, Inc. v. New York Shipping Association, Inc. et al.; Filing of Amended Complaint

Notice is given that an amended complaint filed by The Boston Shipping Association, Inc. against New York Shipping Association, Inc. et al. was served June 17, 1981. Complainant alleges that Rule 10 of the Master Contract negotiated by respondent with the International Longshoremen's Association, effective October 1, 1977, exacted charges or assessments in violation of section 8 of the Merchant Marine Act, 1920, section 205 of the Merchant Marine Act, 1936 and sections 15, 16, 17 and 18 of the Shipping Act of 1916.

Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18823 Filed 6-24-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

AmSouth Bancorporation; Acquisition of Bank

AmSouth Bancorporation, Birmingham, Alabama, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of The First National Bank of Autauga County, Prattville, Alabama. The factors that are considered in acting on the application are set forth in § 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 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18780 Filed 6-24-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have 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)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, soley in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, 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 interest, or unsound banking practices." Any comment on an application that requests a hearing must include 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 that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 17, 1981.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (insurance activities; Texas): to engage through its subsidiary, Security Pacific Mortgage Corporation, in acting as broker or agent for the sale of credit-related life, accident and health insurance. These activities would be conducted from an office in Dallas, Texas, serving the State of Texas.

B. *Other Federal Reserve Banks: None.*

Board of Governors of the Federal Reserve System, June 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18784 Filed 6-24-81; 8:45 am]

BILLING CODE 6210-01-M

Clinton County Bancorp; Formation of Bank Holding Company

Clinton County Bancorp, Frankfort, Indiana, has applied for the Board's approval under § 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 per cent, less directors' qualifying shares, of the voting shares of the successor by merger to Clinton County Bank and Trust Company, Frankfort, Indiana. The factors that are considered in acting on the application are set forth in § 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 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 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18781 Filed 6-24-81; 8:45 am]

BILLING CODE 6210-01-M

Westex Bancorp, Inc.; Acquisition of Bank

Westex Bancorp, Inc., Del Rio, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of The First State Bank, Brackettville, Texas. The factors that are considered in acting on the application are set forth in § 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 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 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18782 Filed 6-24-81; 8:45 am]

BILLING CODE 6210-01-M

Wood County Bancorporation, Inc.; Formation of Bank Holding Company

Wood County Bancorporation, Inc., Washington, D.C., has applied for the Board's approval under § 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 of the voting shares of Wood County Bank, Parkersburg, West Virginia. The factors that are considered in acting on the application are set forth in § 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 Richmond. 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 18, 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 19, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18783 Filed 6-24-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Ferdinand Graf von Galen is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Bangor Punta Corp. 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 von Galen. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: June 16, 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 acquisitioins to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummatioin of such plans. Sections 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. 81-18803 Filed 6-24-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit Amendments for Marine Mammals

On May 8, 1981 a notice was published in the **Federal Register** (45 FR 25704), that applications had been filed with the Fish and Wildlife Service by the Denver Wildlife Research Center for amendments to increase the number of sea otters (*Enhydra lutris*) authorized to be taken from 35 to 50 per year under PRT 2-6669 and to authorize testing of marking and tagging techniques on captive manatees (*Trichechus manatus*) under PRT 2-6983.

Notice is hereby given that on June 15, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service amended permit PRT 2-6669 for sea otters and on June 17, 1981 amended PRT 2-6983 for manatees to authorize the activities requested subject to certain conditions set forth therein.

The permits are available for public inspection during normal business hours at the Fish and Wildlife Service's office in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: June 19, 1981.

Robert J. Batky,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-18778 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[CA-7380 WR, CA-7512 WR, CA-7516 WR, CA-7524 WR, S-4864 WR]

California; Proposed Continuation of Withdrawals and Opportunity for Public Hearing

June 17, 1981.

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714), The Bureau of Land Management, U.S. Department of the Interior, proposes to continue the withdrawals of the Public Water Reserves on the following lands:

1. Public Water Reserve No. 81, Executive Order of November 26, 1921, CA-7380 WR.

Mount Diablo Meridian, California

T. 32 N., R. 11 E.,
  Sec. 24, SE¼SE¼;
  Sec. 25, NE¼NE¼.
T. 32 N., R. 12 E.,
  Sec. 19, Lot 12;
  Sec. 30, Lot 5.
T. 33 N., R. 13 E.,
  Sec. 32, SE¼SW¼.

The areas described aggregate 177.74 acres in Lassen County, California.

2. Public Water Reserve No. 17, Executive Order of March 21, 1914, CA-7512 WR.

Mount Diablo Meridian, California

T. 32 N., R. 13 E.,
  Sec. 5, SW¼SW¼.
T. 37 N., R. 13 E.,
  Sec. 25, NE¼SE¼.
T. 37 N., R. 15 E.,
  Sec. 24, NE¼SW¼.
T. 37 N., R. 16 E.,
  Sec. 9, W½NW¼.

San Bernardino Meridian, California

T. 1 S., R. 4 E.,
  Sec. 32, NE¼SW¼.

The areas described aggregate 240.00 acres in Lassen and San Bernardino Counties, California.

3. Public Water Reserve No. 69, Executive Orders of January 26, 1920 and June 23, 1920, CA-7516 WR.

Mount Diablo Meridian, California

T. 35 N., R. 7 E.,
  Sec. 15, S½NE¼.
T. 35 N., R. 10 E.,
  Sec. 7, Lots 1 and 2.
T. 33 N., R. 12 E.,
  Sec. 33, NW¼SW¼.
T. 34 N., R. 12 E.,
  Sec. 24, SW¼NW¼.
T. 33 N., R. 13 E.,
  Sec. 12, SE¼SE¼.
T. 37 N., R. 16 E.,
  Sec. 14, Lot 1;
  Sec. 15, Lots 5, 6, and 7;
  Sec. 22, Lot 1.
T. 25 N., R. 18 E.,
  Sec. 30, NE¼NW¼.
T. 1 N., R. 28 E.,
  Sec. 14, All land lying within ¼ mile of Indian Spring, located approximately on what will be when surveyed the SE¼NW¼;
  Sec. 26, All land lying within ¼ mile of an unnamed spring, located approximately on what will be when surveyed the SW¼SW¼.

The areas described aggregate 677.54 acres in Lassen and Mono Counties, California.

4. Public Water Reserve No. 107, Interpretation of Executive Order of April 17, 1926, CA-7524 WR.

Mount Diablo Meridian, California

T. 32 N., R. 16 E.,
  Sec. 3, SE¼SW¼.
T. 29 N., R. 17 E.,
  Sec. 32, NW¼NW¼.
T. 31 N., R. 17 E.,
  Sec. 12, SE¼NW¼.

The areas described aggregate 160.00 acres in Lassen County, California.

5. Public Water Reserve No. 107, Interpretation of Executive Order of April 17, 1926, S-4864 WR.

Mount Diablo Meridian, California

T. 25 N., R. 16 E.,
  Sec. 13, SW¼SE¼.
T. 25 N., R. 17 E.,
  Sec. 3, Lot 1;
  Sec. 11, SE¼NW¼;
  Sec. 12, Lot 2;
  Sec. 15, NW¼SE¼;
  Sec. 23, Lot 2.
T. 26 N., R. 17 E.,
  Sec. 33, SE¼SE¼.
T. 25 N., R. 18 E.,
  Sec. 18, SW¼SE¼.

The areas described aggregate 300.39 acres in Lassen County, California.

The lands are segregated from settlement, non-metalliferous mineral location, sale or entry in order to preserve the public lands and the water thereon for general public use and benefit. No change in the segregative effect of the withdrawals or the use of the land is proposed.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before July 27, 1981. Upon a determination by the State Director, Bureau of Land Management, that a public hearing should be held, a notice will be published in the Federal Register giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM on or before July 27, 1981.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawals will be published in the Federal Register. The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-18724 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Eugene District Advisory Council; Field Tour

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that a field tour for the Eugene District BLM Advisory Council will be held on August 10, 1981.

The tour will depart at 9:00 a.m. from the Lane County Extension Service Parking Lot at 950 W. 13th Street, Eugene. Tour stops will include Lake Creek Falls, a tree progeny site, a stand of 40-year-old timber, and other selected sites as time permits.

The tour is open to the public, however non-council members must provide their own transportation and lunch.

A summary of the tour proceedings will be prepared and available for review within 30 days following the tour.

Dwight Patton,

District Manager.

[FR Doc. 81-18725 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Application of Coal Unsuitability Criteria and Completion of Multiple Use Recommendations for the Chaco-San Juan Planning Update for Coal

Notice is hereby given that the Albuquerque District, Bureau of Land Management will solicit public comment until July 17, 1981 on the application of Coal Unsuitability Criteria (43 CFR 3461.1) and surface owner consultation in the Management Framework Plan for the Chaco-San Juan Planning Unit in northwestern New Mexico, and on the Multiple Use Recommendations of the Chaco land use plan.

Maps and materials will be available for review at the Farmington Resource Area Office during normal business hours up until July 2, 1981.

Maps and materials will also be available for review at Open Houses being conducted during this comment period at the following locations:

Pueblo Pintado Chapter House, July 7, 10 a.m. to 5 p.m.

Lake Valley Chapter House, July 8, 10 a.m. to 5 p.m.

Huerfano Chapter House (Carson), July 9, 10 a.m. to 5 p.m.

Albuquerque Convention Center, July 13, 3 p.m. to 9 p.m.

Taos, Kachina Lodge, July 15, 3 p.m. to 9 p.m.

Farmington, The Inn, July 16, 3 p.m. to 9 p.m.

For further information contact: Bob Calkins, Area Manager, Farmington Resource Area, 900 La Plata Highway, Farmington, New Mexico 87401 or call (505) 325-3581; or Lee Larson, Farmington Resource Area Planning Coordinator, at the same address and telephone; or Jeff Radford, Albuquerque District Information Officer, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107 or call (505) 766-2890.

L. Paul Applegate,

District Manager.

June 18, 1981.

[FR Doc. 81-18726 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; To Prepare a Resource Management Plan

The Bureau of Land Management (BLM), Roswell District, New Mexico will shortly begin preparation of a resource management plan (RMP), including an environmental impact statement (EIS) as an integral part of the planning process. The plan will make use and management decisions on approximately 1.4 million acres of public land administered by the Bureau in the Roswell Resource Area. The resource management planning process is described in Title 43 of the Code of Federal Regulations, Subpart 1601. The public is invited to participate in the planning process, beginning with the identification of issues.

Geographic Area of the Plan

The planning area includes seven southeastern New Mexico counties: Quay, Guadalupe, Curry, DeBaca, Roosevelt, Lincoln and part of Chaves county. The area encompasses 14,014,720 acres of which 10.6 percent (1,486,942 acres) is public land ownership and 16.9 percent (2,366,356 acres) is Federal mineral ownership.

Anticipated Issues

Significant resources issues will be identified during the first phase of the planning process. Issues to be resolved during planning are expected to include management of livestock grazing, oil and gas production, mineral extraction, wildlife, soil and water conservation, recreation, wilderness, caves, and land access.

The public is invited to comment and to suggest other concerns, needs, or opportunities for consideration during planning.

Resource Management Planning Process

The preparation of a resource management plan includes the following steps: (1) Identification of planning issues, (2) Development of planning criteria to guide the process, (3) Information collection, (4) Analysis of the management situation, (5) Formulation of areawide management alternatives, (6) Estimation of the effects of each alternative, (7) Selection of a preferred alternative, (8) Selection of a

resource management plan, and (9) Monitoring and evaluation of plan implementation after approval.

Interdisciplinary Team

The Roswell Area Resource Management Plan will be developed by a Planning Team made up of four components: the Team Leader, the Management Review Team, the Planning and Environmental Coordination Team and the Technical Support Team. Individuals who will participate from the agency will include the District and Area Managers, the Chief of the Planning and Environmental Staff, the planning coordinator, the environmental coordinator, the writer editor, an economist, an inventory coordinator, and specialists from the Area Office Staff and the District Resources Division as needed.

Public Participation

The Roswell District Advisory Council will be the focal point of public participation. The Advisory Council will be asked to review and comment on each aspect of the planning process, and may hold public workshops or facilitate other public input as needed during the development of the plan. Governmental units at all levels will also be asked to comment on planning products during the process. The following is a schedule of key dates for this planning effort:

Identification of planning issues: September 1981
Development of planning criteria: September 1981
Information collection: September 1983
Analysis of the management situation: December 1983
Alternatives formulation: September 1984
Estimation of effects of alternatives: September 1984
Selection of a preferred alternative: October 1984
Publication of draft RMP: November 1984
Publication of final RMP: July 1985
Approval and publication of decision: September 1885

Specific public participation events, dates, and locations will be announced later through mailings and in the media. Individuals may preserve their right to protest eventual planning decisions only through direct participation during the process. Draft planning documents will be available for review in public libraries and county courthouses throughout the planning area. Other planning process records will be available for inspection with the Planning and Environmental Coordination Staff at the Roswell District Office.

Additional Information

For more information, to offer assistance, or to be placed on the mailing list, please contact Phillip Moreland, Roswell Area Manager, or Tim Kreager, Chief of the Planning and Environmental Staff, U.S. Bureau of Land Management, 1717 West Second Street, P.O. Box 1397, Roswell, New Mexico 88201. The telephone number is (505) 622-7670.

Dated: June 16, 1981.

Charles W. Luscher,

State Director.

[FR Doc. 81-18727 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Rawlins District Grazing Advisory Board Meeting

AGENCY: District Grazing Advisory Board.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 that a meeting of the BLM, Rawlins District Grazing Advisory Board will be held at 10 a.m. Wednesday, July 22, 1981, at the Bureau of Land Management Office, 1300 Third Street, Rawlins, WY 82301.

The agenda will include: Draft Rangeland Management Program Policy, Proposed Rangeland improvement, Proposed FY 82 Budget for Range Improvement, Wild Horse Roundups, Arrangement for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 1 p.m. and 1:30 p.m., or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by July 17, 1981. A per person time limit may be established for persons wishing to make oral statements.

Summary minutes of the meeting will be on file at the District Office and will be available for public review 30 days after the meeting.

David J. Walter,

District Manager.

[FR Doc. 81-18729 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action-Exchange OR 7278; Public Lands in Harney and Lake Counties, Oregon

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Public Lands, Willamette Meridian, Lake County, Oregon

T. 36 S., R. 22 E.,
Sec. 1, Lots 1 and 2, S½NE¼, and SE¼;
Sec. 12, NE¼NE¼.
T. 33 S., R. 23 E.,
Sec. 34, SE¼SW¼.
T. 34 S., R. 23 E.,
Sec. 2, SW¼NW¼, and SW¼;
Sec. 3, Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 4, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 9, All;
Sec. 10, All;
Sec. 11, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 12, W½SW¼;
Sec. 13, W½, and SW¼SE¼;
Sec. 14, All;
Sec. 15, All;
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, N½, N½SW¼, and SE¼;
Sec. 28, N½, and N½SE¼.
T. 35 S., R. 23 E.,
Sec. 29, S½;
Sec. 30, SE¼SW¼, and SE¼;
Sec. 31, Lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 32, Lots 1, 2, 3, and 4, N½, and N½S½.
T. 36 S., R. 23 E.,
Sec. 5, Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 6, Lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, Lot 1, NE¼, and NE¼NW¼;
Sec. 8, All;
Sec. 18, N½NE¼, SE¼SE¼.
T. 34 S., R. 24 E.,
Sec. 19, Lots 2, 3, and 4, and E½SW¼.

Total 14,197.93 acres.

Public Lands, Willamette Meridian, Harney County, Oregon

T. 31 S., R. 27 E.,
Sec. 21, E½NE¼, SE¼SW¼, and SE¼;
Sec. 22, All;
Sec. 23, S½S½NE¼, W½NW¼, S½SE¼NW¼, S½;
Sec. 25, W½W½SW¼;
Sec. 26, All;
Sec. 27, All;
Sec. 28, E½, N½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 33, E½, NE¼SW¼, and S½SW¼;
Sec. 34, All;
Sec. 35, All;
T. 32 S., R. 27 E.,
Sec. 1, W½ Lot 4, W½SW¼NW¼;
Sec. 2, Lots 1, 2, 3, and 4, and S½N½;
Sec. 3, Lots 1, 2, 3, and 4, S½N½, and N½S½;
Sec. 4, Lots 1, 2, 3, and 4, S½N½, and N½S½.

Total 6,240.95 acres.

Total Public Lands—Lake and Harney Counties 20,438.88 acres.

In exchange for these lands the federal government will acquire scattered tracts of state land in Lake and Harney Counties from the State of

Oregon, Division of State Lands described as follows:

State Lands, Willamette Meridian, Lake County, Oregon

T. 33 S., R. 22 E.,
Sec. 36, All.
T. 34 S., R. 22 E.,
Sec. 16, All.
T. 36 S., R. 22 E.,
Sec. 16, S½N½, and S½.
T. 35 S., R. 23 E.,
Sec. 16, All.
T. 36 S., R. 23 E.,
Sec. 36, All.
T. 37 S., R. 23 E.,
Sec. 16, All;
Sec. 36, N½, and N½S½.
T. 38 S., R. 23 E.,
Sec. 16, SW¼NE¼, W½, W½SE¼, and SE¼SE¼.
T. 35 S., R. 24 E.,
Sec. 23, W½SW¼;
Sec. 26, W½W½;
Sec. 27, E½NE¼, and SE¼;
Sec. 34, SE¼SW¼.
T. 34 S., R. 25 E.,
Sec. 36, S½SW¼, and SE¼.
T. 34 S., R. 28 E.,
Sec. 16, All;
Sec. 36, All.
T. 35 S., R. 28 E.,
Sec. 16, All.
Total 7,320.00 acres.

State Lands, Willamette Meridian, Harney County, Oregon

T. 32 S., R. 24 E.,
Sec. 16, W½.
T. 30 S., R. 25 E.,
Sec. 36, All.
T. 31 S., R. 25 E.,
Sec. 16, All.
Sec. 36, Lots 1, 2, 3, and 4, W½, and W½E½.
T. 32 S., R. 25 E.,
Sec. 16, All.
T. 30 S., R. 26 E.,
Sec. 16, All;
Sec. 36, All.
T. 31 S., R. 26 E.,
Sec. 16, All;
Sec. 36, All.
T. 29 S., R. 27 E.,
Sec. 16, All;
Sec. 36, All.
T. 30 S., R. 27 E.,
Sec. 16, All;
Sec. 36, All.
T. 31 S., R. 27 E.,
Sec. 16, All;
Sec. 36, E½, and E½W½.
T. 32 S., R. 27 E.,
Sec. 36, All.
T. 30 S., R. 28 E.,
Sec. 16, All;
Sec. 36, Lots 1, 2, 3, and 4, N½, and N½S½.
T. 31 S., R. 28 E.,
Sec. 16, All;
Sec. 36, All.
T. 32 S., R. 28 E.,
Sec. 16, All;
Sec. 36, All.
Total 13,595.96 acres.

Total State Lands—Lake and Harney Counties 20,915.96 acres.

Application (OR 7278) for this land exchange was filed on December 16, 1970 and amended on January 26, 1971 and June 8, 1977, by the State of Oregon, Division of State Lands, Salem, Oregon 97310. The purpose of the land exchange is to acquire state lands which will benefit and support a multiple use federal land and resource management program. These multiple use values include wildlife habitat, wilderness values, recreation values, and grazing. The proposed exchange will also consolidate scattered state lands into three large blocks to facilitate land and resource management. The exchange proposal is consistent with the Bureau's planning system and has been presented to the State Clearinghouse, State Land Board Representatives, Lake and Harney Counties Planning Commissions and County Commissioners. The public interest will be well served by making the exchange. The value of the lands to be exchanged are approximately equal and the acreage will be adjusted and/or money will be used to equalize the values upon completion of the final appraisal of the land. This notice continues the segregation of the public lands to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect of this notice on the public lands shall terminate upon issuance of patent or other document of conveyance to such lands, upon publication in the **Federal Register** of a termination of the segregation, or 2 years from the date of its publication, whichever occurs first. Bureau of Land Management licensed grazing use on the public lands to be conveyed will be terminated upon consummation of the land exchange. The terms, conditions, covenants, and reservations applicable to the land exchange are: (1) The public and state lands described above will be subject to the value equalization, and acreage adjustment for any management reasons which may become apparent in the final stage of consummation of the land exchange. (2) In addition, the lands involved in the proposed exchange will be subject to the following specific terms: (a) The full fee estates will be exchanged subject to all valid, existing rights. (b) Proposed roads, and existing roads identified as BLM owned and which are necessary for public access and/or land management will be retained by requiring the proposed grantee to convey easements concurrently with issuance of patent, rather than reserving roads in the patent documents. Detailed information concerning the land exchange, including the Environmental Analysis, Official Land Report, and the record of public discussions, is available for review at the Lakeview District Office, 1000 South 9th Street (P.O. Box 151) Lakeview, Oregon 97630. For a period of 45 days interested parties may submit comments to the District Manager at the above address.

Richard A. Gerity,
District Manager.
June 15, 1981.

[FR Doc. 81-18728 Filed 6-24-81; 8:45 am]
BILLING CODE 4310-84-M

Anchorage District Advisory Council Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of public meeting.

SUMMARY: The Anchorage District Advisory Council will meet to consider the following issues: the proposal to reestablish a land disposal program for Bureau of Land Management lands in Alaska; a proposal to redraw the administrative boundaries of the two districts of the BLM in Alaska, and initiation of an oil and gas leasing program.

DATES: July 21, 1981, 8:00 a.m. to 4:00 p.m. If business remains at the close of the first day, the council shall reconvene at 8:00 a.m. July 22. Requests to present oral comments should be sent to the District Manager at the above address.

ADDRESS: The meeting will be held at the following location: BLM Anchorage District Office, 4700 East 72nd Avenue, Anchorage, Alaska 99507.

FOR FURTHER INFORMATION CONTACT: Joette Storm, Public Information Officer, (907) 276-1284.

SUPPLEMENTARY INFORMATION: Proposed Agenda—Sally Jones Suddock, Chairman.

8:00 Call to order and reading of the minutes
8:30 Discussion of proposed boundary changes
Noon: Lunch
1:00 Public comment period
2:00 Briefing on reestablishment of a land disposal program for BLM administered lands in Alaska
3:00 Briefing on proposed oil and gas leasing program

4:00 Adjournment

Richard J. Vernimen,

Acting District Manager.

June 15, 1981.

[FR Doc. 81-18737 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

[Group 604]

California; Filing of Plat of Survey

June 22, 1981.

1. A plat of survey of the following described land, accepted April 20, 1981, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on August 10, 1981.

Mount Diablo Meridian, California

T. 30 S., R. 41 E.,
Sections 6 and 7.

2. The plat, in four sheets, represents the dependent survey of a portion of the north and west boundaries, a portion of the subdivisional lines, certain boundaries of mineral surveys and mineral survey exclusions and the survey of the subdivisions of sections 6 and 7, T. 30 S., R. 41 E., MDM.

3. The plat will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m. of the above date. Unitl this date and time, the plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of the Bureau.

5. All inquiries should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Branch of Records & Data Management.

[FR Doc. 81-18713 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

[Group 667]

California; Filing of Plat of Survey

June 22, 1981.

1. Plats of survey of the following land, accepted April 9, 1981, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on August 10, 1981:

San Bernardino Meridian, California

T. 1 N., R. 24 E. (1 sheet)
T. 1 N., R. 25 E. (2 sheets)
T. 2 N., R. 25 E. (1 sheet)
T. 2 N., R. 26 E. (2 sheets)
T. 1 S., R. 24 E. (2 sheets)
Tps. 2 S., Rs. 23 and 24 E. (2 sheets)

2. The plats represent the retracement of portions of the 1912 Colorado River Indian Reservation Boundary, and the dependent resurvey of a portion of the San Barnardino Base Line (south boundary), T. 1 N., R. 24 E.; a portion of the west boundary and subdivisional lines Tps. 1 and 2 N., Rs. 25 and 26 E.; a portion of the south boundary and subdivisional lines T. 2 N., R. 25 E.; a portion of the south and west boundaries and subdivisional lines, T. 1 S., R. 24 E.; the dependent resurvey of a portion of the 1975 Colorado River Indian Reservation boundary, Tps., 2 S., Rs. 23 and 24 E., and a portion of the west boundary and subdivisional lines and certain boundaries of mineral surveys, T. 2 S., R. 24 E. The surveys were executed to restore the corners in their true original locations according to the best available evidence, with the exception of T. 1 N., R. 2 E., MDM.

3. The plats will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m. of the above date. Until the date and time, the plats have been placed in the open files and are available to the public for information only.

4. The surveys were executed to meet certain administrative needs of the Bureau of Indian Affairs.

5. All inquiries should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Branch of Records and Data Management.

[FR Doc. 81-18714 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

[Exchange CA 9674]

Public Lands in Humboldt County California; Notice of Realty Action

June 17, 1981.

The following described public land has been determined to be suitable for disposal under the provisions of Pub. L. 91-476, an Act to provide for the establishment of the King Range National Conservation Area (84 Stat. 1067), and Sec. 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756).

Humboldt Meridian

T. 2 S., R. 2 W.,
Sec. 28, N½SW¼, and SE¼NW¼.
Containing 120 acres.

Briceland Corporation, P.O. Box 248, Whitethorn, California 95489, has filed an application to acquire the above-described public lands in exchange for the following privately owned lands.

Humboldt Meridian

T. 2 S., R. 2 W.,
Sec. 29, SE¼SW¼;
Sec. 30, SW¼SE¼;
Sec. 32, NE¼NW¼.
Containing 120 acres.

The public lands are determined to be valuable for oil and gas. Accordingly, there will be a reservation of oil and gas to the United States with the right to prospect, mine, and remove such deposits from the same under applicable laws. The mineral estate of the offered lands will not be conveyed to the United States in this proposed exchange.

The publication of this notice in the **Federal Register** shall segregate the applied for public lands from all other forms of appropriation under the public land laws, the mining laws, and the mineral leasing laws excepting the oil and gas under the Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181 et seq.), for a period of two years. The exchange is expected to be consumated before the end of that period.

There will also be reserved to the United States in the applied for lands, a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945)

The purpose of the exchange is to acquire non-Federal land within the King Range National Conservation Area, is in conformance with Bureau planning, and in the public interest.

Detailed information concerning the exchange, including the environmental analysis and the record of non-Federal participation, is available for review at the Ukiah District Office, BLM, 555 Leslie Street, Ukiah, California 95482.

For a period of 45 days from the first publication of this notice, interested parties may submit comments to California State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the California State Director, who may vacate or modify this realty action and issue a final determination. In the absense of a vacation or modification, this realty action will become the final determination of the Bureau.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-18723 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management Worland District Requests Comment on Proposed Criteria for the Grass Creek Resource Area Grazing Allotments Under the Draft Rangeland Management Policy

The Bureau of Land Management, Worland District (Wyoming) is requesting written comment on the proposed criteria for Grass Creek Resource Area Grazing Allotment Categorization under the draft BLM Rangeland Management Policy. Only written comments, postmarked on or before July 13, 1981, will be accepted. Comment should be addressed to the District Manager, Worland District, Bureau of Land Management, P.O. Box 119, 1700 Robertson Avenue, Worland, Wyoming 82401.

The draft rangeland management policy divides range into three major categories: Maintenance, Custodial, and Improvement. The criteria for each category, as they are proposed for the Grass Creek Resource Area Grazing allotments, are described below. Also included are descriptions of Characteristics, Management Objectives, Management Actions, and Funding Sources for the proposed management policy.

Maintenance Category (M)

I. Characteristics

A. Present range condition is satisfactory.

B. Present management is satisfactory.

C. Allotment has potential for high vegetative productivity and is producing at or near its potential.

D. There are no, or very limited, land-use resource conflicts with livestock grazing.

E. Land ownership pattern may or may not be considered.

F. There may be positive economic return on public investments.

II. Category Criteria

A. Present range condition is good to excellent. Range condition can be maintained under present management.

B. Present range condition is at least fair and improving. Improvement can continue under current management.

C. Present range condition is fair or better. Range conditions can be maintained with present management. Opportuities for BLM management are limited due to land ownership pattern, small acreage and/or low percent public lands.

III. Management Objectives

A. Principal objective is to authorize actions that will maintain or improve the existing resource condition and productivity.

IV. Management Actions

A. Livestock use (numbers, class, season of use) will be permitted as presently authorized. Increases in use may be allowed when consistent with multiple use objectives.

B. Will prescribe flexibility in turnout and removal dates, and livestock numbers through consultation.

C. Range improvements will be authorized if they meet management objectives.

D. Low intensity use supervision and monitoring.

E. Monitoring will focus on livestock use changes, and changes in ownership.

V. Funding Source

A. Private investment in range improvements.

B. Range betterment funds (8100).

Improvement (I)

I. Characteristics

A. Present range condition is fair to poor, range condition and trend is static or apparently downward.

B. Present grazing management practices are inadequate to meet long-term resource objectives.

C. Allotment has potential for medium to high vegetative productivity, but is not producing at or near its potential.

D. Resource conflicts with livestock grazing are evident.

E. There is potential for positive economic return on public investments.

II. Category Criteria

A. Allotments that do not meet the (M) or (C) category criteria fall into the (I) category. Each of these allotments has a combination of some or all of the category (I) characteristics.

III. Management Objectives

A. Prinicipal objective is to implement actions that will improve existing resource conditions and productivity to enhance multiple use.

IV. Management Actions

A. Livestock use may be increased or decreased as needed to meet management objectives.

B. Prescribed grazing management and range improvement developed through consultation.

C. Range improvements will be authorized and installed as needed to meet management objectives.

D. Will use variable intensity use supervision and monitoring.

E. Monitoring will evaluate the effectiveness of actions taken toward achieving management objectives.

V. Funding Source

A. Private investment in range improvements.

B. Range betterment funds (8100).

C. Appropriated funds under the Federal Land Policy and Management Act and Public Rangeland Improvement Act.

Custodial (C)

(Alternative A)

I. Characteristics

A. Present range condition is variable.

B. Allotment has potential for low vegetative productivity and is producing at or near its potential.

C. Resource conflicts with livestock are limited.

D. There is not present likelihood of positive economic return on public investment.

II. Category Criteria

A. Production potential low (less than 8" annual precipitation).

Vegetative productivity below potential.

Range condition trend appears to be static or declining.

Grazing occurs during critical growth period for plants 4/1 to 8/15.

Land treatment opportunities are non-existent (low rainfall).

Resource conflicts with livestock grazing may be evident, or

B. Production potential low (8" to 10" annual precipitation in badlands or poor soils).

Vegetation production is below potential.

Range condition is fair to poor.

Grazing occurs during critical growth period for plants 4/1 to 8/15.

Land treatment opportunities non-existent due to topography.

Resource conflicts with livestock grazing may be evident.

III. Management Objectives

A. Principal objective is to manage lands in a custodial manner that will prevent deterioration of current resource condition and productivity.

IV. Management Actions

A. Livestock use will be permitted at the current level.

B. Season of grazing use will be changed to occur during the noncritical plant growth period—8/15 to 4/1 or livestock grazing will be excluded.

C. Will prescribe flexibility of turnout and removal dates and livestock numbers through consultation.

D. Range improvements will be authorized if they meet management objectives.

E. Low intensity use supervision and monitoring will occur.

F. Monitoring will focus on livestock use changes and changes in ownership.

V. Funding Source

A. Private investment in range improvements.

B. Range betterment funds (8100).

Custodial (C)

(Alternative B)

I. Characteristics

A. Present range condition is variable.

B. Allotment has potential for low vegetative productivity and is producing at or near its potential.

C. Resource conflicts with livestock are limited.

D. There is not present likelihood of positive economic return on public investment.

II. Category Criteria

A. Production potential low (less than 8" annual precipitation).

B. Vegetative productivity is below potential.

C. Range condition appears to be static or improving.

D. Grazing is occurring outside critical growth period for plants.

E. Land treatment opportunities are non-existent (low rainfall).

F. No resource conflicts with livestock grazing are evident.

III. Management Objectives

A. Principal objective is to manage lands in a custodial manner that will prevent deterioration of current resource condition and productivity.

IV. Management Actions

A. Livestock use will be permitted as currently authorized.

B. Will prescribe flexibility of turnout and removal dates and livestock numbers through consultation.

C. Range improvements will be authorized if they meet management objectives.

D. Low intensity use supervision and monitoring will occur.

E. Monitoring will focus on livestock use changes, and changes in ownership.

V. Funding Source

A. Private investment in range improvements.

B. Range betterment funds (8100).

Copies of the draft rangeland management policy can be seen at the Worland District Office.

John A. Kwiatkowski,

District Manager.

[FR Doc. 81-18722 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Las Vegas District Grazing Advisory Board Meeting

Change in Meeting Location

Notice of meeting of the Las Vegas District Grazing Advisory Board Meeting was published in the **Federal Register** during the week of June 14–20, 1981.

Place of this meeting has been changed from the Las Vegas District Conference Room, 4765 W. Vegas Drive, Las Vegas, NV to: Caliente Resource Area office, Caliente, NV.

All other information remains the same.

Kemp Conn,

District Manager.

[FR Doc. 81-18767 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Exchange of Public Lands in Missoula County and Private Lands in Powell County, Montana

Certain public lands in Missoula County have been examined and found suitable for exchange with Burlington Northern, Inc. This exchange is authorized under authority of Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

The private lands to be acquired are as follows:

Principal Meridian Montana—Powell County

T. 13 N., R. 12 W.,
Sec. 19: Lots 1, 2, 3, 4, 5, NE¼NE¼, S½NE¼, E½W½, SE¼
T. 12 N., R. 13 W.,
Sec. 1: All
Sec. 3: Lots 1, 2, S½NE¼, SE¼
T. 13 N., R. 13 W.,
Sec. 25: All
Sec. 27: All
Sec. 29: All
Sec. 33: All
Sec. 35: All
Total: 4,180.50 acres

An equal value portion of public lands will be exchanged for the private lands. The public lands are described as follows:

Principal Meridian Montana—Missoula County

T. 12 N., R. 17 W.
Sec. 4: Lots 1, 2, 3, SW¼NE¼, SE¼NW¼
Sec. 6: All
T. 13 N., R. 17 W.
Sec. 18: Lots 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼
Sec. 20: All
Sec. 22: Lots 3, 4, W½, W½SE¼
Sec. 26: All
Sec. 28: N½, SE¼
Sec. 30: All
Sec. 31: Lots 6, 7, N½SE¼
Sec. 32: Lots 1, 2, 3, 4, W½NW¼, N½SW¼
Sec. 34: All
T. 12 N., R. 18 W.,
Sec. 1: Lots 1, 2, 3, E½SW¼
Total: 5,462.34 acres

The purpose of the land exchange is to facilitate multiple use management of the public lands and acquire private lands which will benefit and support a multiple use federal program and the economy. The multiple use values include but are not limited to timber, recreation, wildlife habitat and cultural resources. There are also economic benefits to the public.

This exchange is consistent with the Bureau's planning for the lands involved and has been discussed with local officials.

The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The terms, conditions, covenants and reservations applicable to the land exchange are:

1. Both the surface and mineral estates will be exchanged.

2. The land will be exchanged subject to all valid existing rights, e.g., rights of way, easements and leases of record.

Detailed information concerning the exchange including the Environmental Assessment and Land Report are available for review at the Garnet Resource Area office, 715 Kensington (P.O. Box 4427), Missoula, Montana 59806 or the Butte District Office, 106 North Parkmont (P.O. Box 3388), Butte, Montana 59702.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Butte District Office, P.O. Box 3388, Butte, Montana 59702. Any adverse comments will be evaluated by the authorized officer, who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this realty action will become the final determination of the department.

Dated: June 17, 1981.

Jack A. McIntosh,

District Manager, Butte District.

[FR Doc. 81-18798 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Montana Wilderness Inventory Dismissal of Appeals From Montana State Director's Final Inventory Decision

June 18, 1981.

Notice is hereby provided that two appeals which affect five wilderness inventory units included in the Montana State Director's final wilderness inventory decision have been dismissed by the Interior Board of Land Appeals.

Pursuant to Section 603 of the Federal Land Policy and Management Act of 1976, the Montana State Office of the Bureau of Land Management has conducted an inventory of certain identified units of public land in Montana in order to ascertain whether such units should be classified as wilderness study areas. Four such inventory units located in the Butte BLM District were found to lack wilderness characteristics and were intended to be dropped from futher wilderness consideration by the Montana State Director's final wilderness inventory decision. The units are identified as Blacktail Mountains West (MT-076-003), Lima, Reservoir (MT-076-011), McCartney Mountain/Sandy Hollow (MT-076-025) and Missouri River Island (MT-075-123).

The final inventory decision to drop these units from further wilderness consideration was published in the Federal Register of February 22, 1980 (pages 11920 and 11921). This decision was protested during the official protest period. The protest was later denied by the Montana State Director. The protest denial was subsequently appealed to the Interior Board of Land Appeals.

The fifth inventory unit is located in the Lewistown BLM District and is identified as Ervin Ridge (MT-060-253). The final wilderness inventory decision was to designate 12,000 acres of this unit as a wilderness study area. This decision was announced in the Federal Register of November 14, 1980 (pages 75589 and 75590). The decision was protested; the protest was denied by the Montana State Director and the protest denial was appealed to the Interior Board of Land Appeals.

The appeals affecting the four wilderness inventory units in the Butte District was dismissed April 27, 1981. The appeal affecting the Ervin Ridge Unit in the Lewistown District was dismissed June 2, 1981.

The Blacktail Mountains West (MT-076-003), Lima Reservoir (MT-076-011) and Missouri River Island (MT-075-123) units are hereby released from the constraints of the BLM Wilderness Interim Management Policy (IMP). The McCartney Mountain/Sandy Hollow Unit (MT-076-025) is the subject of another unresolved appeal and continues to be subject to the IMP. The Ervin Ridge Unit will be managed under the constraints of the IMP while it is being studied for possible wilderness designation until such time as Congress acts on the BLM proposal for this unit.

Michael J. Penfold,

State Director.

[FR Doc. 81-18791 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Coal Lease Offerings Uinta-Southwestern Utah Federal Coal Production Region; Utah

U.S. Department of the Interior, Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. Notice is hereby given that certain coal resources in the tracts described below in Carbon and Emery Counties, Utah, will be offered for competitive lease by sealed bid of $25.00 or more per acre followed by oral auction to the qualified bidder of the highest cash amount per acre in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 1:00 p.m., July 30, 1981, in Room 220 of the Salt Palace, 100 South West Temple, Salt Lake City, Utah. No bids received after 12:00 p.m., July 30, 1981, will be considered.

Coal Offered, Tucker Canyon Tract, U-47973.

Bidders for this tract are limited to those qualifying as small businesses.

The coal resource to be offered is recoverable by underground methods in the following lands, located approximately 2 miles northwest of Scofield, Utah:

T. 12 S., R. 7 E., SLM, Utah
Sec. 30, lots 1, 2, S½NE¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼, NE¼NW¼
Containing 161.40 acres.
Carbon County.

Coal in the tract is contained in the Blackhawk Formation of the Upper Cretaceous Mesaverde Group. Total recoverable reserves are estimated to be 860,000 tons of which 490,000 tons are in the Upper O'Connor Seam and 370,000 tons in the Flat Canyon Seam.

Coal in the Upper O'Connor Seam average 4.8 ft. in thickness and coal in the underlying Flat Canyon Seam, 5.6 ft. The seams are separated by about 55 ft.

Coal quality is expected to average, on an as received basis, 12,560 Btu/lb with 5.3 percent ash, and 0.6 percent sulfur in the Upper O'Connor Seam, and to average 12,430 Btu/lb, 6.6 percent ash, and 0.5 percent sulfur in the Flat Canyon Seam. The coal ranks as high-volatile B bituminous.

Coal Offered, Miller Creek Tract, U-47974.

The coal resource to be offered is recoverable by underground methods in the following lands, located approximately 4 miles southeast of Scofield, Utah:

T. 13 S., R. 7 E., SLM, Utah
Sec. 3, lots 9, 10, N½SW¼;
Sec. 9, NE¼, S½NW¼, E½SW¼, E½SE¼;
Sec. 10, all;
Sec. 15, all;
Sec. 16, E½E½.
Containing 1,999.06 acres.
Carbon County.

Coal in the tract is contained in the Blackhawk Formation of the Upper Cretaceous Mesaverde Group. Total recoverable reserves are estimated to be 17,320,000 tons of which 9,280,000 tons are in the Upper O'Connor Seam and 8,040,000 tons in the Lower O'Connor Seam.

Coal in the Upper O'Connor Seam averages 6.9 ft. in thickness and coal in the underlying Lower O'Connor averages 6.5 ft. The seams are separated by about 100 ft.

Coal quality is expected to average, on an as received basis, 12,100 Btu/lb with 6.8 percent ash, and 0.7 percent sulfur in the Upper O'Connor Seam, and to average 12,250 Btu/lb, 5.2 percent ash, and 0.5 percent sulfur in the Lower O'Connor Seam. The coal ranks as high volatile B bituminous.

Coal Offered, Gordon Creek Tract, U-47975.

The coal resource to be offered is recoverable by underground methods in the following lands, located approximately 12 miles west of Helper, Utah:

T. 13 S., R. 7 E., SLM, Utah
Sec. 1, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 2, all;
Sec. 3, lots 1, 2, 5-8, SW¼NE¼, NW¼SE¼;
Sec. 11, all;
Sec. 12, W½W½;
Sec. 13, S½S½NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 14, all;
Sec. 23, all;
Sec. 24, N½N½, SW¼NW¼, NW¼SW¼.
T. 13 S., R. 8 E., SLM, Utah

Sec. 19, lots 1, 2, SE¼NW¼.
Containing 4,283.89 acres.
Carbon County.

Coal in the tract is contained in the Blackhawk Formation of the Upper Cretaceous Mesaverde Group. Total recoverable reserves are estimated to be 25,960,000 tons of which 4,160,000 tons are in the Bob Wright Seam, 1,080,000 tons in the Castlegate A Seam, 19,480,000 tons in the Hiawatha-Upper O'Connor Seam, and 1,240,000 tons in the Lower O'Connor Seam.

Coal in the Bob Wright Seam averages 6.6 ft. in thickness. The Castlegate A which underlies the Bob Wright by about 150 ft. averages 5.7 ft. in thickness. The Hiawatha-Upper O'Connor underlies the Castlegate A by 150–200 ft. and averages 6.3 ft. in thickness. The Lower O'Connor which underlies the Upper O'Connor by about 100 ft. averages 5.0 ft. in thickness.

Coal quality estimates are only available for the Castlegate A and the Hiawatha Seams. It is expected to average, on an as received basis, 12,686 Btu/lb, with 5.9 percent ash, and 0.45 percent sulfur in the Castlegate A Seam, and to average 12,114 Btu/lb, 6.5 percent ash, and 0.56 percent sulfur in the Hiawatha Seam. The coal ranks as high-volatile B bituminous.

Coal Offered, Cottonwood Tract, U-47978.

The coal resource to be offered is recoverable by underground methods in the following lands, located approximately 26 miles southeast of Price, Utah:

T. 17 S., R. 7 E., SLM, Utah
Sec. 27, S½NW¼, N½SW¼;
Sec. 28, S½N½, S½;
Sec. 29, S½N½, S½;
Sec. 30, lot 4, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 31, lot 1, E½;
Sec. 32, all;
Sec. 33, N½, SW¼, W½SE¼;
Sec. 34, NW¼NW¼, S½NW¼.
T. 18 S., R. 7 E., SLM, Utah
Sec. 4, lots 2–4
Sec. 5, lots 1–4, S½NW¼.
Containing 3,347.31 acres.
Emery County.

Coal in the tract is contained in the Blackhawk Formation of the Upper Cretaceous Mesaverde Group. Total recoverable reserves are estimated to be 23,120,000 tons of which 6,400,000 tons are in the Blind Canyon Seam and 16,720,000 tons are in the Hiawatha Seam.

Coal in the Blind Canyon Seam averages 6.3 ft. in thickness and coal in the underlying Hiawatha Seam 9.7 ft. The seams are separated by from 65 to over 100 ft.

Coal quality estimates are only available for the Blind Canyon Seam. The estimate for this seam, on an as received basis, is 12,578 Btu/lb, 7.6 percent ash, and 0.58 percent sulfur. The coal ranks as high-volatile B bituminous

Coal Offered, Meetinghouse Canyon Tract, U-47979.

The coal resource to be offered is recoverable by underground methods in the following lands, located approximately 10 miles northwest of Huntington, Utah:

T. 16 S., R. 7 E., SLM, Utah
Sec. 34, S½NE¼, NE¼SW¼, S½SW¼, SE¼.
T. 17 S., R. 7 E., SLM, Utah
Sec. 3, lots 1–8, 10–12, SW¼, SW¼SE¼;
Sec. 4, lots 1, 8, 9, E½SE¼.
Containing 1,063.38 acres.
Emery County.

Coal in the tract is contained in the Blackhawk Formation of the Upper Cretaceous Mesaverde Group. Total recoverable reserves are estimated to be 12,400,000 tons of which 7,720,000 tons are in the Blind Canyon Seam and 4,680,000 tons in the Hiawatha Seam.

Coal in the Blind Canyon Seam averages 10.8 ft. in thickness and coal in the underlying Hiawatha Seam 6.3 ft. The seams are separated over most of the tract by from 30 to 50 ft.

Coal quality estimates are only available for the Blind Canyon Seam. The estimate for this seam, on an as received basis, is 12,800 Btu/lb, 6.0 percent ash, and 0.45 percent sulfur. The coal ranks as high-volatile B bituminous.

Rental and Royalty: Leases issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre and a royalty payable to the United States of 8.0 percent of the value of coal produced by underground methods and 12.5 percent of any coal produced by strip or auger mining methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Notice of Availability: Bidding instructions for each tract offered are included in the Detailed Statements of Lease Sale. Copies of the Statements and of the proposed coal leases are available at the Utah State Office. Case file documents are also available for public inspection.

Since no discounted cash flow analyses were performed on any of these tracts, there are no non-proprietary economic statistics available.

Dean E. Stepanek,
Acting Utah State Director.
June 19, 1981.

[FR Doc. 81-18760 Filed 6-24-81; 8:45 am]
BILLING CODE 4310-84-M

[W-73983]

Wyoming; Application

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation filed an application for a right-of-way to construct a 20" and 22" O.D. natural gas pipeline for the purpose of expanding its existing gathering system across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 21 N., R. 118 W.,
Secs. 2, 11, 14, 15, 21, 22, 29, 31 and 32.
T. 17 N., R. 119 W.,
Secs. 4 and 20.
T. 18 N., R. 119 W.,
Secs. 6, 8 and 28.
T. 19 N., R. 119 W.,
Secs. 6, 7, 18, 19, 30 and 31.
T. 20 N., R. 119 W.,
Secs. 3, 10, 11, 14, 22, 23, 27, 28, 29, 31 and 32.
T. 19 N., R. 120 W.,
Sec. 25.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Rock Springs, Wyoming.

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-18762 Filed 6-24-81; 8:45 am]
BILLING CODE 4310-84-M

[W-060194]

Wyoming; Proposed Continuation of Withdrawal

June 17, 1981.

The Bureau of Land Management, U.S. Department of the Interior proposes to continue the existing withdrawal of the following public lands made by Public Land Order No. 1642 of May 22, 1958, for a 20 year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2751; 43 U.S.C. 1714):

Sixth Principal Meridian, Wyoming

T. 19 N., R. 81 W
Sec. 8, SW¼NE¼, NW¼SE¼.

The area described contains 80 acres in Carbon County, Wyoming.

The purpose of the withdrawal is a Bureau of Land Management Administrative Site used for the Elk Mountain radio facilities site. The lands are currently segregated from all forms of appropriation under the public land laws including the mining laws, but not the Mineral Material Act. No change in the segregative effect of the withdrawal or the use of the lands is proposed.

Comments, suggestions, or objections to this proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management, on or before June 25, 1981.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned before July 26, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings are scheduled and conducted in accordance with BLM Manual, Section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigations to determine the existing and potential demands for the land and its resources and review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determinaiton is made.

All communications in connection with this proposed withdrawal continuation should be sent to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-18783 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

Privacy Act of 1974; Revision of Notices of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the U.S. Fish and Wildlife Service proposes to revise three systems of records which are subject to the requirements of the Act. The three records systems are being revised to permit the maintenance of the records using computerized procedures. No other changes are being made. A complete system notice for each of the following records systems being revised is published below:

1. Endangered Species Licensee System—Interior, FWS-19 (Published at 46 FR 18373).
2. Investigative Case File System—Interior, FWS-20 (Published at 46 FR 18374).
3. Permits System—Interior, FWS-21 (Published at 46 FR 18375).

5 U.S.C. 552a(e) (4) and (11) provide that the public be provided a 30-day period in which to comment on these proposed changes. The Office of Management and Budget (OMB), which has oversight responsibilties under the provisions of the Act, requires a 60-day period in which to review system changes before they are implemented.

Written comments on these proposed changes can be submitted to the Departmental Privacy Act Officer, Office of Information Resources Management, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240. Copies of any comments received may be inspected in Room 7358, Main Interior Building, 18th and E Streets NW., Washington, D.C. If no comments are received, the system will be implemented without further notice in the **Federal Register.** All comments received on or before August 24, 1981 will be considered.

A report on these proposed changes has been provided to the Director, OMB, to the President of the Senate, and to the Speaker of the House of Representatives.

Dated: June 16, 1981.

William L. Kendig,

Deputy Assistant Secretary of the Interior.

Interior/FWS-19

SYSTEM NAME:

Endangered species Licensee System—Interior, FWS-19.

SYSTEM LOCATION:

(1) Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240;

(2) Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request a license to import or export fish and/or wildlife or products thereof. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, address, date of birth, height, weight, color of hair and eyes, business phone number, occupation and social security number of individual requesting license. Businesses are identified by type, name and title and phone number of principal officer and State of incorporation, if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Endangered Species Act of 1973 (16 U.S.C. 1538(d); 87 Stat. 884).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to identify licensees authorized to import or export fish and/or wildlife or products thereof. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) publication in the **Federal Register,** as required by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in folders, and on computer media or printouts.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b) which exempts this System from the provisions of 5 U.S.C. 522a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR Part 2, Subpart D which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 50432 (October 29, 1975).

Interior/FWS-20

SYSTEM NAME:

Investigative Case File System-Interior, FWS-20

SYSTEM LOCATION:

(1) Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240;

(2) Law Enforcement District Offices of the Fish and Wildlife Service. (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subjects of investigation relative to violation of fish and wildlife laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name and address, place and date of birth plus other available data identifying the subjects of investigation in violation of the fish and wildlife laws as well as other information incidental to these investigations all of which carry criminal sanctions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Assault Act (18 U.S.C. 111), Bald Eagle Act (16 U.S.C. 668–668d), Black Bass Act (16 U.S.C. 851–856), Lacey Act (18 U.S.C. 42–44), National Wildlife Refuge System Administration Act (16 U.S.C. 668dd–668ee), Migratory Bird Hunting Stamp Act (16 U.S.C. 718–718h), Migratory Bird Treaty Act (16 U.S.C. 703–711), Endangered Species Act (16 U.S.C. 1531–1543), Marine Mammal Act (16 U.S.C. 1361–1407), Upper Mississippi Refuge Act (16 U.S.C. 721–731), Bear River Refuge Act (16 U.S.C. 690), Fish and Wildlife Recreation Act (16 U.S.C. 460k–460k–4), Airborne Hunting Act (16 U.S.C. 742j), and Tariff Classification Act (19 U.S.C. 1527).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to include all investigative and enforcement information reported to and investigated by the Division of Law Enforcement, U.S. Fish and Wildlife Service. Disclosures outside the Department of the Interior may be made:

(1) To the U.S. Department of Justice when related to litigation or anticipated litigation;

(2) Of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on computer media or printouts.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts the system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR, Part 2, Subpart D, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR, Part 2, Subpart D implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975). Under the specific exemption authority provided by 5 U.S.C. 552a(k), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f) and the portions of 43 CFR, Part 2, Subpart D which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 50432 (October 29, 1975).

Interior/FWS-21

SYSTEM NAME:

Permits System—Interior, FWS-21

SYSTEM LOCATION:

(1) Division of Law Enforcement, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

(2) Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses).

(3) Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for permits to conduct certain activities in areas of fish and wildlife. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, address, date of birth, height, weight, color of hair and eyes, business phone number, occupation and social security number of persons applying for permit. Business agencies and institutions are identified by type, name, title and phone number of principal officer and State of incorporation, if applicable. Contains information on location of the activity and a briefing of the type of the proposed activity. May also include the qualifications, educational background and experience of the applicant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 668a, 16 U.S.C. 1539, 16 U.S.C. 704–711, 16 U.S.C. 1371, 18 U.S.C. 42–44, and 19 U.S.C. 1527.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to identify holders of permits which authorize otherwise illegal activity having to do with fish and/or wildlife. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies, responsible for investigating or prosecuting the violation or from enforcing or implementing the statute, rule, regulation order or license; (3) publication in the **Federal Register**, as required by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, and on computer media or printouts.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Law Enforcement, or Chief, Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts the system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f) and the portions of 43 CFR, Part 2, Subpart D which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

[FR Doc. 81-18715 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-19 (Sub-47F)]

Baltimore & Ohio Railroad Co.—Abandonment—In Clinton County, Ohio; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated June 16, 1981, the Commission, Review Board Number 3, found that the public convenience and necessity require or permit abandonment by The Baltimore and Ohio Railroad Company of its line of railroad between railroad valuation station 6751+43, Milepost 128.30, at or near Wilmington, OH, and railroad valuation station 7327+65, Milepost 139.21, at Clarksville, OH, in Clinton County, OH, a total distance of 10.91 miles, subject to the conditions of employee protection provided in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 ICC 91 (1979). A certificate of abandonment will be issued to the Baltimore and Ohio Railroad Company permitting the abandonment unless within 15 days from the date of this publication the Commission also find that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 40 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18745 Filed 6-24-81; 8:45 am]

BILLING CODE: 7035-01-M

[Ex Parte No. 387 (Sub-37)]

Chicago & North Western Transportation Co.; Exemption for Contract Tariff ICC-CNW-C-0004

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and may file this contract and contract tariff on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Chicago and North Western Transportation Company filed on June 15, 1981, a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit it to make tariff ICC-CNW-C-0004 effective on June 15, 1981.

Under the contract, C&NW agrees to pay the shipper, Diamond Crystal Company, an allowance as contribution towards use of disposable dunnage bags in shipments of packaged salt in free running boxcars. This allowance is to be paid only if Diamond Crystal ships a specified minimum volume via C&NW prior to the end of this interim contract, August 15, 1981.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

C&NW shall be granted a waiver and may file its contract and contract tariff on one day's notice. Normally, package salt must be shipped in high per diem boxcars specially equipped with

bulkheads or crossbars to prevent shifting of loads while in transit. Loads can be held secure, however, in unequipped (XM) boxcars with the use of dunnage bags. A situation has developed in which the Port Huron and Detroit Railroad, the carrier serving the Diamond Crystal facility at Port Huron, MI, has on hand 200 unequipped (XM) boxcars. Advancement of the effective date will enable these idle cars to be used and will prevent untimely transportation delays waiting for specialized equipment. We thus conclude that this is the type of exceptional circumstance which warrants a provisional exemption. The contract and contract tariff can be made effective on one day's notice; because of the lateness in filing the petition, the June 15 date cannot be met.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

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

Dated: June 18, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-18743 Filed 6-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29640]

Consolidated Rail Corp.—Abandonment of 1.76 Miles of East Junction Branch at Providence, R.I.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment of a 1.76 mile segment of the East Junction Branch of Consolidated Rail Corporation (Conrail) from the requirement of prior Commission approval under 49 U.S.C. 10903.

DATE: Exemption effective 30 days from the date of this publication in the **Federal Register.** Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESS: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th St., and Constitution Ave. NW., Washington, DC 20423, and

(2) Petitioner's representative: Charles E. Mechem, 1138 Six Penn Center Plaza, Philadelphia, PA 19104.

Pleadings should refer to Finance Docket No. 29640.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Exemption Request

Conrail has filed a petition to exempt the abandonment of a 1.76 segment of its East Junction Branch located in Providence and East Providence, RI, from the requirements of 49 U.S.C. 10903. The segment in question extends from the Providence passenger station to Valuation Station 2+85.16, on the eastern side of the Seekonk River.

Prior to February 1981, the involved portion of the East Junction Branch was used by Conrail as a means of access from the Amtrak Main Line (over which Conrail has trackage rights) to industries along the East Junction Secondary Track on the eastern side of the Seekonk River. Since that time, however, those industries have been provided freight service by Conrail from Readville, MA, a point north of Providence.

At this time no rail operations are being conducted on track proposed for abandonment, and there are no stations, public delivery tracks, or private sidings situated on the segment. Conrail maintains, therefore, that the abandonment of this segment will not affect any shippers or receivers of freight, nor will it have any measurable effect on Conrail's revenues or expenses. Further, it contends that there will be no adverse impact on its employees, energy consumption, the environment, other carriers, or the general public.

Upon abandonment, Conrail intends to sell the segment to the State of Rhode Island for use as a passenger railway providing service to downtown Providence.

The Statute

Rail abandonments require the approval and authorization of the Commission under 49 U.S.C. 10903. To obtain Commission approval, an application must be filed in compliance with *Abandonment of Railroad Lines and Discontinuance of Service,* 49 CFR Part 1121 (1978) (abandonment regulations). Conrail requests an exemption from 49 U.S.C. 10903 so that it will not have to file a formal application under the abandonment regulations.

Under 49 U.S.C. 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96-448, 94 Stat. 1895, October 14, 1980) (Staggers Act), the Commission is authorized to exempt a transaction when it finds that (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

Detailed scrutiny of this abandonment will not be necessary to accomplish the goals of the rail transportation policy set forth in Section 10101a. In enacting the Staggers Act, including Section 10505, Congress intended for us to eliminate unnecessary regulation. See, for example, H.R. Rep. No. 96-1430, 96th Cong., 2nd Sess., 104-105 (1980) and 49 U.S.C. 10101a(2). The power to exempt from regulation enables the Commission and railroads to commit their limited resources in areas where they are most needed by enabling the Commission effectively to deregulate those areas which have no significant bearing on the overall regulatory scheme. The proposed abandonment is the type of transaction which Congress intended us to exempt from our regulatory power.

The proposed abandonment is quite limited in scope as it will affect only a relatively short track segment which is currently not being used in any rail operations. Shippers continue to be served by Conrail via another line in virtually the same manner as in the past. No change in operations are involved and thus shippers, employees, and competitors should be unaffected.

Since the proposed transaction is of limited scope, it is not necessary to consider whether our regulation is needed to protect shippers from the abuse of market power.

Public Use Condition and Offers of Financial Assistance. In abandonment procedures filed pursuant to 49 U.S.C. 10903, the Commission is required to

consider two matters that have not been specifically considered in this exemption proceeding. First, 49 U.S.C. 10906 requires us to determine if the property to be abandoned is suitable for other public uses. If the property is suitable, we impose certain conditions to allow interested persons an opportunity to obtain the property. Second, 49 U.S.C. 10905, as modified by the Staggers Act, allows interested persons to make financial assistance offers to assure the continuation of operations over the line. Under the procedure provided by this section, financial offers may lead to continue subsidized operation of the line or sale of the line for continued operations by others.

Since the provisions of 49 U.S.C. 10905 and 10906 apply only to applications under Section 10903, we are not required to allow offers of financial assistance or impose any public use conditions when an exemption is given, because no application need be filed. We note, however, that Conrail has indicated an intent to sell the involved track segment to the State of Rhode Island for passenger rail service and this and other matters may be raised in petitions for reopening of this proceeding.

Labor Protection. In granting an exemption under Section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C., Subtitle IV.[1] [See 49 U.S.C. 10505(g)(2)]. The proposed abanonment is not likely to have an impact on employees. Nevertheless, in accordance with Section 10505(g)(2), we will afford the same level of labor protection as is usually required in abandonment transactions. We have determined that the employee protective conditions developed in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 ICC 91 (1979), satisfy the statutory requirements for protection of employees involved in abandonment transactions. Therefore, the exemption will be granted subject to those protective provisions.

Energy and Environmental Considerations. Our initial review of the proposal indicates that the abandonment will not significantly affect energy consumption or the quality of the human environment. However, the Commission's Energy and Environment Branch has by letter notified all interested persons and State agencies within Rhode Island of their right to provide information concerning the energy and environment impact of the contemplated action. Consequently, in view of this action by the Commission, there will be no need here to require Conrail to once again notify the same parties of their right to seek reopening of this proceeding on environmental grounds.

We find:

(1) The application of the requirements of 49 U.S.C. 10903 to the abandonment by Consolidated Rail Corporation of the described 1.76 mile segment of its East Junction Branch is not necessary to carry out the transportation policy of 49 U.S.C. 10101a.

(2) This transaction is limited in scope.

(3) This decision will not operate to relieve any rail carrier from an obligation to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707.

(4) This decision will not significantly affect energy consumption or the quality of the human environment.

It is ordered:

(1) Pursuant to 49 U.S.C. 10505, we exempt from the requirements of 49 U.S.C. 10903, the abandonment by Consolidated Rail Corporation of the 1.76 mile segment of its East Junction Branch, subject to the conditions for the protection of employees set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 ICC 91 (1979).

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Federal Register, for publication.

(3) This exemption will continue in effect for one year from the effective date of this decision. The abanonment of the line segment must occur during that time in order to take advantage of this exemption.

(4) This decision shall be effective 30 days following the date of its publication in the **Federal Register.**

(5) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register.**

(6) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publicaiton in the **Federal Register.**

Decided: June 18, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18741 Filed 6-24-81; 8:45 am]

BILLING CODE 7035-01-M

[1] The Brotherhood of Locomotive Engineers submitted a letter indicating opposition to Conrail's request to the extent that it might relieve the railroad of employee protection requirements mandated by 49 U.S.C. 11347. The Brotherhood maintains that the Commission, under Section 10505(g), may not exempt any rail carrier from those requirements. We believe that the action taken in this decision satisfies the Brotherhood's concerns.

[Ex Parte No. 387 (Sub-36)]

Consolidated Rail Corp.; Exemption for Contract Tariff ICC-CR-C-0020

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C.10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract and contract tariff can become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By petition filed June 10, 1981, Consolidated Rail Corporation (Conrail) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that its contract tariff ICC-CR-C-0020 be made effective on a minimum of 30 days' notice. Conrail seeks to have the contract effective on one day's notice. The duration of the contract is 5 years

The contract involves a new movement of coke from Clairton, PA to Gary, IN, South Chicago,. IL, and Fairless, PA over the lines of Conrail in connection with Elgin, Joliet & Eastern Railway Company and Union Railroad Company. All parties involved will benefit from this contract, particularly Conrail and U.S. Steel. Conrail states that it needs the volume and revenue certainty that this agreement will provide at this critical stage of its existence.

Conrail does not expect any protests of the contract tariff. It contends that a 30 day notice period is not required to protect shipper from abuse of market power.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe that this is the type of exceptional circumstance that warrants

an exemption. Much of the revenue this contract generates will be new revenue, revenue which Conrail urgently needs. Moreover, this will provide Conrail with a degree of certainty and dependabilty as to the involved traffic volumes and the revenues generated, thereby assisting it in making future plans. The contract and contract tariff can be made effective on one day's notice.

We will impose the following conditions:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contract or to disapprove it.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. The contract tariff to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

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

(49 U.S.C. 10505)

Decided: June 19, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis. Commissioner Alexis dissented.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18742 Filed 6-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find. Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC-FC-35484. By decision of June 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1151, Review Board Number 3 approved the lease by American International Freight Forwarding, Inc., of Springfield, VA, of Permit No. FF-471 issued to Astro International Freight Forwarders, Inc., of Alexandria, VA, authorizing (a) *used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States (including Hawaii but excluding Alaska), restricted in (b) above to the transportation of export-import traffic. The lease authority granted by the Board is for a one year period. Applicant's representative: Martin R. Martino, 333 S. Glebe Rd., Arlington, VA 22204. Transferee is not a carrier.

MC-FC-79077. Republication.* By decision of March 24, 1981 issued under 49 U.S.C. 1045.11, Review Board No. 3 approved the change of Control of Distributor Services, Inc., a broker of motor carrier freight transportation holding license No. MC-130744. Fifty percent of the common stock of the corporate was authorized to be transferred from William J. Farrell, Jr., to T. Lawrence Vigunens, Jr. As a result of the transaction T. Lawrence Vigunens, Jr., would own all the common stock of the corporation. Applicant's representative: Robert B. Einhorn, 12 South 12th Street, 3220 Press Building, Philadelphia, PA 19107.

MC-FC-79101. By decision of June 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Wayne R. Propp, doing business as of Propp Farms, of Certificate No. MC-26174 (Sub-No. 3) issued May 12, 1970 to Dalton & Son Trucking Co., authorizing the transportation of (1) *plastic articles*, from Hamburg, IA, and Nebraska City, NE, to points in Illinois (except those in the Chicago, IL, Commericial Zone), Minnesota, Kansas, South Dakota, North Dakota, Iowa, Missouri, and Nebraska (except points in Iowa, Missouri, and Nebraska within 30 miles of Hamburg, IA), restricted to traffic originating at the facilities of Crown-Line Plastics, Inc., and originating at and destined to the named points; (2) *fertilizer* and *feed*, in bags, from St. Joseph, MO, to Hamburg, IA, restricted to traffic originating at or destined to Hamburg, IA, and St. Joseph, MO. Subject to the following conditions: if any. Applicants' representative: Wayne Propp, Hamburg, IA 51640, 712-382-1217.

MC-FC-79128. By decision of June 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Stumps Refrigerated Express, Inc. of Certificate No. MC-126487 (Sub-Nos. 34F, 36F) issued February 19, 1980—34F and December 7, 1979—36F and to Gaston Feed Transports, Inc. authorizing in Sub-No. 34F, the transportation of (1) *animal feed* (except in bulk), from the facilities of Kalkan Foods at or near Matoon, IL, Terre Haute, IN, and Columbus, OH to points in the United States (except Alaska, Connecticut, Hawaii, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and (2) *equipment and materials* used in the manufacture and distribution of animal food from the destination named in the above to the facilities of Kal-Kan Foods, Inc., at or near Matoon, IL, Terre Haute, IN, Columbus, OH and Hutchinson, KS, and in Sub-No. 36F, the transportation of (1) *mineral feed, mixtures, and feed ingredients*, (a) from points in Vance County, NC, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Michigan, Minnesota, Mississippi, New Jersey, Ohio,

*Republished to correct errors in publication of June 8, 1981.

Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin, (b) from points in Decatur County, GA, to points in Alabama, Arkansas, Florida, Illinois, Indiana, Kentucky, Kansas, Louisiana, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Utah, Washington, Wisconsin and Wyoming, and (2) *materials, and supplies used in the manufacture of the commodities in (1) above,* from points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming, to points in Vance County, NC, Decatur County, GA, and Harrison County, TX. Applicants' representative: David A. Turano Esq., 100 East Broad Street, Columbus, OH 43215.

MC-FC-79179. By decision of June 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Walter Nowatzski, Arden Boelter and David Abendroth d/b/a ABN Transit, Inc., of Permit No. MC-129148 (Sub-No. 1) issued January 28, 1969, to Roy F. Mirr, authorizing the transportation of *mechanical bean harvesting machinery* between points in Illinois and Wisconsin, under continuing contract(s) with Del Monte Corporation, Midwest Division, Rochelle, IL. Applicants' representative: Michael P. Lehner, 535 Water Street, Princeton, WI 54968.

MC-FC-79183. By decision of June 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Kontrath Transportation of Certificate No. MC-144547 issued February 13, 1981 to Dura-Vent Transport Corp. authorizing the transporation of as a common carrier, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *wood burning stoves* between points in the United States. Applicants' representative: David HL Baker—Attorney for Kontrath Transportation, 888 17th Street, N.W., Washington, DC 20006.

MC-FC-79184. By decision of June 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Stephen Werner of Certificate No. MC-21551 issued May 29, 1975 to Emanuel J. Werner doing business as Rego Park Moving & Storage Co. authorizing the transporation of *household goods* as defined by the Commission, between New York, NY, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Applicant's representative is: Stephen Werner and Emanuel Werner, P.O. Box 133, Middle Village, NY 11379.

MC-FC-79185. By decision of June 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Clyde Haynes, Jr., and Lanny Haynes, a Partnership, d/b/a Bakery Express, of Vidor, TX, of Permit No. MC-135114 (Sub-No. 1) issued to Harold Edmong Leathers, d/b/a Harold Leathers Truck Service, of Vidor, TX, authorizing *unfrozen, cooked bakery goods,* from Beaumont, TX, to Lake Charles and Lafayette, LA, under contract with ITT Continental Baking Company, Inc., of Dye, NY. Applicant's representative: Thomas J. Sibley, 304 Pearl St., Beaumont, TX 77704. TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18740 Filed 6-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decision-Notice; Finance Application

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission 's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decison is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 17, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-F-14640, filed June 1, 1981. SOUTH HILLS MOVERS, INC. (SOUTH) (3132 Industrial Boulevard, Bethel Park, PA 15102)—CONTROL AND MERGER—HERITAGE VAN LINES, INC. (HERITAGE)(3132 Industrial Boulevard, Bethel Park, PA 15102. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. South seeks authority to acquire control of Heritage through the purchase of all of its outstanding capital stock and for the merger of all of the interstate operating rights and property of Heritage into South for ownership, management and operation. Robert Lee, sole stockholder of South, seeks authority to acquire control of said rights and property through the merger. Hertage's authority is contained in certificates issued in MC-22296 and sub-numbers thereunder, which authorize the transportation as a motor common carrier of *household goods*, in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MD, MA, MI, MS, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, and DC. South holds authority to operate as a motor common carrier pursuant to MC-72914 and MC-F-14119, which authorizes the transportation of *household goods*, between points in Beaver, Allegheny, Westmoreland, and Butler Counties, PA, on the one hand, and, on the other, points in OH, WV, NY, NJ, IL, WI, TN, VA, IN, MO, MA, KY, MI, CT, RI, DE, IA, KS, MD, NH, NC, OK, and DC, and between points in WV on the one hand, and, on the other, points in AR, CA, CO, MI, MN, NE, NV, RI, UT, and WI.

Notes.—(1) An application for temporary authority has been filed. (2) A directly related application has been filed in MC-72914 (Sub-No. 3), published in the same **Federal Register** issue to eliminate gateways in order to provide a through service.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: June 17, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 72914 (Sub-3), filed June 1, 1981. Applicant: SOUTH HILLS MOVERS, INC., 3132 Industrial Boulevard, Bethel Park, PA 15102. Representative: John A. Vuono, Esquire, Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219, 412-471-1800. To operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Household goods*, as defined by the Commission, (1) between points in Cabell, Mason and Wayne Counties, WV on the one hand, and, on the other, points in NY, NJ, WI, MO, MA, MI, CT, RI, DE, IA, KS, MD, NH, NC and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.) (2) between points in Boyd, Greenup, Lawrence and Pike Counties, KY on the one hand, and, on the other, points in WI, MO, MA, MI, IA, KS, NH, NC and OK. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.) (3) between points in Lawrence and Scioto Counties, OH on the one hand, and, on the other, points in NC, OK and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (4) between points in KY and TN on the one hand, and, on the other, points in WI, MO, MA, MI, IA, KS, NH, NC and OK. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (5) between points in IL on the one hand, and, on the other, points in WI, MO, MI, IA, KS, NH, NC and OK. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (6) between points in VA on the one hand, and, on the other, points in NY, NJ, WI, MO, MA, MI, CT, RI, DE, IA, KS, MD, NH, NC and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (7) between points in IN and OH on the one hand, and, on the other, points in NY, NJ, WI, MO, MA, MI, CT, RI, DE, IA, KS, MD, NH, NC, OK and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (8) between points in TX on the one hand, and, on the other, points in NY, NJ, IL, WI, TN, IN, MO, MA, KY, MI, CT, RI, DE, IA, KS, MD, NH, NC, OK and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (9) between points in AR and OK on the one hand, and, on the other, points in OH, NY, NJ, IL, WI, TN, IN, MO, MA, KY, MI, CT, RI, DE, IA, KS, MD, NH, NC, OK and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (10) between points in LA on the one hand, and, on the other, points in IL, WI, TN, IN, MO, KY, MI, IA, KS, NH, NC, and OK. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (11) between

points in AZ, CA, CO, MN, NE, NV and UT on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, MS, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA and DC. (Gateway eliminated: Cabell, Mason and Wayne Counties, WV.); (12) between points in RI on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IN, MD, MA, MI, MS, NJ, NY, NC, OH, OK, PA (except points in Bever Allegheny, Westmoreland and Butler Counties, PA), RI, SC, TX, VA and DC. (Gateway eliminated: Cabell, Mason and Wayne Counties, WV.); (13) between points in LA on the one hand, and, on the other, points in AZ, CA, CO, MI, MN, NE, NV, UT and WI. (Gateway eliminated: Cabell, Mason and Wayne Counties, WV.); (14) between points in WV on the one hand, and, on the other points in GA, NC, and SC. (Gateway eliminated: Lower Peninsula of MI.); (15) between points in IA, KS, MO, NH and WI on the one hand, and, on the other, points in AZ, CA, CO, MI, MN, NE, NV, RI, UT and WI. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA and Cabell, Mason and Wayne Counties, WV.); (16) between points in WV on the one hand, and, on the other, points in NY, NJ, MO, MA, CT, DE, IA, KS, MD, NH, NC, OK and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); and (17) between points in MI and WI on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, MS, NJ, NY, NC, OH, OK, PA (except points in Beaver, Allegheny, Westmoreland and Butler Counties, PA), RI, SC, TN, TX, VA, and DC. (Gateway eliminated: Cabell, Mason and Wayne Counties, WV.).

Note.—This Application is directly related to a simultaneously filed application for merger of Heritage Van Lines, Inc. into South Hills Movers, Inc. in MC-F-14640 published this same Federal Register issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18790 Filed 6-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Vol. No. 107]

Motor Carrier Permanent Authority Restriction Removals; Decision-Notice

Decided: June 19, 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 F.R. 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.

FF 82 (Sub 6)X, filed June 12, 1981. Applicant COAST CARLOADING CO., 2100 Alhambra Avenue, Los Angeles, CA 90031, Representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove restrictions from its freight forwarder Permit No. FF-82 to: (1) replace existing one-way authority with radial authority as follows: in part A(2) between points in CA, OR, WA, and ID on the one hand, and, on the other, points in AK; and in part A(3) between points in Los Angeles, Orange, Santa Barbara, and Ventura Counties, CA, on the one hand, and, on the other points in the United States (except points in CA); and (2) eliminate all exceptions except Classes A and B explosives from its general commodities authority in part (B) of its permit.

MC 52022 (Sub-15)X, filed June 5, 1981. Applicant: THE SEVEN BROTHERS AND THE SEVEN SANTINI BROTHERS, d.b.a. SANTINI BROS., INC., 1405 Jerome Ave., New York, NY 10452. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 14 certificate to broaden the commodity description from household goods to "household goods and furniture and fixtures".

MC 55886 (Sub-22)X, filed June 11, 1981. Applicant: BLUE LINE TRANSFER CO., INC., 3rd & Broomall Sts. (P.O. Box 14), Chester, PA. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046. Applicant seeks to remove restrictions in its lead and Sub-Nos. 18, 19 and 21F certificates to (A) broaden the commodity description as follows: (a) in the lead (part 3) from steel and wrought iron and pipe to "metal products"; (b) in the lead (parts 4 and 7) and Sub-Nos. 18, 19 and 21F (part 1) from paper products, commodities used in the manufacture of paper products, toilet-papers holders, knocked-down cases, towel tubes and containers, and paper to "pulp, paper and related products"; (c) in the lead (part 5) and Sub-No. 21F (part 2) from rubber and expanded plastic materials to "rubber and plastic products"; (d) in the lead (part 6) from tractors, shovels, graders and parts therefore, and such commodities requiring special handling or rigging because of size or weight to "machinery and those commodities which because of their size or weight require use of special handling or equipment"; (e) in the lead (part 8) from petroleum and petroleum products, in containers, to "petroleum, natural gas and their products"; (f) in the lead (part 10) from household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467 to "household goods"; and (g) in Sub-No. 21F (part 3) from furniture to "furniture and fixtures"; (B) remove all restrictions on commodities, except for the restriction against transporting dangerous explosives, such as "those of unusual value", "household goods as defined in Practice of Motor Common Carriers of Household Goods, 17 M.C.C. 467", "commodities in bulk", "in containers", (C) delete facility limitations in Sub-Nos. 18, 19, and 21F; (D) replace city-wide with county-wide authority wherever the following appear in each certificate: Chester and Marcus Hook with Delaware County, PA; Claymont with New Castle County, DE; Allentown with Lehigh County, PA; Pottstown, Conshohocken, Bridgeport with Montgomery County, PA; Reading with Berks County, PA; Atlantic City with Atlantic County, NJ; Piermont with Rockland County, NY; Bridgeton and Millville with Cumberland County, NJ; Bridgeport with Fairfield County, CT; Woodbind with Cape May County, NJ; Elkton with Cecil County, MD; Aberdeen with Harford County, MD; Springfield with Hampden County, MA; Worcester with Worcester County, MA; (E) authorize radial service where only

one-way authority exists between points in specified States located mainly in the Mid-Atlantic and New England areas; and (F) remove the originating at and destined to restriction in Sub-Nos. 18 and 19.

MC 57778 (Sub-38)X, filed May 18, 1981. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Avenue, Detroit, MI 48209. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its Sub-Nos. 6, 9, 10, 11, 16, 17, 18F, 20F, 21F, 23F, 25F, 27F, 28F, 30F, 32F, 33F, 34F, and 37F certificates and Sub-Nos. E1 and E2 E-Letter notices: (1) in all of the Sub-Nos. (except Sub-No. 11) broaden the commodity descriptions from frozen foods, foods, except frozen, anhydrated foods, candy products, offal, foodstuffs and materials and supplies used in the manufacture and distribution of foodstuffs, food handling equipment and supplies, salt, salt products and pepper, to "food and related products"; in Sub-No. 11 broaden the commodity description from meats, meat products and meat by-products, and articles distributed by meat packinghouses to "food and related products and chemicals and related products"; (2) in all of the Sub-Nos. and E-Letter notices replace one way with radial authority; (3) in Sub-Nos. 6 and 20F replace facility limitation at La Porte, IN with county wide (La Porte County) authority and remove restrictions in Sub-No. 6 limiting transportation to traffic originating at or destined to named facilities; (4) in Sub-Nos. 9 and 17, replace facility limitation at Greenville, MI with county wide Montcalm County authority; (5) in Sub-Nos. 10 and 16, replace facilities limitations at Deerfield, and Chicage, IL with county wide (Du Page, Cook and Lake Counties) authority; and in Sub-No. 10, remove restriction limiting transportation to traffic originating at and destined to named facilities; (6) in Sub-No. 11 replace facility limitation at Logansport, IN with county wide (Cass County) authority; remove restriction excepting hides and commodities in bulk and remove restriction limiting transportation to traffic originating at or destined to named facilities; (7) in Sub-Nos. 18F remove the restriction "in vehicles equipped with mechanical refrigeration"; and remove the restriction against service to Allentown and Camp Hill, PA and points in their commercial zones; (8) in Sub-No. 21F, remove the restriction "except commodities in bulk"; (9) in Sub-No. 23F, remove the restriction "except commodities in bulk"; and replace city wide (Marysville, MI) with county-wide (St. Clair County) authority; (10) in Sub-No. 25F, replace facility limitation at Croswell, MI with county wide (Sanilac County) authority; (11) in sub-No. 27F replace facilities limitations at Memphis, Bridgeport and Imlay City, MI, Millsboro, DE and Greenville, MS with county wide (St. Clair, Saginaw and Lapeer Counties, MI, Sussex County, DE and Washington County, MS) authority; (12) in Sub-No. 28F, replace facility limitations at Columbus, OH with county wide (Franklin County) authority; (13) in Sub-No. 30, replace facility limitations at Clifton, NJ with county wide (Passaic County) authority; (14) in Sub-No. 32F, replace facilities limitations at Orrville and Medina, OH with county wide (Wayne and Medina Counities) authority; and remove the restriction limiting transportation to traffic originating at or destined to named facilities; (15) in Sub-No. 33F, replace city wide (Warren, MI) with county wide (Oakland and Macomb Counties) authority; (16) in Sub-No. 34F replace city wide (Greenville, MS and Millsboro, DE) with county wide (Washington County, MS and Sussex County, DE) authority; and (17) in Sub-No. 37F, remove the in bulk restriction.

MC 67866 (Sub-41)X, filed May 4, 1981, previously noticed in the Federal Register of May 21, 1981, republished as follows: Applicant: FILM TRANSIT, INC., 3931 Homewood Road, Memphis, TN 38118. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Popular Ave., Memphis, TN 31837. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, 9, 10, 11, 13, 16, 36F, and 37F certificates to (1) broaden the commodity descriptions from (a) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in the lead and Sub-Nos. 13, 36F and 37F; (b) dated publications in the lead and Sub-Nos. 6 and 8, newspapers in Sub-No. 10, and commercial papers and documents (except cash letters), payroll and data processing and accounting information and forms and electromagnetically coded or impregnated bank forms and documents, in Sub-No. 10 to "printed matter"; (c) exposed and developed photographic film and plates and prints to "instruments or photographic goods, including optical goods, watches and clocks" in Sub-Nos. 9 and 11; and (d) newspaper, theatre films, magazines, and ice cream to "printed matter, theatre films, and food and related products" in Sub-No. 13 (page 2); (2) authorize service at all intermediate points between Menard, IL, and St. Louis, MO; St. Louis, MO, and Chester IL; and Ruma, IL, and Prairie du Rocher, IL, in Sub-No. 13; (3) change city to county-wide authority from Lilbourn to New Madrid County, MO, in Sub-Nos. 36F and 37F; (4) remove the restrictions against the transportation of shipments for any bank or banking institution in Sub-No. 16; and (5) remove the in packages requirement in Sub-No. 13.

Note.—The previous notice incorrectly stated that applicant seeks to remove certain appropriate weight restrictions in its Sub-Nos. 13, 36, and 37F.

MC 61977 (Sub-42)X, filed May 26, 1981. Applicant: ZERKLE TRUCKING COMPANY, Route 6, Box 18, South Point, OH 45680. Representative: N. W. Bowen, Jr. (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 9F, 13F, 19F, 22F, 23F, 24F, 30F, 31F, 32F, 34F and 36F certificates to (1) broaden the commodity description from flat glass in Sub-No. 9F, to "clay, concrete, glass or stone products"; from pipe, fittings, valves, and hydrants in Sub-No. 13F, to "rubber and plastic products, clay, concrete, glass or stone products and metal products"; from composition board and lumber in Sub-No. 19F, to "lumber and wood products and pulp, paper and related products"; from glass containers in Sub-No. 22F, glass containers and closures in Sub-Nos. 32 and 36, to "clay, concrete, glass or stone products"; from petroleum, petroleum products, vehicle body sealer, and sound deadening compounds (except commodities in bulk), in Sub-No. 23F, to "petroleum, natural gas and their products"; from iron and steel articles in Sub-No. 30F, to "metal products"; and from household appliances and materials, equipment and supplies used in the manufacture and distribution of thereof (except commodities in bulk), in Sub-No. 34, to "machinery"; (2) replace Clarksburg and Jerry Run, WV, with Harrison and Tyler Counties, WV, in Sub-No. 9F; Buckhannon, WV, with Upshur County, WV, in Sub-No. 13F; Charleston, Catawba, and Orangeburg, SC, with Berkeley, Charleston, Orangeburg, York, Chester, and Lancaster Counties, SC, in Sub-No. 19F; Henryetta, OK, with Okmulgee County, OK, Terre Haute, IN, with Vigo County, IN, Cliffwood, NJ, with Middlesex and Monmouth Counties, NJ, and Warner Robins, GA, with Houston County, GA, in Sub-No. 22F; Emlentown and Farmers Valley, PA, with McKean, Venango, and Elk Counties, PA and St. Marys and Congo, WV, with Hancock County, WV, in Sub-No. 23F; Cincinnati, OH, with Hamilton County, OH, in Sub-No. 24F; Canton, OH, with Stark and Summit Counties, OH, Charlotte, NC, with

Mecklenburg, Union, Cabarrus Counties, NC, and Seneca, SC, with Oconee County, SC, and Bristol, TN, with Washington County, VA, and Sullivan County, TN, in Sub-No. 30F; Joliet, IL, with Will County, IL, Vienna, WV, with Wood County, WV, and Conventry, RI, with Kent County, RI, in Sub-No. 32F; Louisville, and Appliance Park, KY, with Jefferson County, KY, in Sub-No. 34F; (3) replace one-way with radial authority in Sub-Nos. 9F, 13F, 22F, 23F, 30F, 32F, and 34F; and (4) remove an originating at or destined to restriction in Sub-No. 36F.

MC-86247 (Sub-30)X, filed March 2, 1981, noticed in the Federal Register of March 23, 1981, republished this issue. Applicant: INTERNATIONAL CARRIERS LIMITED, 1333 College Avenue, Windsor, Ontario, Canada. Representative: Maritn J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions in its Sub-No. 30X certificate to broaden its nonradial authority to serve points in Michigan within 18 miles of the Detroit River Tunnel, including Detroit, MI to "points in Wayne, Oakland and Macomb Counties, MI. The proposed modification follows a recent Commission decision indicating that such broadenings are considered reasonable.

MC-106001 (Sub-23)X, Filed June 11, 1981. Applicant: DENNIS TRUCKING COMPANY, INC., 6951 Norwitch Drive, Philadelphia, PA 19153. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Applicant seeks to remove restrictions in its Sub-Nos. 11, 12F, 13F, 16F, and 18F certificates to (1) broaden the commodity descriptions: (a) from pipe to "clay, concrete, glass, or stone products, rubber and plastic articles and metal products", in Sub-No. 11, (b) from iron and steel articles to "metal products", in Sub-No. 12F, (c) from refractories, refractory products and commodities used or useful in the installation of refractories and refractory products and materials, equipment and supplies used in the production and distribution thereof to "clay, concrete, glass or stone products, ores and minerals, and metal products," in Sub-No. 13F, (d) from wire and wire products and materials, equipment, and supplies used in the manufacture and distribution of wire and wire products to "metal products and materials, equipment and supplies used in the manufacture and disribution of metal products", in Sub-No. 16F, and (e) from railroad car and locomotive wheels and materials and supplies use in the manufacture of railroad car and locomotive wheels to "transportation equipment and metal products", in Sub-No. 18F; (2) replace the facilities limitations or specific point authority with city or county-wide authority: (a) facilities a Ambler, PA, with Montgomery County, PA, in Sub-No. 11, (b) facilities at Baltimore, MD, with Baltimore, MD, in Sub-No. 12F, and (c) facilities at or near Philadelphia, Tarentum, Porter Township, PA, with Philadelphia, Allegheny and Clarion Counties, PA, Woodbridge, NJ, with Middlesex County, NJ, and Jackson, Oak Hill, and East Greenville, OH, with Darke and Jackson Counties, OH, in Sub-No. 13F, and (d) Quemahoning Township, PA, with Somerset County, PA, in Sub-No. 18F; (3) replace its one-way authority with radial authority: (a) between points in Montgomery County, PA, and points in CT, DE, NJ, NY, MD, MA, RI, VT, VA, WV, and DC, in Sub-No. 11, and (b) between Baltimore, MD, and, points in CT, MA, NH, NY, PA, and VT, in Sub-No. 12F, (4) remove commodities in bulk and size and weight restriction, in Sub-No.16F.

MC-107841 (Sub-6)X, Filed June 12, 1981. Applicant: CONTAINERFREIGHT TRANSPORTATION COMPANY, 2300 E. Sepulveda Blvd., Wilmington, CA 90744. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. Applicant seeks to remove the restriction in its Sub-No. 5F; certificate limiting service to traffic having a prior or subsequent movement by water or rail.

MC 110878 (Sub-50)X, filed May 21, 1981. Applicant: ARGO TRUCKING COMPANY, INC., P.O. Box 955, Elberton, GA 30635. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 10, 11, 13, 15, 18, 20, 22, 23, 25, 28, 29, 30, 31, 32, 33, 37, 40, 41, 42, 43, 45, 46 and 47 certificates to (1) broaden the commodity descriptions to "clay, concrete, glass or stone products, and building materials" from granite and marble, damaged and defective shipments of granite and marble, roofing and roofing materials, prefabricated marble water closet stall partitions, complete, in the lead and Sub-No. 10; from granite and marble to "clay, concrete, glass or stone products", in Sub-Nos. 11, 13, 20, 30, 32 and 47F; from abrasives and polishing machines to " machinery", in Sub-No. 15; from oyster shells to "ores and minerals", in Sub-No. 18; to "clay, concrete, glass or stone products" from marble, monumental, and damaged and defective shipments of monumental marble, in Sub-No. 22; from marble, granite, limestone and marble and granite products, in Sub-No. 43F; to "food and related products and ores and minerals"from salt, in bags, cartons and blocks, in Sub-Nos. 23, 28 and 29; from salt and salt products (except in bulk) and materials, equipment and supplies (except in bulk), used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply houses, in mixed shipments with salt and salt products, in Sub-No. 45F; from salt and salt products (except in bulk) to "food and related products", in Sub-No. 46F; from coke (in bulk) to "chemicals and related products", in Sub-No. 25; from abrasives to "chemicals and related products", in Sub-No. 33; to "building materials" from concrete building and roofing slabs, in Sub-No. 31; from ceramic tile, in Sub-No. 37; from concrete building slabs, in Sub-No. 41F; to "metal products" from iron and steel articles and materials and supplies in the manufacture of iron and steel articles, in Sub-No. 40F; to "pulp, paper and related products" from scrap paper, in Sub-No. 42F, (2) replace one-way authority with radial authority in the lead and in all Subs, broaden the territorial description by substituting county-wide authority for city wide authority as follows: Elbert and Pickens Counties, GA (for Elberton and points within 15 miles thereof and Tate and points within 20 miles thereof), in the lead, and Sub-No. 10; Cherokee and Pickens Counties, GA (for Nelson and Tate, GA), in Sub-No. 10; Kershaw County, SC (for Liberty Hill, SC and points within 25 miles thereof (except points in Richland and Fairfield Counties, SC), in Sub-No. 11; Kiowa County, OK (for Snyder, OK) and Pulaski County, AR (for North Little Rock, AR), in Sub-No. 13; Elbert County, GA (for Elberton, GA), in Sub-No. 15; Duval County, FL (for Jacksonville, FL), in Sub-No. 18; Jefferson County, AL (for Birmingham, AL) and Elbert County, GA (for Elberton, GA), in Sub-No. 25; Elbert County, GA (for Elberton, GA), in Sub-Nos. 31 and 41F; Lake County, FL (for Eustis, FL), in Sub-No. 33; Coleman County, TX (for Coleman, TX), in Sub-No. 37; Oconee County, GA (from Watkinsville, GA), in Sub-No. 40F; Bibb County, GA (for Macon, GA), in Sub-No. 42F; Talladega County, AL (for Gantts Quarry) in Sub-No. 43; Van Zandt County, TX (for Grand Saline, TX) and Ibera Parish, LA (for Weeks, LA), in Sub-No. 45F; Elbert County, GA (for Elberton, GA) and Hudson County, NJ (for Harrison, NJ), in Sub-No. 48.

MC 118019 (Sub-10)X, filed June 8, 1981. Applicant: PENN TRANSPORTATION CORP., 212 Beacham Street, Everett, MA 02149. Representative: Frank J. Weiner, 15

Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 6, 7, 8, and 9 to (1) broaden the commodity description from bananas to "food and related products" in the lead and Sub-Nos. 2, 4, and 6; from scrap metals and waste paper to "waste or scrap materials not identified by industry producing" in Sub-No. 7; from mattress springs, box springs, coils, and steel wire, to "metal products" in Sub-No. 8; and, from plastic articles and caps and covers to "rubber and plastic products" in Sub-No. 9; (2) replace Boston, MA with Suffolk, Middlesex, Norfolk, Essex, and Plymouth Counties, MA, in the lead and Sub-Nos. 2 and 7; Wilmington, DE, with New Castle County, DE, in Sub-Nos. 2 and 4; Fall River, MA with Bristol County, MA, in Sub-Nos. 2 and 4; Ispswich, MA with Essex County, MA in Sub-No. 4; Albany, NY with Albany, Saratoga, Schenectady, and Renssalaer Counties, NY in Sub-No. 6; Chelsea, MA, with Suffolk County, MA, Elizabeth, NJ with Union County, NJ, Fairless, PA, with Bucks County, PA, and Sparrows Point, MD with Baltimore County, MD, in Sub-No. 8; (3) authorize radial service in lieu of one-way authorities; and (4) remove the restriction of "shipments having an immediately prior movement by water and destined to Boston, MA" Sub-No. 2.

MC 119489 (Sub-68)X, filed June 11,1981. Applicant: CENTRAL TRANSPORTATION CO., INC., Box 249, Norfolk, NE 68701. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 4, 5, 6, 8, 9, 11, 12, 14, 16, 20, 24, 27, 29, 31, 33, 40, 42, 44, 45, 47, 52F, 59F, 61F, 62F, 63F, 64F, and 66F certificates to (1) broaden the commodity descriptions to (a) "chemicals and related products" from dry fertilizer in Sub-No. 8; chemicals and fertilizers in Sub-No. 11; anhydrous ammonia, urea, and fertilizer (except anhydrous ammonia and urea) in Sub-No. 16; fertilizer, fertilizer solutions and fertilizer compounds in Sub-No. 24; liquid fertilizer in Sub-Nos. 27 and 66F; and fertilizer in Sub-No. 44; (b) "commodities in bulk from specified commodities such as fertilizer and fertilizer compounds, acid, and chemicals, in bulk, anhydrous ammonia, in bulk, liquid fertilizer solutions, in bulk, asphalt, in bulk, tallow, in bulk, and petroleum products, in bulk, in Sub-Nos. 4, 5, 6, 9, 12, 14, 20, 31, 33, 42, 45, 47, 52F, 59F, 61F, 62F, 63F, and 64F; and (c) "Such commodities as are manufactured or distributed by meat packinghouses" from packinghouse offal, in Sub-No. 40; (2) remove "in tank vehicles" or "in hopper vehicles" restrictions in Sub-Nos. 4, 5, 6, 9, 20, 31, 33, 42, 45, 47, 52F, 59F, 61F, 63F, and 64F, and "in dump vehicles" restriction in Sub-No. 40; (3) remove the facilities limitations in Sub-Nos. 5, 6, 8, 9, 11, 12, 14, 20, 24, 27, 29, 33, 42, 44, 45, 47, 59F, 62F, 64F, and 66F; (4) change one-way to radial authority between points throughout the U.S., in the above named Sub-numbers except Sub-No. 63; and (5) replace cities with county-wide authority as follows: Fremont, NE, with Dodge County in Sub-No. 4; Beatrice, NE, with Gage County, in Sub-No. 5; Fort Dodge, IA, with Webster County in Sub-No. 6; Garner, IA, with Hancock County in Sub-No. 9; Blair, NE, with Washington County in Sub-No. 12; Lincoln, NE, with Lancaster County in Sub-No. 14; Borger, TX, with Hutchinson County, Conway, KS, with McPherson County, Greenwood, NE with Cass County, and Whiting, Early, and Garner, IA, with Monona, Sac, and Hancock Counties in Sub-No. 20; Fremont, NE, with Dodge County in Sub-No. 24; North Bend, Randolph, and Wakefield, NE with Dodge, Cedar, and Dixon Counties in Sub-No. 27; Hastings, NE with Adams County in Sub-No. 29; Doniphan, NE with Hall County in Sub-No. 31; Clay Center, KS with Clay County in Sub-No. 33; Gering, NE, with Scotts Bluff County in Sub-No. 40; Falls City, NE, with Richardson County in Sub-No. 42; Woodwood, OK, with Woodward County in Sub-No. 44, Spencer and Holstein, IA, with Clay and Ida Counties and David City, NE, with Butler County in Sub-No. 45; Cheyenne and Casper, WY, with Laramie and Natrona Counties in Sub-No. 52F; Schuyler, ME, with Colfax County in Sub-No. 59F; Perry, NE, with Red Willow County in Sub-No. 61F; Dakota and West Point, NE, with Dakota and Cuming Counties, Denison and Fort Dodge, IA, with Crawford and Webster Counties, Luverne, MN, with Rock County, and Emporia, KS, with Lyon County in Sub-No. 62F; Holcomb, KS, with Finney County in Sub-No. 64F; Friend, KS, with Finney County in Sub-No. 66F; and Optic, NE, with Buffalo County in Sub-No. 47.

MC 123133 (Sub-10)X, filed June 8, 1981. Applicant: DENNY TRANSPORT, INC., 3405 Industrial Parkway, Jeffersonville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions from its permits in MC-143233 Sub-Nos. 1, 3F, 4F, 5F, and 7F to (a) broaden the commodity description in Sub-Nos. 1, 3F, and 4F to "food and related products", from, respectively, (Sub 1) prepard goodstuffs, (Sub 3F) dry milk products, soy, flour and corn flour, and milk powder exempt from economic regulation, (Sub 4F) prepared foodstuffs, (b) broaden the commodity description in Sub 5F and Sub 7F to "such commodities as are dealt in by manufacturers, processors, or distributors of fats, greases, and oils", from, respectively, (Sub 5F) inedible animal grease, tallow oil, and stearine, and (Sub 7F) inedible animal grease, tallow, oil, and stearine, and tallow oil, (c) remove the restrictions in Sub-No. 1 and 4F to transportation in vehicles equipped with mechanical refrigeration; (d) remove the restriction against transportation in bulk in Subs 1 and 4F and the limitation to transportation in bulk in Subs 5F and 7F; (e) remove the limitation to traffic moving in mixed loads in Sub 3F; and (f), broaden the territorial description in each permit to between points in the U.S., under continuing contract(s) with named shippers.

MC 124141 (Sub-54)X, filed May 4, 1981, and noticed in the **Federal Register** of May 29, 1981, republished as corrected this issue. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22107. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F, 3F, 4F, 6F, 7F, 10F, 11F, 19F, 21F, 24F, 29F, 30F, 34F, 38F, 39F, 40F, 41F, 42F, 44F and 45F certificates and lead permit in MC-140717 and Sub-Nos. 1, 2, 3, 4, 7F, 8F, 9F, 10F, 13F, 18F, 19F, 21, 25M1F and 26F to (1) broaden the commodity descriptions to "lumber and wood products" from lumber in the lead certificate, from rough dimension stock lumber in Sub-No. 7F certificate; to "machinery" from electric motors, grinders, buffers, dental lathes, dust collectors, pedestals, parts, accessories and attachments in the base part of Sub-No. 2F certificate, from household and electrical appliances in Sub-No. 44F certificate; to "machinery and electrical equipment" from various commodities such as electric lamps, Christmas tree lamps, electric cord sets, dry cell batteries, lamp ballasts, portable battery chargers in Sub-No. 10 certificates; to "chemicals and related products and rubber and plastic products" from glues, adhesives, caulks, specialty chemicals, and empty plastic caps and containers in Sub-No. 19F certificate; to "chemicals and related products" from plastic materials (except in bulk) in Sub-No. 21F certificate; to "food and related products" from foodstuffs (except in bulk) in Sub-No. 3 certificate, from pickles and pickle products in Sub-No. 4 certificate, from canned goods in Sub-No. 6 certificate,

from foodstuffs in Sub-No. 24 certificate, and Sub-No. 25M1F permit from confectionery and confectionery products in Sub-No. 29 certificate, from margarine and margarine products (except in bulk), in Sub-No. 34 certificates, from alcoholic liquors (except in bulk) in the base authority in Sub-No. 38 certificate, from meat, meat products, and meat by-products (except hides and commodities in bulk) in Sub-No. 39 certificate, and Sub-Nos. 7, 8, 9, 10, 13, 18, 19, 21 permits, from canned foods and frozen fruits and vegetables in Sub-No. 45 certificate, from pork, pork products and pork by-products in the lead permit, from beef and beef products (except in bulk) in Sub-No. 4 permit, from pork and pork products (except in bulk) in Sub-No. 3 permit, from malt beverages in Sub-No. 41 certificate, from malt beverage and materials and supplies in Sub-No. 42 certificate; to "chemicals and related products" from shampoo in Sub-No. 26 permit; to "food and related products and pulp, paper and related products" from coffee and coffee filters in Sub-No. 40 certificate; to "rubber and plastic products" from plastic sheeting in Sub-Nos. 1 and 2 permits, (2) change city to county-wide authority (a) in the lead certificate from Harrisburgh, AR and Memphis, TN to Poinsett County, AR and Crittenden, AR, DeSoto County, MS and Shelby, Fayette and Tipton Counties, TN, (b) in Sub-No. 4 certificate from Bridgeport, Imlay City and Memphis, MI, Millsboro, DE, and Greenville, MS to Saginaw, Lapeer, and St. Clair Counties, MI, Bath County, DE, Chicot County, AR and Washington County, MS, (c) in Sub-No. 6 from Athens, AL to Limestone County, AL, (d) in Sub-No. 21 from Houston, TX, to Brazoria, Waller, Ft. Bend, Chambers, Harris, Galveston, and Montgomery Counties, TX, and from Chicago, IL, to Cook, DuPage, and Lake Counties, IL and Lake and Porter Counties, IN (e) in Sub-No. 24 from Hershey, Lancaster, and Mechanicsburgh, PA to Dauphin, Lancaster, Lebanon and Cumberland Counties, PA, (f) in Sub-No. 29 from Bethlehem, PA to Bucks, Lehigh, and Northampton Counties, PA, (g) in Sub-No. 34 from Osceola, AR to Mississippi County, AR, (h) in Sub-No. 38 from Ft. Smith, AR, Bardstown, KY, and Plainfield, IL, to Sabastian County, AR, Nelson County, KY and Will County, IL, and (i) in Sub-No. 39 from Palestine, TX to Anderson County, TX, (3) remove facilities limitation (a) in Sub-No. 2 certificate and replace Ft. Smith, AR with Sebastian County, AR, (b) in Sub-No. 3 certificate and replace Dunkirk, NY, Erie, PA, Atlanta, GA and Dallas, TX with Chautauqua County, NY, Erie County, PA, Fulton County, GA and Dallas County, TX, (c) in Sub-No. 7 and replace Vicksburgh, MS and Nashua, NH with Warren County, MS and Hillsboro County, NH, (d) in Sub-No. 10 certificate and replace Belleville, Bucyrus, Circleville, Cleveland, Ravenna, Warren and Youngstown, OH; Lexington, KY; Matoon and Danville, IL and St. Louis, and Fenton, MO with Huron, Crawford, Pickaway, Cuyahoga, Portage, Trumbull, Mahoning Counties, OH, Fayette County, KY; Coles and Vermilion Counties, IL; and St. Louis City and St. Louis County, MO, (e) in Sub-No. 11 certificate and replace Bentonville and Searcy, AR with Benton and White Counties, AR, (f) in Sub-No. 19 certificate and replace Columbus, OH with Franklin County, OH, (g) in Sub-No. 40 certificate, (h) in Sub-No. 44 and replace Little Rock, AR with Pulaski County, AR, (4) change territorial description in all permits to "between points in the US, under continuing contract(s) with named shippers, (5) remove the "originating at and/or destined to" named facilities restrictions in Sub-Nos. 3, 34 and 38 certificates, (6) remove in tank vehicle restrictions in Sub-No. 38 certificate, (7) remove in bulk restriction in Sub-Nos. 2, 3, 11, 19, 21, 24, 30, 34, 38, 39, 40, certificates and the lead permit and Sub-Nos. 3, 4, 7, 8, 9, 10, 13, 18, 19, 21, and 25M1F permits (8) remove "in mechanically refrigerated equipment" restriction in Sub-Nos. 3, 7, 19, and 24 certificates, and (9) change one-way to radial authority between various combinations of points throughout the US in all certificates except Sub-Nos. 2, and 38. The purpose of this republication is to correct certain proposed territorial and commodity modifications.

MC 134922 (Sub-342)X, filed June 9, 1981. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Diane Price; Route 6, Box 15, North Little Rock, AR 72118. Applicant seeks to remove restrictions in its Sub-No. 337 certificate to (1) broaden the commodity description from general commodities, with exceptions, to "general commodities (except Classes A and B explosives)"; and (2) remove the restriction except AK and HI in connection with its authority to serve between points in the U.S.

MC 145104 (Sub-5)X, filed May 22, 1981. Applicant: MIL-CO TRUCKING, INC., 319 West Main St., West Unity, OH 43570. Representative: Boyd B. Ferris, 50 W. Broad ST., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 2F and authority acquired in MC-FC-78895 to (1) broaden the commodity description (a) to "such commodities as are dealt in or used by manufacturers and distributors of salt and salt products"from salt and salt products in Sub-No. 2, (b) to "such commodities as are dealt in or used by manufactures or distributors of furniture"from new furniture, returned shipments of new furniture and equipment, materials and supplies, and furniture parts and furniture stock, in parts 1-5 of MC-FC-78895, (c) to "metal and steel and metal and steel products" from uncrated tubular steel scaffolding and accessories, uncrated boarding ramps, uncrated maintenance stands and uncrated baggage loading stands in part 6 of MC-FC-78895, and (d) to "such commodities as are dealt in or used by manufacturers or distributors of agricultural machinery and implements" from agricultural machinery, implements and parts in part 7 of MC-FC-78895, (2) remove the mixed loads restriction in Sub-No. 2, (3) in MC-FC-78895 remove restrictions (a) in parts 1, 2, and 7 against the transportation of specified commodities from designated points and, (b) in parts 1, 2, and 7a to transportation of traffic originating at or destined to named points, (4) remove a facilities limitation in MC-FC-78895 and change city to county wide authority from Archbold and Stryker, OH to Fulton and Williams Counties, OH, (5) remove restriction against transportation to AK and HI in MC-FC-78895 and (6) change one-way to radial authority between (a) Chicage, IL, St. Joseph, MI and points in Fulton, Lucas and Hamilton Counties, OH, and, points in IN and MI in Sub-No. 2, and (2) in MC-FC-78895 to authorize such commodities as are dealt in by manufacturers or distributors of furniture, between points in Williams and Fulton Counties, OH, and, points in the US; metal and steel and metal and steel products between points in the US (except AL, FL, GA, IN, LA, MS, NC, SC, and TN); and such commodities as are dealt in or used by manufacturers and distributors of agricultural machinery and implements, between Fulton County, OH, and, points in 13 States.

MC-135895 (Sub-127)X, Filed May 29, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Applicant seeks to remove restrictions from certain of its certificates as follows: [A] In Sub Nos. 2, 4, 5, 9, 10, 11, 12, 14, 16F, 18F, 25F, 26F, 34F, 46F, 64F, 79F, 36F and 88F, to expand one-way to radial authority between points in the southeast portion

of the U.S. [B] In Sub Nos. 2, 4, 5, 7, 9, 10, 11, 12, 14, 16F, 17F, 18F, 21F, 22F, 23F, 25F, 27F, 31F, 33F, 34F, 35F, 36F, 41F, 43F, 46F, 47F, 54F, 56F, 57F, 61F, 62F, 63F, 64F, 65F, 69F, 70F, 75F, 76F, 78F, 83F, 85F, 86F, 87F, 88F, 90F, 91F, 93F, 95F, 96F, 97F, 99F, 100F, 102F, 104F, 105F, 107F, 111F, 114F, and 115F, to eliminate restrictions "to transportation of traffic originating at and/or destined to" named facilities of shipper(s). [C] In Sub Nos. 2, 5, 7, 9, 11, 12, 14, 16F, 17F, 18F, 22F, 23F, 25F, 26F, 27F, 33F, 34F, 36F, 44F, 46F, 61F, 62F, 79F, 80F, 88F, 98F, 103F, 108F, 109F, 111F, 112F, 113F, 115F, 117F, 118F, 119F, and 120F, to expand Certificates by addition of authority to transport "materials, equipment and supplies used in the manufacture, assembly, sale and distribution" of commodities described in the Certificates, in both directions. [D] In Sub-Nos. 2, 7, 9, 11, 14, 16F, 17F, 18F, 21F, 22F, 25F, 27F, 30F, 31F, 33F, 34F, 25F,36F, 41F, 43F, 45F, 46F, 47F, 54F, 55F, 56F, 57F, 61F, 64F, 65F, 69F, 70F, 71F, 75F, 76F, 78F, 79F, 80F, 83F, 84F, 85F, 86F, 87F, 89F, 90F, 91F, 92F, 93F, 94F, 95F, 96F, 97F, 98F, 99F, 100F, 101F, 102F, 104F, 105F, 106F, 107F, 108F, 109F, 110F, 111F,112F, 113F, 114F, 115F, 116F, 117F, 118F, 119F, and 120F to eliminate restrictions requiring the transportation of specified commodities "in containers", and/or to eliminate exception(s) against transportation of (1) "commodities in bulk" and/or (2) "commodities (which because of size, weight or value require the use of) [or] (requiring) special equipment." [E] In Sub Nos. 53F, 85F, 97F, and 116F, to eliminate all exceptions to transportation of "general commodities" other than "(except classes A and B explosives)." [F] In addition, applicant seeks to broaden commodity descriptions and territorial authority from name locations to counties or cities, and to remove certain restrictive exceptions in the following Certificates: (1) in Sub Nos. 2 and 7 (part 2) to (a) broaden "agricultural insecticides" to "chemicals and related products" and (b) broaden Prairie, MS to Monroe County, MS. (2) In Sub Nos. 4, 7 (part 1), and 22 F to broaden "sand, sand products and mineral fillers" to "ores and minerals." (3) In Sub No. 7 (part 3) to broaden Florence, AL to Lauderdale County, AL. (4) In Sub-Nos. 5 and 18F to (a) broaden "paper and paper articles" to "pulp, paper and related products," and (b) to remove exception against transportation of "lime and limestone." (5) In Sub Nos. 9 and 21F to broaden "non-electric reflective traffic control products and glass abrasive products" to "clay, concrete, glass or stone products, and metal products" and to broaden Flowood, MS, to Rankin County, MS. (6) In Sub Nos. 10 and 12 to (a) broaden "glass containers and closures" to "clay, concrete, glass or stone products", and (b) in Sub No. 12 only, expand Gulfport, MS, to Harrison County, MS; Mineral Wells, MS, to Desoto County, MS; and Corsicana, TX, to Navarro County, TX. (7) In Sub Nos. 11 and 14 to broaden commodity description from "precast concrete products and steel reinforcement articles" to "clay, concrete, and glass or stone products and metal products." (8) In Sub-No 16F to broaden "beer", to "food and related products." (9) In Sub-No. 17F to (a) broaden "pre-stressed concrete products" to "clay, concrete, glass or stone products and metal products" and (b) broaden Biloxi, MS, to Harrison County, MS. (10) In Sub Nos. 7 (part 3) and 18F to broaden "paper and paper articles" to "pulp, paper and related products." (11) In Sub No. 21F to broaden Marietta, GA, to Cobb County, GA. (12) In Sub No. 23F to (a) broaden glass containers and closures" to "clay, concrete, glass or stone products," and (b) expand Corsicana, TX, to Navarro County, TX. (13) In Sub No. 25F to (a) broaden "agricultural insecticides and fungicides and ethylene dibromide" to "chemicals and related products, petroleum and natural gas and their products, and rubber and plastic products," and (b) broaden Magnolia, AR, to Columbia County, AR and Gulfports MS, to Harrison County, MS. (14) In Sub No. 26F to (a) broaden "malt beverages" to "food and related products," and (b) broaden Clarksdale, MS, to Coahoma County, MS; Cleveland, MS, to Bolivar County, MS; Hernando, MS, to Desoto County, MS; Natchez, MS, to Adams County MS; Newport, AR, to Jackson County, AR; Franklin, LA, to St. Mary Parish, LA; Thibodaux, LA, to LaFourche Parish, LA; Hattiesburg, MS, to Forest County, MS; Laurel, MS, to Jones County, MS; Perry, GA, to Houston County, GA; Greenville, MS, to Washington County, MS; Greenwood, MS, to Leflore County, MS; Harahan and Chalmette, LA, to Orleans and St. Bernard Parishes, LA; Kosciusko, MS, to Attala County, MS; Covington, LA, to St. Tammany Parish, LA; Houma, LA, to Terre Bonne Parish, LA. (15) In Sub-No. 27F to (a) broaden "carbonated beverages" to "food and related products", and (b) broaden Kenner, LA, to Jefferson Parish, LA. (16) In Sub No. 30F to broaden "paper and paper articles" to "pulp, paper and related products." (17) In Sub-No.31F to (a) broaden "paper and paper articles" to "pulp, paper and related products" and broaden Ferguson, MS, to Lawrence County, MS. (18) In Sub-No. 33F to (a) broaden "ground clay, crude clay, floor sweeping compounds and absorbants" to "clay, concrete, glass or stone products" and (b) broaden Ripley, MS, to Tippah County, MS. (19) In Sub-No. 34F to (a) broaden "rubber articles, plastic articles, rubber materials and plastic materials" to "rubber and plastic products," and (b) broaden Irving, TX, to Dallas County, TX. (20) in Sub-No. 35F to (a) broaden "paper and paper products" to "pulp, paper and related products" and (b) broaden Monroe and West Monroe, LA, to Ouachita Parish, LA. (21) In Sub-No. 41F to (a) broaden "paper, paper articles, fibreboard, plastic containers and metal containers" to "pulp, paper and related products, rubber and plastic products, and metal products" and (b) broaden Kenner, LA, to Jefferson Parish, La. (22) In Sub-No. 43F to (a) broaden "charcoal, charcoal briquets, charcoal lighter fluid, hickory chips, barbecue items and wooden pallets" to "petroleum, natural gas, and their products, lumber and wood products, chemicals and related products, rubber and plastic products, leather and leather products, and metal products" and (b) broaden Meridian, MS, to Laurdale County, MS, Pachuta, MS, to Clarke County, MS; and Branson, MO, to Taney County, MO. (23) In Sub-No. 44F to broaden "metal, plastic and composition containers and closures" to "pulp, paper and related products, rubber and plastic products, and metal products". (24) In Sub-No. 46F to (a) broaden "glass containers and fibreboard materials" to "clay, concrete, glass or stone products, pulp, paper and related products" and (b) broaden Waco, TX, to McLennan County, TX. (25) In Sub-No. 47F to broaden "carbonated beverages" to "food and related products". (26) In Sub-No. 54F to broaden (1) "air filters, air filter media, and insulating materials" to "pulp, paper and related products, chemicals and related products, rubber and plastic products, metal products, and clay, concrete, glass or stone products" and (2) Kenner to Jefferson Parish, LA. (27) In Sub-No. 55F to broaden "paper and paper articles and wood pulp" to "pulp, paper and related products". (28) In Sub-No. 56F to (a) broaden "ground clay, crude clay, floor sweeping compounds and absorbents to "clay, concrete, glass or stone products" and (B) broaden Middleton, TN, to Hardeman County, TN. (29) in Sub-No. 57F to broaden "plastic containers and fittings and closures" to "rubber and plastic products, and metal products". (30) In Sub-No. 61F to (a) broaden "clay and clay products" to "clay, concrete glass or stone products", and (b) broaden

Meigs, GA, to Thomas County, GA. (31) In Sub-No. 62F to (a) broaden "wire and wire products and fence and fencing materials" to "metal products," and (b) broaden Van Buren, AR, to Crawford County, AR. (32) In Sub-No. 63F to (a) broaden "metal container (sic) and plastic containers" to "rubber and plastic products, and metal products," and (b) broaden Homerville, GA, to Clinch County, GA; Valdosta, GA, to Lowndes County, GA; and Picayune, MS, to Pearl River County, MS. (33) In Sub-No. 64F to broaden "petroleum products, vehicle body sealer, and sound deadener compound . . . and filters" to "natural gas, petroleum and their products, pulp, paper and related products, and clay, concrete, glass or stone products." (34) In Sub-No. 65F to (a) broaden "salt and salt products" to "chemicals and related products" and (b) broaden Weeks Island, LA, to Iberia Parish, LA. (35) In Sub-No. 68F to (a) broaden "glass containers and closures" to "clay, concrete, glass or stone products" (b) and broaden Gulfport, MS, to Harrison County, MS; Mineral Wells, MS to Desoto County, MS; and Corssicana, TX, to Navarro County, MS. (36) In Sub-No. 69F to (a) broaden "insulating materials" to "clay, concrete, glass or stone products" and (b) broaden Monticello, FL, to Jefferson County, FL. (37) In Sub-No. 70F to (a) broaden "glass containers and closures" to "clay, concrete, glass or stone products", and (b) broaden Okmulgee, OK, to Okmulgee County, OK. (38) In Sub-No. 71F to broaden "foodstuffs" to "food and related products". (39) In Sub-No. 75F to broaden DeRidder, LA, to Beauregard Parish, LA and Elizabeth, LA, to Allen Parish, LA. (40) In Sub-No. 76F to (a) broaden "glass containers" to "clay, concrete, glass or stone products" and (b) broaden Cliffwood, NJ, to Monmouth County, NJ; Warner Robins, GA, to Houston County, GA; and Terre Haute, IN, to Vigo County, IN. (41) In Sub-No. 78 to (a) broaden "paper, paper products and wood pulp to "pulp, paper and related products", and (b) broaden Calhoun, TN, to McMinn County, TN. (42) In Sub-No. 79F to (a) broaden "malt beverages" to "food and related products" and (b) broaden Perry, GA, to Houston County, GA; Albany, GA, to Dougherty County, GA; Eden, NC, to Rockingham County, NC; and Greenwood, MS, to LeFlore County, MS. (43) In Sub-No. 80F to Broaden "glass containers and closures" to "clay, concrete, glass or stone products." (44) In Sub-No. 83F to (a) broaden "wood furniture, plastic and plastic articles, rough steel forging, and metal products" to furniture and fixtures, rubber and plastic products, and metal products," and (b) broaden Collierville, TN, to Shelby County, TN, and Clarendon, AR, to Monroe County, AR. (45) In Sub-No. 86F to (a) broaden "reflective traffic control products" to "clay, concrete, glass or stone products, and metal products" and (b) broaden Smyrna, GA, Cobb County, GA. (46) In Sub-No. 87F to broaden "prefabricated fireplaces, metal stovepipes and fireplace fittings" to "metal products." (47) In Sub No. 88F to (a) broaden "plastic and metal containers" to "rubber and plastic products, and metal products," and (b) broaden Arlington, TN, to Shelby County, TN. (48) In Sub No. 89F to broaden "paper and paper products, plastic containers and metal containers" to "pulp, paper and related products, rubber and plastic products, and metal products". (49) In Sub No. 90F to (a) broaden "paper articles and plastic articles" to "pulp, paper and related products, rubber and plastic products," and (b) broaden Bardstown, KY, to Nelson County, KY; Springfield, MO, to Greene County, MO; and Holmdel, NJ, to Monmouth County, NJ. (50) In Sub No. 91F to (a) broaden "paper and paper articles" to "pulp, paper and related products," and (b) broaden Harahan, LA, to Orleans Parish, LA. (51) In Sub No. 92F to broaden "cleaning and bleaching materials" and in Sub No. 93F to broaden "fertilizer and fertilizer ingredients" to "chemicals and related products." (52) In Sub No. 94F to broaden "metal containers, closures and ends" to "metal products." (53) In Sub No. 95F to (a) broaden "paper, paper articles and wood pulp" to "pulp, paper and related products," and (b) broaden Calhoun, TN, to McMinn County, TN. (54) In Sub No. 96F to (a) broaden "paper and paper articles" to "pulp, paper and related products" and (b) broaden Magnolia, MS, to Pike County, MS. (55) In Sub No. 97F to broaden Corinth, MS, to Alcorn County, MS. (56) In Sub No. 98F to (a) broaden "iron and steel articles" to "metal products, and machinery," and (b) broaden Vicksburg, MS, to Warren County, MS. (57) In Sub No. 99F to (a) broaden " aluminum and copper wire and fluorescent lamp ballast" to "metal products, and machinery," and (b) broaden Blytheville, AR, to Mississippi County, AR; Mendenhall, MS, to Simpson County, MS; Gallman, MS, to Copiah County, MS; and Bridgeport, CT, to Fairfield County, CT. (58) In Sub No. 100F to broaden "paper and paper articles" to "pulp, paper and related products." (59) In Sub. 102F to (a) broaden "paper and paper articles, bagging and bale ties" to "pulp, paper and related articles, textile mill products, and metal products," and (b) broaden Crowley, LA, to Acadia Parish, LA. (60) In Sub No. 103F to broaden "glass containers and closures" to "clay, concrete, glass or stone products." (61 In Sub No. 104F to (a) broaden "chemicals, toilet preparations, shampoo, soap" to "chemicals and related products," and (b) remove the restriction against transportation of "food stuffs, meat" therefrom. (62) In Sub No. 105F to (a) broaden "non-electric reflecive traffic control products and glass abrasive products" to "clay, concrete, glass or stone products, and metal products" and (b) broaden Flowood, MS, to Jackson County, MS. (63) In Sub No. 106F to (a) broaden "paper and paper articles" to "pulp, paper and related products." (64) In Sub No. 107F to (a) broaden "motor vehicle exhaust mufflers, muffler assemblies, tailpipe assemblies and flexible tubing" to "metal products, and rubber and plastic products," and (b) broaden Aberdeen, MS, to Monroe County, MS; Arden, NC, to Buncombe County, NC; Jonesboro, AR, to Craighead County, AR; Seward, NE, to Seward County, NE; and Greenville, TX, to Hunt County, TX. (65) In Sub No. 108F to broaden "plastic, metal containers and fittings and closures" to "metal products, rubber and plastic products". (66) In Sub No. 109F to broaden "paper products, plastic articles and building materials" to "pulp, paper and related products, rubber and plastic products, and building materials." (67) In Sub No. 110F to broaden "paper and paper articles" to "pulp, paper and related products." (68) In Sub No. 111F to (a) broaden "plastic articles, and plastic containers and closures" to "rubber and plastic articles, and metal products," and (b) broaden Reserve, LA, to St. John the Baptist Parish, LA. (69) In Sub No. 112F to broaden "paper and paper products" to "pulp, paper and related products". (70) In Sub No. 113F to broaden "paper and paper products, and wood pulp" to "pulp, paper and related products." (71) In Sub No. 114F to (a) broaden "foodstuffs" to "food and related products", and (b) broaden Greenville, MS, to Washington County, MS; Imlay City, MI, to Lapeer County, MI; Bridgeport, MI, to Saginaw County, MI; Memphis, MI, to St. Clair County, MI; and Millsboro, DE, to Sussex County, DE. (72) In Sub No. 115F to (a) broaden "clay, floorsweeping compounds and absorbents" to "clay, concrete, glass or stone or stone products," and (b) broaden Ochlocknee, GA, to Thomas County, GA; Ripley, MS, to Tippah county, MS; and Middleton, TN, to Hardeman County, TN. (73) In

Sub No. 117F to (a) broaden commodity description from "insulating materials," to "textile mill products, clay, concrete, glass and stone products, and pulp, paper and related products," and (b) broaden Fruita, CO, to Mesa County, CO, and Grambling, LA; to Lincoln Parish, LA. (74) In Sub No. 118F to broaden "outdoor recreational equipment and home heating and air conditioning equipment" to lumber and wood products, furniture and fixtures, textile mill products, rubber and plastic products, leather and leather products, clay, concrete, glass or stone products, metal products, and machinery." (75) In Sub No. 119F to broaden "air filters, air filter media and insulating materials," to "metal products, clay, concrete, glass or stone products, pulp, paper and related products and rubber and plastic products." (76) In Sub No. 120F to broaden "bicycles, bicycle parts and accessories" to "metal products".

MC 149100 (Sub-12)X, filed June 8, 1981. Applicant: JAMES V. PALMER, d.b.a. JIM PALMER TRUCKING, Missoula, MT 59801. Representative: William E. Seliski, 2 Commerce POB 8255, Missoula, MT 59807. Applicant seeks to remove restrictions in its Sub-Nos. 1, 5, 9F, 11F, 13F, 15F, and 18 permits in No. MC-134201 to: (1) broaden its commodity descriptions in Sub-No. 5 from roofing, roofing materials and supplies and asbestos board to "building materials"; in Sub-No. 11F from iron and steel articles to "metal products"; in Sub-No. 13F from building materials and asbestos cement pipe, plastic pipe, insulation board to "construction and building materials"; in Sub-No. 15F from roofing and roofing materials and supplies to "building materials"; in Sub-No. 18 from lumber to "lumber and wood products; (2) broaden its territorial descriptions in Sub-Nos. 1, 5, 9F, 13F, 15F, and 18 to between points in the U.S. under continuing contract(s) with named shippers.

MC 151860 (Sub-2)X, filed June 11, 1981. Applicant: HETEM BROS., INC., 601 Commerce Road, Linden, NJ 07036. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in MC-136109 Sub-No. 2 permit to: (1) broaden the commodity description from petroleum products and chemicals, in bulk, in tank vehicles to "petroleum or coal products and chemicals and related products"; (2) broaden the territorial description to between all points in the US under continuing contract(s) with named shippers; and (3) remove the restriction in bulk in tank vehicles.

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[Permanent Authority Decisions Vol. No. OP1-181]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: June 18, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note:—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 141281 (Sub-2), filed June 8, 1981. Applicant: MINNESOTA LINES, INC., Rural Route 2, Albert Lea, MN 56007. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 145380 (Sub-3), filed June 8, 1981. Applicant: CALIFORNIA-PACIFIC FREIGHT, INC., P.O. Box 7266, Los Angeles, CA 90022. Representative: Dean McCormick (same address as applicant), (213) 726-4013. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 156460, filed June 8, 1981. Applicant: TIGER INTERMODAL SERVICES, INC., d.b.a. SEATIGER, 1888 Century Park East, Los Angeles, CA 90067. Representative: Thomas B. Liesy (same address as applicant), (213) 552-

6300. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156470, filed June 11, 1981. Applicant: REGISTER VAN AND STORAGE, INC., 1371 Jacquline Drive, Columbus, GA 31906. Representative: W. H. Tomlinson, 1601 13th St., Suite B, Columbus, GA 31901 (404) 322-8404. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

[FR Doc. 81-18789 Filed 6-24-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foregin commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract" (for status call 202-275-7326).

Volume No. OPY-2-106

Decided: June 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 47002 (Sub-11), filed June 8, 1981. Applicant: EARL E. LOFLAND, INC., d.b.a. ATLANTIC TRANSER & STORAGE, 601 Garasches Lane, Wilmington, DE 19801. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522-0900. Transporting *household goods*, between points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 47583 (Sub-148), filed June 8, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, (913) 843-0110. Transporting *general commodities* (except classes A and B explosives), between the facilities and stores of Western Auto Supply Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 73533 (Sub-17F), filed May 29, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Steven H. Dorne, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Transporting *such commodities* as are dealt in by retail department stores between points in the U.S., under continuing contract(s) with May Department Stores Corporation T/A Hecht's, of Silver Spring, MD.

MC 87113 (Sub-19F), filed May 28, 1981. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Road, Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006, (202) 833-8884. Transporting (1) *furniture and fixtures and* (2) *germicide* between the facilities of Sterilaire Medical, Inc., and its affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 127303 (Sub-89), filed June 4, 1981. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001, (202) 628-9243. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in Vigo County, IN, Scott County, MN, and Okmulgee County, OK, on the one had, and, on the other, points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN, and WI.

MC 139822 (Sub-9), filed June 8, 1981. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402 Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St. NW., Washington, D.C. 20004, (202) 628-4600. *Food and related products*, between Richmond, VA, and points in Calhoun and Kalamazoo Counties, MI, and Union County, SD, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 140643 (Sub-6), filed June 8, 1981. Applicant: EIGHT BALL LINE TRUCKING, INC., 2717 Goodrick Ave., Richmond, CA 94801. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602, (213) 945-3002. Transporting *building and construction materials*, between points in the U.S., under continuing contract(s) with CertainTeed Corporation, of Valley Forge, PA.

MC 148143 (Sub-8), filed June 4, 1981. Applicant: MID-AMERICAN FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant), (417) 862-7460. Transporting *general commodities* (except classes A and B explosives), between Boston, MA, Charlotte, NC, Dalton, GA, Jersey City, NJ, and Los Angeles, CA, on the one

hand, and, on the other, points in Anoka, Hennepin, Ransey, Scott, Dakota, and Washington Counties, MN.

MC 156333, filed June 4, 1981. Applicant: PAPA ENTERPRISES, INC., Suite 301, 4601 Excelsior Blvd. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, (612) 927–8855. Transporting *general commodities* (except classes A and B explosives), between points in MN, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–2–107

Decided: June 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 16903 (Sub-88F), filed June 5, 1981. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *clay, concrete, glass, or stone products,* between points in the U.S.

MC 29963 (Sub-6), filed June 8, 1981. Applicant: B. & E. TRANSPORTATION, INC., RFD #4, Putnam Pike, Esmond, RI 02917. Representative: Martin M. Temkin, 40 Westminster St., 20th Floor, Providence, RI 02903. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA and RI.

MC 58923 (Sub-68), filed April 28, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta, GA 30315. Representative: William W. West (same as applicant), (404) 627–7331. Regular Routes: Transporting *general commodities* (except classes A and B explosives), (1) between Lebanon, TN, and New Bern, NC, over U.S. Hwy 70; (2) between Chattanooga, TN, and Wilmington, NC: from Chattanooga over U.S. Hwy 64 to junction U.S. Hwy 74, then over U.S. Hwy 74 to Wilmington, and return over the same route; (3) between Knoxville, TN, and Greensboro, NC: from Knoxville over U.S. Hwy 11E to junction U.S. Hwy 421, then over U.S. Hwy 421 to Greensboro, and return over the same route; (4) between Asheville NC, and Charleston, SC: from Asheville over U.S. Hwy 25 to junction U.S. Hwy 76, then over U.S. Hwy 76 to junction U.S. Hwy 176, then over U.S. Hwy 176 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Charleston, and return over the same route; (5) between Aiken, SC and Henderson, NC: from Aiken over U.S. Hwy 1 to junction U.S. Hwy 76, then over U.S. Hwy 76 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction U.S. Hwy 401, then over U.S. Hwy 401 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Henderson and return over the same route; (6) between Bamberg, SC and Charleston, SC, over U.S. Hwy 78; (7) between Mount Airy, NC, and Charleston, SC, over U.S. Hwy 52; (8) between Anderson, SC and Danville, VA, over U.S. Hwy 29; (9) between Elizabeth City, NC and Savannah, GA, over U.S. Hwy 17; (10) between Charlotte, NC and Columbia, SC, over U.S. Hwy 21; (11) serving all intermediate points in connection with routes (1) through (10), (12) serving points in NC as off-route points in connection with routes (1) through (10), (13) serving points in SC as off-route points in connection with routes (4) through (10), (14) serving those points in TN on and east of a line beginning at the GA–TN state line and extending along U.S. Hwy 411 to junction TN Hwy 33, then along TN Hwy 33 to junction U.S. Hwy 441, then along U.S. Hwy 441 to junction U.S. Hwy 25W, then along U.S. Hwy 25W to the KY–TN state line as off-route points in connection with routes (1) through (3); irregular routes: between points in the commercial zones of Asheville, Charlotte, and Greensboro, NC and Charleston, Columbia and Greenville, SC.

MC 108473 (Sub-56), filed June 10, 1981. Applicant: ST. JOHNSBURY TRUCKING CO., INC., 87 Jeffrey Ave., Holliston, MA 01746. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St. NW., Washington, DC 20036, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives), between points in MA, NH, VT, CT, RI, NY, NJ, DE, MD, VA, WV, PA, OH, IN, IL, and DC, on the one hand, and, on the other, points in the U.S.

MC 118612 (Sub-16), filed June 10, 1981. Applicant: COLUMBIA TRUCKING, INC., 700 131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *Hazardous and toxic waste materials,* between points in IA, IL, IN, MI, MN, and WI. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of hazardous materials, it shall be limited to a period expiring 5 years from its date of issuance.

MC 123133 (Sub-11), filed June 8, 1981. Applicant: DENNY TRANSPORT, INC., 3405 Industrial Parkway, Jeffersonville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *such commodities* as are dealt in by manufacturers or distributors of greeting cards and paper products, between points in the U.S., under continuing contract(s) with American Greetings Corporation, of Cleveland, OH.

MC 140643 (Sub-5), filed June 8, 1981. Applicant: EIGHT BALL LINE TRUCKING, INC., 2717 Goodrick Ave., Richmond, CA 94801. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602, 213–945–3002. Transporting *metal products,* between points in the U.S., under continuing contract(s) with CUROCO, of Albany, CA.

MC 143043, filed June 8, 1981. Applicant: WATSON COMPANY, Rt. 2, Box 440, Colfax, LA 71417. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *chemicals and related products,* between points in AR, LA, and MS, on the one hand, and, on the other, points in the U.S.

MC 148632 (Sub-5F), filed June 4, 1981. Applicant: DIXON MOTOR FREIGHT, INC., 2620 Old Egg Harbor Rd., Lindenwold, NJ 08021. Representative: Gary V. Dixon, 2620 Old Egg Harbor Rd., Lindenwold, NJ 08021, (609) 767–5885. Transporting *wire and cable products,* between points in the U.S., under continuing contract(s) with American Cable Corporation, of Neverly, NJ.

MC 149183 (Sub-3), filed June 8,1981. Applicant: MARION D. KELSO, d.b.a. KELSO TRUCKING, 706 Upland Blvd., Las Vegas, NV 89107. Representative: Marion D. Kelso (same address as applicant) (702) 878–1640. Transporting *food and related products,* between points in CA, on the one hand, and, on the other, points in NV.

MC 156052, filed June 8, 1981. Applicant: INSTALLATIONS, INC., 312 Huron Blvd., East, Marysville, MI 48040. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, 717–344–8030. Transporting *furniture and fixtures,* between points in St. Clair County, MI, and Orange County, CA, on the one hand, and, on the other, points in the U.S.

MC 156403, filed June 8, 1981. Applicant: JAMES J. CAMALICK, d.b.a. J. and J. CARTAGE, 18658 Henry St., Lansing, IL 60438. Representative: Robert C. Collins, Jr., 850 Burnham Ave., Calumet City, IL 60409, (312) 862–5800. Transporting *recyclable materials,* between points in IL, IN, MI, OH, and WI.

MC 156413, filed June 9, 1981. Applicant: ARCTIC EXPRESS LIMITED, 1320 Graham Blvd., Suite 110, Montreal, Quebec, Canada H3P 3C8. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *food and related*

products, between ports of entry on the international boundary line between the U.S. and Canada in ME, NH, VT, NY, and MI, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, OH, and MI.

MC 156433, filed June 10, 1981. Applicant: PETER J. SCHMITT TRANSPORT COMPANY, INC., 678 Bailey Ave., Buffalo, NY 14206. Representative: Gregory L. Davis (same address as applicant), (716) 821–1430. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Z&W Foods, Inc., (b) Peter J. Schmitt Co., Inc., both of Buffalo, NY, and (c) National Tea Company, of Rosemont, IL.

Volume No. OPY–4–209

Decided: June 19, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 13026 (Sub-12), filed June 9, 1981. Applicant: STEWART TRUCKING, INC., R.D. #3, McDonald, PA 15057. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting (1) *metal products*, and (2) *commodities in bulk*, between points in OH, WV, MD, NY, and PA.

MC 105006 (Sub-13), filed June 9, 1981. Applicant: L. L. SMITH TRUCKING, P.O. Box 566, Powell, WY 82435. Representative: Lee E. Lucero, 450 Capitol Life Center, Denver, CO 80203, (303) 861–8046. Transporting (1) *ores and minerals*, (2) *chemicals and related products*, (3) *Mercer commodities*, and (4) *commodities in bulk*, between those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 118026 (Sub-8), filed June 10, 1981. Applicant: PALMER GREGORY & SONS, INC., Route 4, Springfield, TN 37172. Representative: James Clarence Evans, 1800 Third National Bank Bldg., Nashville, TN 37219, (615) 244–1440. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Conwood Corporation, of Memphis, TN, and its affiliates.

MC 118776 (Sub-73), filed June 8, 1981. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: L. F. Blackstun (same address as applicant), (217) 224–2685. Transporting *food and related products*, between Columbus, OH, Detroit, MI, Fort Wayne, IN, Memphis, TN, St. Louis, MO, St. Paul, MN, on the one hand, and, on the other, points in IL, IA, and MO.

MC 123476 (Sub-67), filed June 9, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant), (314) 464–1300. Transporting *building materials*, between points in KS, IL, KY, and TN, on the one hand, and, on the other, points in MO.

MC 123476 (Sub-68), filed June 8, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant) (314) 464–1300. Transporting *adhesives, coatings, plastics, and chemicals*, between the facilities of Estech Specialty Chemicals Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143276 (Sub-38), filed June 9, 1981. Applicant: WEAVER TRANSPORTATION COMPANY, 5452 Oakdale Rd., Smyrna, GA 30080. Representative: Jack Weaver (same address as applicant) (404) 794–7646. Transporting *general commodities* (except classes A and B explosives), between the facilities of Armstrong World Industries, Inc., at points in PA, MA, NC, NY, SC, MS, IL, FL, GA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, CO, and NM.

MC 147676 (Sub-7), filed June 8, 1981. Applicant: KEATON TRUCK LINES, INC., 1000 S. Lelia St., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington (same address as applicant) (214) 793–3991. Transporting *carpets*, between points in the U.S., under continuing contracts(s) with the Spears Carpet Mills, Inc., of Hope, AR.

MC 143776 (Sub-25), filed June 8, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Avenue SE., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant) (800) 253–9527. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Fasano Pie Company, of Chicago, IL.

MC 156366, filed June 5, 1981. Applicant: LEISURE TRAVEL LIMITED, 4516 Bestor Dr., Rockville, MD 20853. Representative: Mary Anne Davis (same address as applicant) (301) 460–4964. To engage in operation, in interstate or foreign commerce as a broker at Woodbine, MD, to arrange, for the transportation, by motor vehicles, of *passengers and their baggage*, beginning and ending at points in MD, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–18782 Filed 6–25–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Vol. No. 106]

Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice

June 19, 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 1931 (Sub-21)X, filed June 2, 1981. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, MO 63026. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-No. 20F certificate to broaden the commodity description from household goods to "household goods and furniture and fixtures" on its

radial authority between points in the U.S.

MC 3281 (Sub-17)X, filed June 1, 1981. Applicant: POWELL TRUCK LINE, INC., 800 South Main Street, Searcy, AR 72143. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. Applicant seeks to remove restrictions in its Sub-Nos. 7, 10, and 11F certificate to (1) broaden territorial authority to authorize service at all intermediate points on its regular routes between Little Rock, AR and Memphis, TN, and (2) authorize county-wide off-route point authority to replace existing shipping facilities at Harrisburg and Colt, AR with Poinsett and St. Francis Counties, AR.

MC 13253 (Sub-6)X, filed June 11, 1981. Applicant: STEUBENVILLE TRANSFER CO., Two Ridge Road, P.O. Box 2248, Wintersville, OH 43952. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", in both certificates.

MC 16536 (Sub-7)X, filed June 12, 1981. Applicant: STANDARD FORWARDING CO., INC., 2925 Morton Drive, East Moline, IL 61244. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 6F permit to (1) remove the "except commodities in bulk" restriction, and (2) broaden the territorial description to between points in the United States, under continuing contract(s) with a named shipper.

MC 23441 (Sub-24)X, filed May 29, 1981. Applicant: LAY TRUCKING COMPANY, INC., 104 Hawthorne Street, LaPorte, IN 46350. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 5, 14, 15, 21, and 23F certificates to (1) broaden the commodity description to "machinery and materials, equipment and supplies used in the manufacture and distribution of machinery" from (a) road graders, combine harvesters separators, clover hullers, tractors, plows, cultivators, and parts thereof, in the irregular route portion of the lead certificate, (b) hay presses and windrow pickups combined, forage or ensilage harvesters, dump blowers with pipes and attachments, corn pickers and huskers combined, rakes with teeth attached and folded, manure spreaders or loaders, mowers and hay loaders knocked down, in Sub-No. 1, (c) hay crushers or conditioners and parts thereof, when moving in mixed shipments with presently authorized shipments of road graders, combine harvesters, separators, clover hullers, tractors, plows, cultivators, hay presses and windrow pickups, combined, forage or ensilage harvesters, dump blowers with pipes and attachments, corn pickers and huskers, combined, rakes, with teeth attached folded, manure spreaders or loaders, mowers, and hay loaders, knocked down, and parts for hay crushers or conditioners, when moving in the same vehicle therewith or in separate shipments, in Sub-No. 2, (d) agricultural machinery, implements, and parts other than hand (except such machinery implements and parts which, because of size or weight require the use of special equipment as described in appendix XII of the report in the Descriptions case and equipment materials and supplies in Sub-Nos. 5 and 15, (e) wheels, rims, hubs, and spindles, in Sub-No. 14, (f) mowers, tractor cultivators, agricultural implements, trailers, snow removal equipment, tractors, not to exceed 4,000 pounds and attachments and accessories for use with tractors, in Sub-No. 21, and (g) agricultural implement parts, in Sub-No. 23F; (2) eliminate the AK and HI service restrictions, in Sub-No. 21; (3) eliminate the "originating at and/or destined to" restriction, in Sub-Nos. 2, 5, 14, 15 and 21; (4) authorize county-wide authority to replace existing facilities and city wide service; (a) LaPorte, IN with LaPorte County, IN, in the lead (irregular route portion) and Sub-Nos. 1, 2, 5 and 15 (b) Walcott, IA, with Scott County, IA, Romulus and Romeo, MI, with Wayne and Macomb Counties, MI, in Sub-No. 14, (c) Milwaukee, WI, with Milwaukee County, WI, Carlisle, PA, with Cumberland County, PA, and South Bend, IN, with Saint Joseph County IN, in Sub-No. 21 and (d) Walcott, IA, with Scott County, IA and West Allis, WI, with Milwaukee County, WI, in Sub-No. 23F; and, (5) authorize radial authority to replace existing one-way service, in the above numbered authorities.

MC 29805 (Sub-12)X, filed June 2, 1981. Applicant: WHITE HEAVY HAULERS, INC., P.O. Box 6175, Jackson, MS 39208. Representive: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-No. 7 certificate to (1) broaden the commodity description from machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage to the *Mercer* description: "(a) 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 (b) machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof"; and (2) remove the restriction requiring traffic to move to or from pipeline rights-of-way between LA, TX, AR, OK, and MS.

MC 58923 (Sub-72)X, filed May 29, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, GA 30315. Representative: William W. West (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 31 certificate to (1) broaden the commodity descriptions from general commodities, (with exceptions), to general commodities, except classes A and B explosives; (2) remove the restriction in the regular route portion of the certificate which requires the transportation of traffic from, to, or through Atlanta, La Grange, Albany, or Rome, GA; and (3) remove the restriction against interchanging with other motor carriers at Atlanta, GA, traffic originated at or destined to points in that part of GA bounded on the north by U.S. Hwy 23, on the west by U.S. Hwy 41, and on the south by U.S. Hwy 80.

MC 105007 (Sub-80)X, filed June 4, 1981. Applicant: MATSON TRUCK LINES, INC., P.O. Box 328, 1407 St. John Ave., Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 76X certificate to replace Waseca County, MN, with Waseca, Le Sueur, Rice, Steele, Blue Earth, and Freeborn Counties, MN, in parts A (1–4). Waseca County, MN, originally replaced the description Waseca, MN, and points within 18 miles thereof as shown in its Sub-No. 21 certificate, and changed to Waseca County in Sub-No. 76X.

MC 115669 (Sub-206)X, filed, May 8, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, NE 68933. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 1, 134, 138, 146, 148, 160, 165, 170F, 179F,

188F, 189F certificates and letter notices E50, E51, E52, and E53 to (1) broaden the commodity description (a) from various commodities such as salt and salt compounds, on sheets 4, 7, 12, 19, dry fertilizer compounds on sheet 19, feed grade urea compounds and technical grade urea on sheet 3, dry fertilizer on sheets 8, 16, 19, 27, dry ammonium nitrate fertilizer on sheet 19, manufactured fertilizer and fertilizer compounds on sheets 3, 4, anhydrous ammonia on sheets 5, 14, 15, animal and poultry feed, and flyspray, mange oil on sheets 5, 6, ammonium phosphate fertilizer and compounds thereof on sheet 6, pepper (ground) and mineral mixtures on sheets 9, herbicides, fungicides and insecticides on sheets 7, 8, 22, poultry health products on sheets 7, 8, acids and chemicals (except cryogenic liquids) on sheet 10, fertilizer ingredients on sheet 10, agricultural chemicals on sheets 11, 18, fertilizer materials on sheet 12, animal and poultry mineral feed mixture on sheets 12, 13, 14, dry phosphatic animal and poultry feed ingredients and blends thereof on sheet 12, nitrogen fertilizer on sheet 20, potash on sheet 20, dry chemicals on sheet 22; to "chemicals and related products" from various commodities such as fresh fruits and vegetables, on sheet 1, soybean products on sheet 11, soybeans, soybean meal products and animal and poultry feed ingredients, on sheets 7, 8, cottonseed products on sheet 11, meat, meat products, meat by-products, and articles distributed by meat packinghouses on sheet 12, flour, flour products on sheet 16, corn products to "food and related products", from lubricating oil and grease on sheet 2, lignite on sheet 6, used (spent) silica-alumina catalyst on sheet 14 to: "petroleum and coal products" from various commodities such as cement on sheet 3, bentonite type clays on sheet 5, clay brick and clay tile on sheet 11, bentonite on sheet 16, processed volcanic ash on sheet 17 to "clay, concrete, glass or stone products"; from gypsum building materials on sheet 3 to "building materials"; from soybean oil meal on sheet 3 to "soybean oil or by products", from crushed and ground oyster shells on sheet 6 to "fresh fish or marine products", from bone meal, animal, bird and poultry feed, animal hides and pelts, tails and switches, greases, hoofs, horns, meat scrap, soap stocks, stomach linings, tallow, tankage, and paunch materials on sheet 11, to "commodities dealt in by meat packinghouses"; from dehydrated alfalfa and alfalfa products on sheet 11 to "farm products", from various commodities such as dry animal and poultry feed and feed ingredients, and dry ingredients thereof on sheet 13, and bird feed ingredients on sheet 16, to "animal, poultry and bird feed ingredients"; from liquid animal and poultry feed supplements on sheet 17 to "animal and poultry feed supplements"; from materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries on sheet 20 to "such commodities as are used by the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries" in Sub-No. 1 (b) from various commodities such as dry animal and poultry feed ingredients to "animal and poultry feed ingredients" in Sub-Nos. 134, 148, 160, part of 165, (c) from insecticides, dry earth paint and dry animal and poultry feeds to "chemicals and related products" and from livestock and poultry feeders and equipment to "machinery" in Sub-No. 138, (d) from soybean meal, soybean mill run, and soybean hulls, to "soybean oil or byproducts" in Sub-No. 146, (3) from bone chips, dried blood, meat meal, blood meal and bone meal to "such commodities as are dealt in by meat packinghouses", from pesticides to "chemicals and related products", from processed grain products, processed soybean products and soy flour to "food and related products" in Sub-No. 165, (f) from dry bone chips to "animal byproducts" in Sub-No. 170, (g) from canned and preserved foodstuffs to "food and related products" in Sub-No. 188 and (h) from iron and steel articles to "metal products" in Sub-No. 189, (2) remove the in bulk and/or in bags or other container restriction in Sub-Nos. 1, 165, and 170, (3) remove the 20,000 pound restriction in Sub-No. 138, (4) remove the restriction against the transportation of dry chemicals, in bulk between named points in NE and TX in Sub-No. 160, (5) remove the mixed shipment restriction in Sub-Nos. 1 and 165 part 4, (6) remove the "originating at and/or destined to" named points in Sub-Nos. 1 and 89, (7) in Sub-No. 1 (a) remove restriction limiting the transportation of traffic having a prior movement by water or rail in Sub-No. 1 (b) remove the restriction against transportation of various types of fertilizer in liquids on sheets 3 and 4, (c) remove the in tank vehicle restriction, (d) remove the in packages restriction, (e) remove the restriction against named commodities in liquid from, (f) remove the restriction against cryogenic liquids in tank or hopper type vehicles on sheet no. 10, (g) remove the restriction to foreign commerce only on sheet 11, (h) remove the restriction against transportation in hopper and tank vehicles on sheet 11, (i) remove the restriction to traffic having a prior movement by barge or rail on sheet 12, (j) remove restriction against transportation of urea from Memphis, TN and dry feed ingredients, in bulk, to points in IA on sheet 13, (k) remove the restriction against the transportation of shipment in bags only on sheet 14, (l) remove exception of anhydrous ammonia and urea on sheet 14, (m) remove exception to material derived from petroleum on sheet 16, (n) remove exceptions to salt and urea on sheet 16, (o) remove exception to other than edible flour on sheet 18, (p) remove the restrictions against salt, soybean meal, urea, feed grade sugar and cottonseed products on sheet 19, (q) remove the restriction against transportation of wheat milling products originating at a named point on sheet 19, (r) remove the restriction against transportation of meats, frozen foods, molasses, in bulk and petroleum products on sheet No. 20, (s) remove restrictions to only quick or hydrate lime on sheet No. 20 and (t) remove restriction against transportation of dry fertilizer in bulk, in tank vehicles, to named points sheet Nos. 21 and 22, (7) change city to county-wide authority (a) in Sub-No. 1 from Hutchinson, Kanopolis and Lyons, KS to Reno, Ellsworth, and Rice Counties, KS from Ackley, Belmond, Buckingham, Des Moines, Galt, Hampton, Marshalltown, Roland, Sioux City, Walker and Waverly, IA to Hardin, Wright, Tama, Franklin, Marshall, Story, Linn, and Bremer Counties, IA; from Hastings, Mitchell and Scottsbluff, NE to Adams and Scottsbluff Counties, NE; from Grand Junction, Hotchkiss and Palisade, CO to Mesa and Delta Counties CO; from Beloit, KS to Mitchell County, KS; from McPherson, KS and Alma, NE to McPherson County, KS and Harlan County, NE; from Superior, NE and Colby, Hays, Osborne, and Phillipsburgh, KS to Nuckalls County, NE and Thomas, Ellis, Osborne, and Phillips Counties, KS; from Ft. Dodge, IA and points within 10 miles thereof to Webster County, IA; from Redfield, IA to Dallas County, IA; from Pryor, OK to Mayes County, OK; from Muskogee, OK to Muskogee County, OK; from Lawrence, KS to Douglas County, KS; from Burlington, WI to Racine County, WI; from Tulsa, OK to Tulsa County, OK; from Gascoyne, ND, Belle Fourche, SD and Upton, WY to Bowman County, ND, Butte County, SD and Weston County, WY; from Mason City, IA, Grand Island, Falls City, McCook and Norfolk, NE and Carroll and Waterloo,

IA to Cerro Gordo County, IA and Hall, Richardson, Red Willow, Stanton and Madison Counties, NE; and Carroll and Black Hawk Counties, IA; from Fremont, NE and Yankton, SD to Dodge County, NE and Yankton County, SD; from Perry, IA to Dallas County, IA; from Jefferson, IA to Greene County, IA; from Danville IL to Vermillion County, IL; from Moorehead, MN to Clay County, MN, from St. Joseph,

Carthage, and Mexico, MO to Buchanan, Jasper and Audrain Counties, MO; from Des Moines, IA, Grand Island, NE and Salina, KS to Polk and Warren Counties, IA, Hall County, NE and Saline County, KS; from Wellington, KS to Sumner County, KS; from Collinsville, Oklahoma City and Tulsa, OK to Tulsa and Oklahoma Counties, OK; from Nebraska City, NE to Otoe County, NE; from Coffeyville, KS to Montgomery County, KS; from Sioux Falls, SD to Minnehaha County, SD; from Fairbury, IL, Anita, NE, and Indianola, IA to Livingston County, IL, Lancaster, NE and Warren County, IA; from Crete, NE to Saline County, NE; from South Beloit, IL, Brighton and Burlington, CO and Riverton and Wheatland, WY to Winnebago County, IL, Adams and Kit Carson Counties, CO and Fremont and Platte Counties, WY; from Humboldt, IA to Humboldt County, IA; from Muscatine, IA to Muscatine County, IA; from Clinton, IA to Clinton County, IA; from Leoti, KS to Wichita County, KS; from Military, KS to Cherokee County, KS; and from the Port of Castoosa, OK to Rogers County, OK; from Estherville, IA and Fulton, IL to Emmet County, IA and Whiteside County, IL; (b) in Sub-No. 134 from Van Buren, AR to Crawford County, AR, (c) in Sub-No. 138 from Cameron, Clarence, Pilot Grove, and Villa Ridge, MO to Clinton, Shelby, Cooper and Franklin Counties, MO, (d) in Sub-No. 148 from Concordia, MO and Muscatine, IA to Lafayette County, MO and Muscatine County, IA, (e) in Sub-No. 160 from Nebraska City, NE to Otoe County, NE, (f) in Sub-No. 165 part 5 from Crete, NE to Saline County, NE and in parts 6 and 7 from Hutchinson, KS, to Reno County, KS, (g) in E letter notices E50, E51, E52, and E53 from Des Moines, IA to Polk and Warren Counties, IA, (8) remove facilities limitations (a) in Sub-No. 1 and replace Lawrence, KS with Douglas County, KS; replace Junction City, KS and Tulsa, OK with Geary County, KS and Tulsa County, OK; replace Pryor, OK with Mayes County, OK; replace Pawnee Rock, KS with Barton County, KS; replace Hastings, NE with Adams County, NE; replace Garden City, KS with Finney County, KS; replace Mankato, KS with Jewell County, KS; replace Dubuque, IA with Dubuque County, IA; replace Kanopolis, KS with Ellsworth County, KS; replace Marshalltown, IA, Conway, KS, Greenwood, NE and Whiting, Early, Garner and Spencer, IA with Marshall County, IA, McPherson County, KS, Cass County, NE and Monona, Sac, Hancock and Clay Counties, IA; replace Blair, NE with Washington County, NE; replace Beatrice, NE with Gage County, NE; replace Colony, WY with Crook County, WY; replace Hannibal, MO and Marblehead, IL with Marion County, MO and Adams County, IL; and replace St. Joseph, MO and Fairbury, NE, with Buchanan County, MO and Jefferson County, NE, (b) in Sub-Nos. 138 and 179, (c) in Sub-No. 146 and replace Sergeant Bluff, IA with Woodbury County, IA; replace Buffalo and Chanute, KS with Wilson and Neosho Counties, KS, (d) in Sub-No. 165 and replace Amarillo, TX, Emporia, KS and Sergeant Bluff, IA to Potter County, TX, Lyon County, KS and Woodbury County, IA; in parts 1 and 2 replace Chanute and Buffalo, KS with Neosho and Wilson Counties, KS in part 3, (e) in Sub-No. 170 and replace Sergeant Bluff, IA with Woodbury County, IA, and (f) in Sub-No. 188 and replace Iowa City and Muscatine, IA with Johnson and Muscatine Counties, IA, and (9) change one-way to radial authority between various combinations of points through the central portion of the United States in all subs and E letter notices.

MC 119767 (Sub-370)X, filed June 3, 1981. Applicant: BEAVER TRANSPORT CO., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 245, 261, 267, and 309 certificates to (1) broaden the commodity descriptions from meats, meat products and meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and skins and hides) in Sub-Nos. 245, 261 and 267 and frozen meat and meat by-products unfit for human consumption (except commodities in bulk) in Sub-No. 309 to "meats, packinghouse products and commodities used by packinghouses" as described in Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (2) replace its facilities authorities with county-wide authority: in Sub-No. 245, Evansville, Indianapolis, and Washington, IN, and Louisville, KY, with Boone, Clark, Daviess, Floyd, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby, Vanderburgh and Warrick Counties, IN, and Bullitt, Henderson, Jefferson, and Oldham Counties, KY; in Sub-No. 261, Joslin, IL with Rock Island County, IL; in Sub-No. 267, Ft. Madison, IA with Lee County, IA; in Sub-No. 309, Beaver Dam and Milwaukee, WI with Dodge County, WI and Milwaukee, WI; (3) change its one-way authority with radial authority between named cities and counties, and points in several specified mid-eastern and eastern states; (4) remove the restriction against commodities in bulk from Sub-Nos. 261, 267 and 309; (5) to remove the restriction against the transportation of hides and skins from Sub-Nos. 261 and 267 and, (6) remove the restriction to commodities unfit for human consumption from Sub-No. 309 (part 2).

MC 123048 (Sub-495), filed June 3, 1981. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st St., Racine, WI 53406. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 459F and 487F certificates: in Sub-No. 459F, in connection with its authority to transport general commodities, with exceptions, between Houston, TX and points in the U.S., to (a) broaden the commodity description to general commodities (except Classes A and B explosives); (b) replace the facility limitation at Houston, TX with city-wide authority; (c) remove the service to AK and HI points restriction, and the restriction limiting service to the transportation of traffic having a prior or subsequent movement by water; in Sub-No. 487F, in connection with its authority to transport such commodities as are dealt in or used by manufacturers and distributors of cast iron products (1) between points in the U.S. (except AK, HI and IA) and (2) from points in the U.S. (except AK and HI) to points in Iowa, to: (a) remove the except commodities in bulk restriction (b) remove the AK and HI and IA restrictions in parts (1) and (2), so as to authorize service between points in the U.S.

MC 124170 (Sub-170)X, filed June 9, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-No. 102F certificate to (1) broaden the commodity description to "food and related products" from meats, meat products

and 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; (2) remove the "except commodities in bulk" restriction; (3) expand one-way to radial authority between Wayne, Macomb and Oakland Counties, MI, and, points in CO, AZ, CA, UT, NV, WA, and OR; and (4) eliminate the restriction to transportation of traffic originating at the indicated origins.

MC 124170 (Sub-172)X, filed June 12, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions from its Sub-No. 114F certificate as follows: (1) broaden the commodity description from laboratory reagents and culture media to "chemicals and related products"; (2) replace Irving, TX with Dallas and Tarrant Counties, TX; (3) remove AK and HI exception; and (4) substitute radial authority in place of one-way authority between Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in the United States.

MC 124673 (Sub-62)X, filed May 21, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 818, Hugoton, KS 76591. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Applicant seeks to remove restrictions from its Sub-Nos. 19, 22, 39, 51, 52, 53, 55, 56 and 57 certificates to (1) broaden the commodity description (a) in Sub-No. 55F from animal and poultry feed to "animal and poultry feed, feed ingredients and feed supplements"; (b) in Sub-No. 53F from liquid fertilizer ingredients and fertilizer solutions to "liquid fertilizer, liquid fertilizer ingredients and liquid fertilizer solutions"; (2) remove "in bulk" restrictions in Sub-Nos. 22, and 51; (3) remove restriction against "in bulk" in Sub-Nos. 39 and 52; (4) remove restriction to transportation to AK and HI in Sub-Nos. 39 and 52; (5) remove plantsite limitations in (a) Sub-No. 22 and replace Flagstaff, AZ with Cocomino County, AZ, (b) in Sub-No. 39 and replace Dodge City, KS with Ford County, KS, (e) in Sub-No. 51 and replace Amarillo, TX and Emporia, KS with Potter County, TX and Lyon County, TX and (d) in Sub-No. 52 and replace Liberal, KS with Seward County, KS, (6) remove the "originating at and destined to" named points restrictions in Sub-Nos. 39 and 57, (7) remove restriction against the transportation of hides in Sub-No. 39, (8) change city to county-wide authority in Sub-No. 57 from Hutchinson, KS to Reno County, KS and from Alma, Albion, Alliance, Arapahoe, Ashland, Ashton, Aurora, Bancroft, Battle Creek, Beatrice, Bellwood, Blair, Bloomfield, Broken Bow, Central City, Chadron, Columbus, Crete, Crawford, David City, Daykin, Eddyville, Eldorado, Elkhorn, Emerson, Exeter, Fairbury, Fairmont, Franklin, Fremont, Grand Island, Greenwood, Gresham, Gretna, Genoa, Humphrey, Imperial, Irwin, Lexington, Lincoln, Kearney, McCook, McCool Junction, Milford, Nebraska City, Neligh, Newman Grove, Norfolk, North Bend, North Platte, Ogallala, Omaha, O'Neill, Orchard, Osmond, Palisade, Red Cloud, Schuyler, Scottsbluff, Scribner, Shelby, South Sioux City, Silver Creek, Sidney, Stromsburg, Superior, Valentine, Wauneta, Wausa, Westpoint and York, NE to Antelope, Box Butte, Buffalo, Butler, Cass, Chase, Cherry, Cheyenne, Colfax, Cumings, Custer, Dakota, Davis, Dawson, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Hall, Hamilton, Harlan, Hitchcock, Holt, Jefferson, Keith, Knox, Lancaster, Lincoln, Madison, Merrick, Nance, Nuckolls, Otoe, Pierce, Platte, Polk, Red Willow, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Washington, Webster and York Counties, NE, and (9) change one-way to radial authority between (a) 1 KS county, and, 11 States, and between 1 KS county, and, points in the US in Sub-No. 39, (b) 1 TX county and 1 KS county, and, 4 States in Sub-No. 51, (c) 1 KS county, and, points in the US in Sub-No. 52, (d) 2 OK counties, and 1 KS county, and, 5 states in Sub-No. 53, and (e) 1 KS county, and the NE counties in (8) above, and 4 NE cities in Sub-No. 57.

MC 124692 (Sub-370)X, filed June 4, 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-No. 241 certificate to (1) broaden the commodity description from iron and steel articles to "metal products"; (2) remove facilities at and replace Camden, NJ, with Camden County, NJ, Savannah, GA, with Chatham County, GA, Cannonsburg, PA, with Washington County, PA, and Wilmington, DE, with New Castle County, DE, (3) remove facilities at Chicago, IL, Houston, TX, New Orleans, LA, Los Angeles, CA, and Jersey City, NJ; (4) remove restrictions requiring traffic to move in foreign commerce only and to have a prior or subsequent movement by rail; (5) remove originating at or destined to restrictions; and (6) replace one-way with radial authority.

MC 135283 (Sub-71)X, filed May 27, 1981. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., 432 South Stuhr Road, Grand Island, NE 68802. Representative: Lloyd A. Mettenbrink, 432 South Stuhr Road, Grand Island, NE 68802. Applicant seeks to remove restrictions in its Sub-Nos. 60F and 64F certificates to (1) broaden the commodity description to "food and related products" from meat, meat products, meat byproducts and articles distributed by meat packinghouses in Sub-No. 60F and from frozen meat and barbecue sauce in Sub-No. 64F, (2) remove the restriction against the transportation of hides and commodities in bulk in Sub-No. 60F, (3) remove the "originating at and/or destined to" named points restriction in both subs, (4) remove the facilities limitation (a) in Sub-No. 60F and replace Norfolk, NE, St. Joseph, MO, Schuyler and Fremont, NE and Spencer, IA with Madison, Colfax and Dodge County, NE, Buchanon County, MO and Clay County, IA and (b) in Sub-No. 64F, and (5) change one-way to radial authority between (a) points in a described portion of NE and the above named counties, and a described portion of the U.S., in Sub-No. 60F and (b) Minneapolis, MN, and a described portion of the U.S. in Sub-No. 64F.

MC 135283 (Sub-72)X, filed June 1, 1981. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., 432 South Stuhr Road, Grand Island, NE 68802. Representative: Lloyd A. Mettenbrink, 432 South Stuhr Road, Grand Island, NE 68802. Applicant seeks to remove restrictions from its Sub-No. 61 certificate to (1) remove all exceptions from its general commodity authority except classes A and B explosives; (2) delete facilities limitation at Lexington, NE; (3) remove exceptions to AK, HI, and NE; and (4) replace city-wide authority with county-wide authority as follows: Grand Island and Alda with Hall County, NE; and Lexington with Dawson County, NE.

MC 142711 (Sub-3)X, filed June 12, 1981. Applicant: BERRYMAN TRANSFER & STORAGE COMPANY, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Anthony E. Young, Suite 350, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2 permit to (1) broaden the commodity description to "pulp, paper and related products, and supplies and materials and machinery used in the manufacture, sale and distribution of these products" from corrugated paper and corrugated paper products, and supplies and materials

and machinery used in the manufacture, sale and distribution of corrugated paper and corrugated paper products; and (2) expand the territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 142827 (Sub-12)X, filed June 5, 1981. Applicant: DE MARLIE TRUCKING, INC., P.O. Box 338, Reynolds, IL 61279. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 7F and 8F certificates to (1) broaden the commodity description in all four certificates to "food and related products" from "meat, meat products and meat products and by-products, and articles distributed by meat packinghouses, as described in sections A and B Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (2) replace one-way with radial authority in all four Sub-Nos.; (3) remove facilities limitations at Chicago, IL, in Sub-No. 3; (4) replace facilities limitations at Joslin, IL, with Rock Island County, IL, in Sub-No. 4; at Monmouth and Peoria, IL, with Warren and Peoria Counties, IL, in Sub-No. 7F; and at Cedar Rapids, IA, with Linn County, IA, and Monmouth, IL, with Warren County, IL, in Sub-No. 8F; (5) replace Kenosha, WI, with Kenosha County, WI, in Sub-No. 7F; (6) in Sub-Nos. 3, 4, and 8F remove the restriction limiting service to the transportation of traffic originating at the named origins and destined to the named destinations.

MC 143077 (Sub-5)X, filed June 3, 1981. Applicant: GERARD S. REDER, d.b.a. BERKSHIRE ARMORED CAR SERVICE CO., 343 Pecks Road, Pittsfield, MA 01201. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Applicant seeks to remove restrictions in part (1) of its (Sub-No. 3F) permit that requires armored vehicles escorted by armed guards be used in the transportation of such commercial papers, documents, and written instruments (except currency and negotiable securities), as are used in the business of banks and banking institutions.

MC 146414 (Sub-3)X, filed June 3, 1981. Applicant: COOL TRANSPORTS, INCORPORATED, 6300 Alondra Blvd., Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) change its commodity description from petroleum and petroleum products, in bulk, to "commodities in bulk"; (2) remove exceptions of liquid asphalts, road oils, and fuel oils; (3) delete exceptions to Colton and Niland from its California territorial description; and (4) authorize radial authority between points in CA (except points in Los Angeles County) and, points in AZ.

MC 147159 (Sub-2)X, filed May 28, 1981. Applicant: PIPE HAULERS, INC., 2045 South High St., Columbus, OH 43207. Representative: Frank L. Calvary, 3066 N. Star Rd., Columbus, OH 43221. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description to "(a) clay, concrete, glass or stone products and metal products and (b) materials, equipment, and supplies used in the manufacture, erection, and installation of the commodities in (a)" from concrete products, reinforcing steel, wire mesh, casting channels and materials, equipment and supplies used in manufacture, erection and installation of concrete products, (2) remove the restrictions against commodities in bulk and in tank vehicles, (3) change city to county-wide authority from Dayton, Delaware, Amherst, and Massillon, OH to Greene, Montgomery, Delaware, Lorain and Stark Counties, OH and (4) remove the restriction to traffic originating at or destined to named facilities.

MC 148448 (Sub-4)X, filed May 26, 1981. Applicant: DAVIS & SON MOBILE HOME MOVERS, INC., Route No. 1, Box 160, Glade Hill, VA 24092. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions from its Sub-No. 1F and Sub-No. 3F certificates to (1) broaden the commodity description to "transportation equipment" from (a) trailers designed to be drawn by passenger automobiles, in initial movements, in truckaway service, and (b) buildings, in sections mounted on wheeled under carriages in both Subs, (2) change city to county-wide authority Franklin County, VA, for Rocky Mount, VA in Sub-No. 1 and Rockingham County, NC, for Reidsville, NC in Sub-No. 3F; and change one-way to radial authority between (a) Franklin County, VA, and, points in 11 States, and DC in Sub-No. 1 and, (b) Rockingham County, NC, and, 11 States and DC in Sub-No. 3F.

MC 148564 (Sub-7)X, filed June 2, 1981. Applicant: G. KAY, INC., P.O. Box 222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F and 6F certificates and MC-52556 permit to (1) broaden the commodity descriptions as follows: to "chemicals and related products" from fertilizer compounds in the lead permit; to "pulp, paper and related products" from wastepaper in part (1) and to "food and related products" from malt beverages (except commodities in bulk), in part (2) of Sub-No. 4F; to "chemicals and related products" from fertilizer and fertilizer materials in Sub-No. 6F; to "food and related products" from flour and feed in the lead permit; and to "chemicals and related products" from salt in the lead permit; (2) replace city authority and facility limitation with county-wide authority: Fairbury with Jefferson County, NE in the lead certificate and Hutchinson with Reno County, KS in Sub-No. 4F; (3) replace one-way with radial authority in all the authorities except that in Sub-No. 6F; and (4) broaden the territorial description to authorize service between points in the U.S. under continuing contract with unnamed shipper in the lead permit.

MC 150898 (Sub-54)X, filed May 28, 1981. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks removal of restrictions in its No. MC-125575 (Sub-Nos. 5 and 6) permits, and in its No. MC-115353 and Sub-Nos. 5, 10, 11, 14, 15, 18, 22, 23, 24, 25, 28, 29, 30F, 33F, 34F, 35F, 36F, 40F, 41F, 43F, 45F, 46F, 47, 48F, and 49F permits. It seeks to (A) expand commodity descriptions: In MC-115353, to "ores and minerals, clay, concrete, glass or stone products, and chemicals and related products" from gypsum and gypsum products: to "pulp, paper and related products" from gypsum board paper, and pulpboard: to "ores and minerals, clay, concrete, glass or stone products, chemicals and related products, and waste and scrap materials not identified by industry producing" from lime and lime products: to "lumber and wood products, pulp, paper and related products, metal products, and rubber and plastic products" from pallets: to "metal products, machinery, and commodities which because of size or weight require special equipment" from iron and steel building materials, machine parts, and hoisting equipment: to "metal products, machinery, building materials, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, petroleum, natural gas and their products, and containers" from iron and

steel casting, forged metal articles, bar steel, electrical equipment and supplies, lockwashers, windows, window sash, window glass in frames, oil in drums, and empty oil drum containers: to "metal products" from iron and steel sheets, strip, bars, pipe and tubing rods, plates, strapping, banding, wire mesh, and structurals and aluminum sheets, bars, angles, rods, tubing and plates; Sub-Nos. 10 and 35, to "building materials, lumber and wood products, rubber and plastic products, pulp, paper and related products, clay, concrete, glass or stone products, textile mill products, and chemicals and related products" from building, wall, and insulating board, plastic products, and materials, supplies and equipment used in connection with their installation, and refractory products; Sub-Nos. 11 and 14, to "ores and minerals, clay, concrete, glass or stone products, and chemicals and related products" from gypsum and gypsum products, paint products, and lime; Sub-No. 15, to "clay, concrete, glass or stone products, and chemicals and related products" from gypsum products; Sub-No. 18, to "metal products" from fabricated metal products, and iron and steel coils and sheets; Sub-Nos. 22 and 30, to "clay, concrete, glass or stone products" from refractory products; Sub-No. 23, to "building meterials, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, pulp, paper and related products, and textile mill products" from wallboard, building board, insulation board, fibreboard, and pulpboard; Sub-Nos. 24 and 40, to "metal products" from finished cast iron products; Sub-No. 25, to "metal products, building materials, clay, concrete, glass or stone products, machinery, and commodities which because of size or weight require special equipment" from steel pipe, piling, rails, railway track accessories, bridge and highway railing, pile drivers, pile extractors, and parts; Sub-Nos. 28, 48, and 49, remove all restrictions in the general commodities authority "except classes A and B explosives"; Sub-Nos. 29 and 34, to "building materials, metal products, and petroleum, natural gas and their products" from roofing: to "lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, building materials, pulp, paper and related products, and chemicals and related products" from composition board, insulating material, roofing and roofing materials, urethane and urethane products and accessories: to "clay, concrete, glass or stone products, and chemicals and related products" from gypsum products: and to "lumber and wood products, and building materials" from composition board; Sub-No. 33, to "clay, concrete, glass or stone products" from prestressed concrete; Sub-No. 41, to "metal products" from wire mesh; Sub-No. 43, to "such commodities as are dealt in or used by manufacturers and distributors of plastic products" from expanded plastic products; Sub-No. 45, to "such commodities as are dealt in or used by manufacturers and distributors of pipe" from reinforced concrete pressure pipe; Sub-No. 46, to "metal products" from steel and iron articles; and in MC-125575 (Sub-Nos. 5 and 6) to "metal products" from wire and wire mesh; (B) remove exceptions excluding "commodities in bulk" and "those requiring special equipment," wherever they appear; and also remove restrictions against the transportation of "commodities in bulk, in tank vehicles" in Sub-Nos. 29 and 47, against the transportation of named commodities in dump vehicles, from and to certain points, in Sub-No. 11, and against the transportation of mercer commodities in Sub-No. 24; and (C) expand the territorial authority in all permits to authorize service between points in the U.S., under continuing contract(s) with the named shippers.

MC 151422 (Sub-4)X, filed June 2, 1981. Applicant: MINN-DAK TRANSPORT, INC., P.O. Box 98, Audubon, MN 56511. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from meats, meat products, and meat by-products to "food and related products"; (2) change city to county-wide authority: from Fargo, ND to Cass County, ND and Clay County, MN; and (3) remove the restriction against service to AK and HI.

MC 151569 (Sub-1)X, filed May 26, 1981. Applicant: WILLIAM CRANDELL TRUCKING, INC., 5225 N. Minnesota Avenue, Portland, OR 97217. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Applicant seeks to remove restrictions in its lead Certificate to (1) broaden the commodity description to "food and related products" from beer and wine and to "lumber and wood products" from shakes; (2) change city to county-wide authority from Ridgefield, WA to Clark County, WA; (3) remove facility limitation at Vancouver, WA and replace with Clark County, WA, and (4) change one-way to radial authority between Clark County, WA and points in CA; and, 4 CA counties, and, Clark County, WA.

MC 153942 (Sub-1)X, filed June 2, 1981. Applicant: RICHARD A. QUICK AND JAMES C.QUICK, d.b.a. QUICK TRANSPORTATION, P.O. Box 222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its No. MC-126489 Sub-Nos. 12 and 23 certificates, which were acquired in No. MC-FC-79003, to (1) broaden the commodity descriptions to "food and related products" from dry cottonseed products and processed grain products; (2) remove the restriction against feed and feed ingredients and edible flour in Sub-No. 23; (3) remove the plantsite restriction in Sub-No. 23; (4) authorize service to McPherson County, KS in place of McPherson, KS in Sub-No. 23; (5) authorize radial service between specified points located mainly in the Central portion of the U.S.

[FR Doc. 81-18744 Filed 6-24-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-69 thru 78 (Preliminary)]

Sodium Gluconate From Belgium, Denmark, the Federal Republic of Germany, France, Greece, Ireland, Italy, Luxembourg, The Netherlands, and the United Kingdom; Institution of Preliminary Countervailing Duty Investigations and Scheduling of Conference

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary countervailing duty investigations to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of allegedly subsidized imports from Belgium (Inv. No. 701-TA-69); Denmark (Inv. No. 701-TA-70); the Federal Republic of Germany (Inv. No. 701-TA-71); France (Inv. No. 701-TA-72); Greece (Inv. No. 701-TA-73); Ireland (Inv. No. 701-TA-74); Italy (Inv. No. 701-TA-75); Luxembourg (Inv. No. 701-TA-76); The Netherlands (Inv. No. 701-TA-77); and the United Kingdom (Inv. No. 701-TA-78) of sodium gluconate, provided for in item 437.52 of the Tariff Schedules of the United States.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator (202-523-0439).

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted following receipt of a petition on June 16, 1981, filed by Pfizer, Inc., New York, New York. The petition alleges that the European Economic Community provides subsidies for the production and exportation of sodium gluconate, and that, by reason of imports of this allegedly subsidized product, an industry in the United States is being materially injured or threatened with material injury.

Authority

Section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b) requires the Commission to make a determination of whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise which is the subject of the investigation by the administering authority. Such a determination must be made within 45 days after the date on which a petition is filed under section 702(b) or on which notice is received from the Department of Commerce of an investigation commenced under section 702(a). Accordingly, the Commission, on June 19, 1981, instituted preliminary countervailing duty investigations Nos. 701–TA–69 thru 78. These investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457) and particularly, subpart B thereof.

Written submissions

Any person may submit a written statement of information pertinent to the subject matter of these investigations to the Commission on or before July 20, 1981. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data". Confidential submissions must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 10:00 a.m., e.d.t., on July 14, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the Supervisory Investigator for these investigations, Mr. John MacHatton (202–523–0439). It is anticipated that parties in support of the petition for countervailing duties and parties opposed to such petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further detail concerning the conduct of the conference will be provided by the Supervisory Investigator.

Inspection of petition

The petition in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

By order of the Commission.

Kenneth R. Mason,

Secretary.

June 22, 1981.

[FR Doc. 81-18736 Filed 6-24-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Notice of Solicitation

The National Institute of Justice announces a competitive research solicitation to evaluate a field test of the *Early Representation By Defense Counseil Program*. The purpose of this evaluation award is to assess the operational impact and effectiveness of this program. The evaluation objectives are:

1. *To Assess the Impact of Early Representation Management Policies on the Timing and Range of Services Provided.*

2. *To Assess the Impact of Early Representation on the Attorney-Client Relationship.*

3. To Assess the Impact of Early Representation on the Criminal Justice System.

The solicitation asks for the submission of draft proposals. A formal application will be requested following peer review process in accordance with the criteria set forth in the solicitation. In order to be considered all papers must be *postmarked* no later than July 31, 1981. This cooperative agreement is planned for award in September, 1981. It is expected that the evaluation will take place over a twenty-four month period and should not exceed $450,000. To maximize competition for the award, both profit making and non-profit organizations are eligible to apply; however, a fee will not be paid.

Further information and copies of the solicitation can be obtained by contacting Frank Vaccarella or Diann Stone at the Office of Program Evaluation, NIJ, 633 Indiana Avenue, N.W., Washington, D.C. 20531, or phone (301) 492–9085.

Dated: June 12, 1981.

Harry M. Bratt,

National Institute of Justice.

[FR Doc. 81-18719 Filed 6-24-81; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Addendum Change

A change 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 change is as follows:

Monday June 29, 1981

11 a.m.–12 noon—Guest Speaker: Thomas R. Kitsos, Senior Professional Staff Member, Committee on Merchant Marine and Fisheries, U.S. House of Representatives.

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 22, 1981.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-18821 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

State Humanities Council; Grants

AGENCY: National Endowment for the Humanities.

ACTION: Notice of grants to State humanities councils.

SUMMARY: This notice specifies the closing date for submission of plans by

state governments wishing to designate a state humanities council eligible for Fiscal Year 1982 funds.

DATE: In order to exercise option (1) (below) for Fiscal Year 1982 (beginning on October 1, 1981), governors are required to submit to the National Endowment for the Humanities, Division of State Programs, Mail Stop 404, Washington, DC 20506, no later than September 1, 1981, a plan for establishment of the state agency, consistent with the statutory requirements. Additional guidance is available from the Endowment regarding the requirements, and also concerning the separate application for funds which must also be submitted. The application may be submitted with the plan or at a later time.

SUPPLEMENTARY INFORMATION: This program is authorized under the National Foundation on the Arts and the Humanities Act of 1965, as amended by Pub. L. 96-496 (20 U.S.C. 956(f)). The authorization provides two ways for a state government to strengthen its relationship with the existing private citizens' humanities council in the state:

(1) A state government may designate the existing private citizens' humanities council as a state agency, if the state provides from newly-appropriated state funds either 50% of the minimum state grant (normally 50% of $200,000) or 25% of the council's total grant from the National Endowment for the Humanities, whichever is greater. The governor could then appoint new members to the state council as the terms of present members expire. The state agency would be required, by statute, to use Federal funds for public humanities programs only.

(2) If a governor does not exercise option (1), the private citizens' council will continue to be eligible for National Endowment for the Humanities funds. The governor may appoint up to four members of the council if the appointments do not exceed 20% of the total council membership.

FOR FURTHER INFORMATION CONTACT:
Donald Gibson, Acting Director, Division of State Programs, National Endowment for the Humanities, MS 404, Washington, DC 20506. Telephone (202) 724-0286.

Dated: June 18, 1981.

Joseph D. Duffey,
Chairman.

[FR Doc. 81-18712 Filed 6-24-81; 8:45 am]
BILLING CODE 7536-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-26]

Reports, Recommendations, Responses; Availability

Aircraft Accident Report—*Kellogg Company, Avions Marcel Dassault Breguet Falcon 10, N253K, Meigs Field, Chicago, Illinois, January 30, 1980 (NTSB-AAR-81-6).*—During its investigation of this accident, the Board last March 26 issued safety recommendations A-81-32 and -33 to the Federal Aviation Administration; see 46 FR 21284, Apr. 9, 1981.

Aircraft Accidents Reports—*Brief Format U.S. Civil Aviation, Issue No. 4, 1980 Accidents (NTSB-BA-81-5).*

Pipeline Accident Report—*The Pipelines of Puerto Rico, Inc., Petroleum Products Pipeline Rupture and Fire, Bayamon, Puerto Rico, January 30, 1980 (NTSB-PAR-80-6).*—Early in the investigation, the Board on April 28, 1980, issued to the Governor of the Commonwealth of Puerto Rico recommendations P-80-23 through -25 (45 FR 30574, May 8, 1980). The Board subsequently closed out P-80-23. After investigation was completed, the Board on February 26, 1981, issued the following recommendations to—

The Pipelines of Puerto Rico, Inc.: Coordinate with the Public Service Commission, local fire departments, and other utilities to develop procedures to employ during pipeline emergencies. (P-80-75)

Immediately update the list of parties to be contacted in an emergency, and institute a procedure to insure that the list is updated at least annually. (P-80-76)

Install additional permanent pipeline markers sufficient to comply with 49 CFR 195.410. (P-80-77)

Install new pipeline identification labels on permanent markers in accordance with 49 CFR 195.410(a)(2). (P-80-78)

In cooperation with other operators of underground facilities, help establish an island-wide "one-call" excavation notification system. (P-80-79)

Instruct its pipeline inspectors of the importance of remaining at the construction site and closely monitoring the contractor's work as it approaches the pipeline (P-80-80)

Public Service Commission of the Commonwealth of Puerto Rico: Train its pipeline safety personnel to effectively assess compliance by petroleum products pipeline operators with applicable Federal pipeline safety requirements. (P-80-81)

Encourage training of local fire, police, and other public agencies regarding petroleum products pipeline emergencies, and coordinate with them during emergencies (P-80-82)

Establish requirements for a petroleum products pipeline damage prevention program which includes the use of a "one-call"excavation notification system. (P-80-83)

Initiate a petroleum products pipeline safety program which would include sending personnel to appropriate pipeline safety institutes. (P-80-84)

Assign at least one full-time qualified professional to the duties of pipeline safety so that the tasks of inspections and investigations can be carried out in compliance with Federal regulations. (P-80-85)

Governor of the Commonwealth of Puerto Rico: Direct the Public Service Commission of Puerto Rico to send professional personnel to conferences, seminars, training courses, and other activities regarding petroleum products pipeline safety. (P-80-86)

Direct the appropriate utilities and agencies of Puerto Rico to establish an island-wide "one-call" excavation notification system. (P-80-87)

Puerto Rico Telephone Company: In cooperation with other operators of underground facilities, help establish an island-wide "one-call" excavation notification system in Puerto Rico. (P-80-88)

Research and Special Programs Administration of the U.S. Department of Transportation: Amend 49 CFR Part 195 to include a section similar to proposed 49 CFR 192.614, Damage Prevention Program, to require that all liquid pipeline operators develop, implement, and monitor the effectiveness of an excavation damage prevention program. (P-80-89)

Amend 49 CFR Part 195 to include a section similar to 49 CFR 192.615, Emergency Plans, that will require operators to establish written procedures to minimize the hazards resulting from a liquid pipeline emergency. (P-80-90)

Recommendation P-80-76, above, is designated "Class I, Urgent Action;" all others are "Class II, Priority Action."

Responses from the Federal Aviation Administration—

A-74-105 through -114 (June 10).—Re emergency evacuation slides: FAA reports publication of a proposed rule at 46 FR 5484, Jan. 19, 1981, Operations Review Program, Notice 11 [A-74-105] and a final rule at 44 FR 61323, Oct. 25, 1979, Operations Review Program, Amendment 10, amending 14 CFR 25.809 [A-74-107]; amendment to 14 CFR 121.310 (also A-74-107) was removed from further consideration by Operations Review Program Notice 10 (43 FR 37958, Aug. 24, 1978) since retrofit is not cost effective; proposed amendment to 14 CFR 121.310 (A-74-108) was withdrawn at 46 FR 5500, Jan. 19, 1981. Re emergency lighting (A-74-109): FAA at 44 FR 61323 withdrew proposed changes to §§ 25.812 and 121.310(h)(1)(iii). Re use of megaphones (A-74-110): FAA at 46 FR 5500 withdrew proposed amendment to § 121.309(f). Amendment of 14 CFR 121.318, public address systems (A-74-111), is addressed in Operations Review Program Notice 11. Re passenger briefings on operation of emergency exists (A-74-112): FAA at 46 FR 5500 withdrew proposal to

amend § 121.571. The Board has closed out A–74–106, –113, and –114.

A–80–44 (June 16).—FAA has begun study of general aviation and commuter accidents and incidents and will evaluate bird strike history and review windshield designs to determine effect of windshield heat on windshield structural strength. (Ref. 45 FR 60053, Sept. 11, 1980.)

A–81–24 and –25; A–79–95 and A–79–80 (reiterated) (June 10).—FAA continues to urge small twin-engine airplane manufacturers to comply with GAMA Specification No. 1; FAA is reviewing 14 CFR Part 23, Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes; prior consideration is being given to requirement for specific takeoff performance data; added emphasis in FAA orders and handbooks is being placed on training for potential power failure on takeoff; FAA plans to revise Advisory Circular AC 135.3B (A–81–24 and –25). FAA continues its efforts under its safety charter, Federal Aviation Act of 1958 as amended, and has disseminated Accident Prevention Program publications FAA–P8740–19 and 25 regarding light twin-engine aircraft operation (A–79–95). FAA has insured that safe operating knowledge and practices are acquired through a combination of increased experience reflected in 14 CFR 135.244 and approved pilot training programs; Change 6 to Chapter 3, Section 8, FAA Order 8320.12, gives instructions for weight and balance control for Part 135 operators of aircraft certificated for nine or less passengers (A–79–80). (Ref. 46 FR 18823, Mar. 26, 1981; 45 FR 85532, Dec. 29, 1980.)

Responses from the U.S. Coast Guard—

M–79–39 (Part 5) through –44 (June 9).—Providing guidance in the operating manual as to expected results of exceeding the design limits for jacking operations or any vessel operation, will not improve overall vessel safety (M–79–39(5)). USCG does not concur in requiring operating limits for self-elevating mobile offshore drilling to be specified in terms of motion amplitudes and periods, or in requiring on-board motion sensing and recording instruments to determine actual unit motions. (M–79–41). A 7-step R&D program for structural and motion monitoring is set for completion in 1986 (M–79–42). USCG reports that IMCO's "Training Qualifications of Crews Serving on Mobile Offshore Units" (STW XIV/WP.4), Jan. 21, 1981, covering various duties/training qualifications of person-in-charge and others, will be reviewed formally by the Subcommittee on Standards of Training and Watchkeeping in February 1982 (M–79–43 and –44). (Ref. 45 FR 52519, Aug. 7, 1980).

M–80–36 (June 11).—On Jan. 12, 1981, representatives of Sabine Pilots, Maritime Industry, and USCG amended and ratified the "Voluntary Traffic Control Agreement of the Maritime Industry of the Sabine Waterways." USCG has a position statement from the Corps of Engineers regarding Chapter 1, Tidal Hydraulics Committee Report No. 3, 1965. (45 FR 62234, Sept. 18, 1980.)

Note: Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va., 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

June 19, 1981.

[FR Doc. 81–18750 Filed 6–24–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413, 50–414]

Duke Power Co., et al.; Notice of Receipt of Application for Facility Operating Licenses; Availability of Applicants' Environmental Report; Consideration of Issuance of Facility Operating Licenses; and Notice of Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating licenses from Duke Power Company, for itself and as agent for North Carolina Municipal Power Agency Number 1, North Carolina Electric Membership Corporation, and Saluda River Electric Cooperative, Inc. (the applicants), to possess, use, and operate the Catawba Nuclear Station, Units 1 and 2, two pressurized water nuclear reactors (the facilities), located on the shore of Lake Wylie in York County, South Carolina. The reactors are designed to operate at a steady-state power level of 3411 megawatts thermal, with an equivalent net electrical output of approximately 1145 megawatts.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report which discusses environmental considerations related to the proposed operation of the facilities. This report is being made available at the State Clearinghouse, Office of the State Auditor, P.O. Box 11333, Columbia, South Carolina 29211, and at the Catawba Regional Planning Council, P.O. Box 862, Rock Hill, South Carolina 29730.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register**, a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register.**

The Commission will consider the issuance of facility operating licenses for Catawba Unit 1 to Duke Power Company, North Carolina Electric Membership Corporation and Saluda River Electric Cooperative, Inc., and for Catawba Unit 2 to Duke Power Company and North Carolina Municipal Power Agency Number 1. These licenses would authorize the applicants to possess, use and operate the Catawba Nuclear Station in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicants' application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facilities was authorized by Construction Permit Nos. CPPR–116 and CPPR–117, issued by the Commission on August 7, 1975. Construction of Unit 1 is anticipated to be completed by March 1, 1984, and Unit 2 by September 1, 1985.

Prior to issuance of any operation licenses, the Commission will inspect the facilities to determine whether they have been constructed in accordance with the application, as amended, and the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review

of the application under the Act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicants will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commissions's regulations.

By July 27, 1981, the applicants may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitoner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intevene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity.

A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by July 27, 1981. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, and to J. Michael McGarry, III, Esq., Debevoise and Liberman, 1200 Seventeenth Street, N.W., Washington, D.C. 20036, attorney for the applicants. Any questions or requests for additional informaton regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the peticioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714 (a)(1)(i)–(v) and §2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses and the applicants' environmental report dated June 8, 1981, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the York County Library, 325 South Oakland Avenue, Rock Hill, S.C. 29730. As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation report prepared by the Commission's staff; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

For the Nuclear Regulatory Commission.

Dated: June 12, 1981.

Elinor G. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 18783 Filed 6-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-32 and Amendment No. 70 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to change the heat flux hot channel factor (F_Q) to 2.18 for Units 1 and 2. These amendments also make editorial changes to the Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 28, 1981, as supplemented May 15, 1981, (2) Amendment Nos. 70 and 70 to License Nos. DPR-32 and DPR-37, 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, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. 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 16th day of June, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-18794 Filed 6-24-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

June 22, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether Section 3504(h) of Pub. L. 96-511 applies;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Agricultural Marketing Service
Assessment Form—Refund Application
Quarterly
Businesses or Other Institutions
Wheat end prod. mfgrs. (prim. whls bkrs), etc.
SIC: 205 204 209
Small businesses or organizations
Agricultural research and services: 2,500 responses; 208 hours; 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Forms are needed to (1) collect assessments to fund a wheat and wheat foods research and nutrition education program and (2) refund assessments to those who do not wish to fund the program.

Extensions (Burden Change)

• Food and Nutrition Service
Monthly Report of the Child Care and Summer Food Program for Children
FNS-44
Monthly
State or local governments
State administering agencies
Public assistance and other income supplements: 1,512 responses; 6,048 hours; $138,110 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Form FNS-44, monthly report of the child care food program and summer food service program for children is prepared by State agencies and used by FNS to determine the level of payment of claims submitted by States and to assess program growth. Without these forms, FNS would have no means whereby payments to States could be adjusted to coincide with cumulative expenditures by States.

• Food and Nutrition Service

Application and Agreement—NSLP, SBP, and SNP
FNS-67, 66, and 66-1
Annually
State or local governments
Nonpublic, nonprofit schools and residential child care insts.
SIC: 821 943
Food and nutrition assistance: 4,690 responses; 3,655 hours; $384,484 Federal cost; 3 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The FNS-66 and 66-1 are used by applicant organizations to apply for participation in the national school lunch, school breakfast and special milk programs. FNS executes grant agreements with schools approved for participation via the FNS-67.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

• Office of Postsecondary Education
Lender's Manifest for Federally Insured Loans—Guaranteed
Student loan program
Monthly
Businesses or other institutions
Companies and schools not engaged in deposit banking
SIC: 822 601 602 603 604 605
Small businesses or organizations
Higher education: 228,000 responses; 64,000 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The lender uses this form to report the amount of disbursements made on loans. It is also used to report conversions and loans paid in full. In addition, it is used to maintain insurance premiums to be paid at a later date.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202-633-9464

New

• Departmental and Others
Educational Programs and Facilities in Nuclear Science and Engineering
ER-736
Nonrecurring
Businesses or other institutions
Colleges, univ. and junior colleges offering nuclear training
SIC: 822
Multiple functions: 355 responses; 533 hours; $14,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The purpose of this survey is to obtain data necessary (collated with data from other studies) to evaluate the ability of U.S. institutions to train professionals to operate the controls of nuclear powerplants and other facilities. A by-product of the survey will be the publication of "educational programs and facilities in nuclear science and engineering."

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

• Human Development Services
Assessment Study of Case Review System
Nonrecurring
State or local governments
Informants, etc. clients in 25 public social agencies.
SIC: 832
Social services: 4,680 responses; 1,560 hours; $216,972 Federal cost; 3 forms; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

The purpose of this phase of the study is to assist the States with their block grant programs as they apply to foster care. Accordingly, three questionnaires have been developed to compare the strengths and weaknesses of various components of 12 State case review systems. The results of the study will assist HDS to develop improved supportive services to the States.

Revisions

• Departmental Management
Recipient Survey for the Monthly Reporting and Retrospective Accounting Study in Illinois
OS-6-81
Nonrecurring
Individuals or households
Recipients and former recipients of the AFDC program
Other income security: 4,830 responses; 3,762 hours; $150,000 Federal cost; 2 forms; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

MR systems are major change in AFDC clients providing information to agencies. Interview of AFDC clients will determine extent and nature of problems with MR form, degree to which form increases time and costs of reporting in terms of incidence of failure to provide benefits when needed and benefits to eligible households, effects on quality of nonfinancial services provided to clients, and way in which system changes client interaction with agency personnel.

Extensions (Burden Change)

• Centers for Disease Control
National VD Epidemiology Program
HSM 9.54, CDC 9.2936A, CDC 9.2936B, CDC 9.54, CDC 9.97, CDC 9.64, CDC 9.2127, CDC 9.63
Monthly, quarterly
State or local governments
State and local health departments
Health: 60,660 responses; 18,553 hours; $83,000 Federal cost; 7 forms; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

Statistical data are provided to assess the effectiveness of the epidemiologic programs in terms of geographic variation, disease intervention achieved, epidemiologic success and failure, time factors, and other measures of casefinding efficiency.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

New

• Bureau of Land Management
Uniform Federal Transportation and Utility System Application
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Applies to any individual either local, State or Federal.
SIC: All
Small businesses or organizations
Conservation and land management: 300 responses; 900 hours; $170,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202-395-7340

Use of the attached form is mandated by title XI of the Alaska National Interest Lands Conservation Act (P.L. 96-487). Section 1104(a) of the act states that unless the approval or disapproval of a transportation system is based on the consolidated form, the approval or disapproval will have no force or effect, thus the need.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

New

• Employment and Training Administration
Employer Furnished Housing and Facilities
ETA 338
Annually
Farms
Employ. service interstate clearance system Ag. recruiters
SIC: 019

Training and employment: 4,000 responses: 16,000 hours: $128,000 Federal cost: 1 form; not applicable under 3504(h)
Arnold Strasser. 202–395–6880

Federal regulations and court orders require agricultural employers who recruit workers through the ES clearance system to provide free housing sufficient to accommodate workers being recruited. Housing must meet certain health and safety standards established by DOL and State laws. The ETA 338 is used for that purpose and also provides information so that the workers can determine if the facilities are suitable for their needs.

• Employment and Training Administration
ETA Summaries—UI Trust Fund Activities
ETA 2112. 8401, 8403, 8405, 8413, 8414
On occasion, monthly
State or local governments
State employment security agencies
SIC: 944,602
Multiple functions: 636 responses; 15,264 hours; $60,000 Federal cost; 6 forms; not applicable under 3504 (h)
Arnold Strasser, 202–395–6880

Information is used to monitor State agency unemployment trust fund transactions and activities.

Revisions

• Bureau of Labor Statistics
Information for industry price indexes
BLS 473, 473A, 473E & 473R
Monthly, annually
Businesses or other institutions
U.S. mining, manufacturing, telephone & railroad companies
SIC: Multiple
Other labor services: 102,420 responses; 17,250 hours; $715,000 Federal cost; 4 forms; not applicable under 3504 (h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

The form is used to collect price information for the producer price index, which is one of the nation's most important economic indicators.

Extensions (No Change)

• Bureau of Labor Statistics
Employment, Wages and Contributions Report
BLS–3031 & ES–202
Quarterly
State or local governments
State employment security agencies
SIC: 944
Other labor services: 212 responses; 530,000 hours; $1,659,000 Federal cost; 1 form; not applicable under 3504 (h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

The ES–202 program is a quarterly summary of the employment and wages of workers covered by unemployment insurance (UI) programs. Besides being crucial to the administration of UI programs, these data serve as the sampling frame and employment benchmark for all BLS Federal-State programs, as inputs in GNP and personal income estimates, and are used extensively for economic analysis, fund allocations, and program administration.

Reinstatements

• Employment and Training Administration
Assessing the Impact of the New Employment Service
Regulations Structure on Employment Service
Operations
MT–302
Nonrecurring
State or local governments
Selected staff in State Employ. service central & local off.
SIC: 944
Tranining and employment: 420 responses; 315 hours; $240,000 Federal cost; 2 forms; not applicable under 3504 (h)
Arnold Strasser, 202–395–6880

For 40 years the uses has codified its policies and procedures for State ES operations in the ES manual and supplementary documents. Uses has recently completed a new guidance structure, consisting of regs and tags. The new guidance structure is intended to provide a more logical, consistent, and understandable basis for program administration. The present evaluation is designed to document the impact of the new guidance structure on ES operations.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Extensions (Burden Change)

• Internal Revenue Service
Employer's Quarterly Tax Return and Continuation Sheet for Schedule A of Form 941NMI
941NMI & 941A
Quarterly
Individuals or households / State or local governments / farms / businesses or other institutions
All Northern Mariana Islands employers
SIC: All
Small businesses or organizations
Central fiscal operations: 2,480 responses; 3,353 hours; $12,081 Federal cost; 2 forms; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

This form is required under P.L. 94–241, covenant to establish a commonwealth with the U.S. It is used by employers and self-employed persons to report earnings and taxes due to the Northern Mariana Islands social security retirement system. Information is used to determine that the correct tax has been paid and that the earnings of the employees has been property to the NMI social security retirement system.

ACTION

Agency Clearance Officer—Mr. Don Romine—202–254–8523

New

• Technical Evaluation of Selected Low Cost No Cost Energy Conservation Steps.
Nonrecurring
Individuals or households
Household communities involved in community energy projects
Social Services: 160 responses; 80 hours; $41,977 Federal cost; 2 forms; not applicable under 3504(H)
Diane Wimberly: 202–395–6880

To determine the energy conserved as a result of implimenting inexpensive residential conservation measures under Action's community energy project. Approx. 80 households will be interviewed in two communities beginning in august 1981. The information is critically needed to determine the effectiveness of the projects and the extent that participants were helped for future planned improvements.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

New

CAB Form 222—Foreign Air Carrier Application for Statement of Authorization for Intermodal Services
222
On occasion Businesses or other institutions
Businesses or other institutions
Foreign air carriers
SIC: 451
Small businesses or organizations
Air transportation: 20 responses; 10 hours; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

Requires foreign air carriers to apply for statments of authorization to conduct intermodal (air/truck) services. Approval of applications will depend on whether a foreign carrier's Government had granted U.S. carriers reciprocal

rights or on broader international aviation policy considerations.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—202–389–4481

Extensions (No Change)

• Consolidated Report of Income—Mutual Savings Banks
6040/51
Semiannually
Businesses or other institutions
Mutual savings bks—insured and noninsured
SIC: 603
small businesses or organizations
Mortgage credit and thrift insurance; 2,332 responses; 45,200 hours; 1 form; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

Reports are filed in accordance with section 7 of the FDI Act and part 304.2 of the FDIC rules and regulations. Data is used to monitor the financial condition and earnings performance of individual savings banks as well as the entire savings banks industry. Data is also used for research, insurance assessments and for FDIC publications.

• Consolidated Domestic and Foreign Report of Condition
6040/13 6040/17
Quarterly
Businesses or other institutions
Commercial banks—insured and noninsured
SIC: 602
Mortgage credit and thrift insurance; 55,576 responses; 426,682 hours; $2,407,000 Federal cost; 2 forms; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

Reports are filed in accordance with section 7 of the FDI Act and part 304.2 of the FDIC rules and regulations. Data is used to monitor the financial condition and earnings performance of individual banks as well as the entire banking industry. Data is also used for research, insurance assessments and for FDIC publications.

INTERNATIONAL DEVELOPMENT CORPORATION AGENCY

Agency Clearance Officer—Ms. Melita Yearwood—202–632–0084

new

• Survey of Attitudes Toward Overseas Agricultural Development
Assignments: A. Faculty and B. Institutional
Nonrecurring
Businesses of other institutions
Title XII univ. and faculty prim. of the sch. of agriculture
SIC: All
Foreign economic and financial assistance; 3,278 responses; 544 hours; $15,000 Federal cost; 1 form not applicable under 3504 (H)
Federal Education Data Acquistion Council. 202–426–5030

Aid and the board for international food and agricultural development (BIFAD) require more specific data on factors which make specific agricultural development assistance assignments overseas more or less attractive. The proposed survey is designed to obtain that data and to assess existing and necessay incentives—financial and non-financial needed to induce the requisite numbers and quality of faculty from eligible universities to respond to aid's agricultural development.

Revisions

• Statement of Support, Revenue and Expenditures
AID 1550–2
Annually
Businesses or other institutions
Private and voluntary organizations overseas activities
Foreign economic and financial assistance: 155 responses; 155 hours; $5,624 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

Data provides only record of magnitude of income and expenditures of U.S. private and voluntary organizations engaged in voluntary foreign aid.

• Voluntary Agency Quarterly Report of Shipping Activity
AID 1550–6
Annually
Businesses or other institutions
Private and vol. org. engaged in overseas activities.
Foreign economic and financial assistance: 140 responses; 1,120 hours; $1,133 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This report is the means by which those agencies receiving freight reimbursement record and report the shipments made with A.I.D. ocean freight funds by flag vessel, country and volume.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

New

• Debtor's Financial Statement
G–423
On occasion
Individuals or households
Individuals
General retirement and disability insurance: 1,550 responses; 775 hours; $77,500 Federal cost; 1 form; not applicable under 3504(h)
Barbara F. Young, 202–395–6880

Under the RRA and the RUIA, the board has authority to secure from a debtor a statement of the individual's assets and liabilities. The information will be used for determining means for recovery of overpayment of benefits.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

• Supplemental Material to Registration or Exemption
Statements of Exchanges—Rule 6A–3
On occasion, monthly
Businesses or other institutions
Registered or exempted national securities exchanges
SIC: 623
Small businesses or organizations
Other advancement and regulation of commerce: 1,250 responses; 625 hours; $6,250 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder; 202–395–4814

Under sections 6 and 19 of the Securities Exchange Act of 1934, a registered or exempted exchange must be organized and have the capacity to carry out the purposes of the act and must have rules designed to protect investors and the public interest. Rule 6A–3 adopted in 1950, is designed to enable the Commission to carry out its oversight functions and to assure that such exchanges continue to be in compliance with the act.

• Annual Amendments to Registration or Exemption Statements of Exchanges—Rules 6A–2 and Form 1A
486
Annually
Businesses or other institutions
Registered or exempted national securities exchanges
SIC: 623
Other advancement and regulation of commerce; 10 responses; 900 hours; $8,100 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Under sections 6 and 19 of the Securities Exchange Act of 1934, a registered or exempted exchange must be organized and have the capacity to carry out the purposes of the act and must have rules designed to protect investors and the public interest. Rule 6A–2 and form 1A, adopted in 1950, are designed to enable the commission to

carry out its oversight functions and to assure that such exchanges continue to be in compliance with the act.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2146

New

• Fiduciary Agreement
27-4703
On occasion
Businesses or other institutions
Fiduciaries or legal custodians
SIC: 811
Other veterans benefits and services: 21,250 responses; 177 hours; $39,656 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

This form is used when payment of VA benefits is to be made to a fiduciary on behalf of a beneficiary who is incompetent, a minor, or under some other legal disability. It is an agreement to the use of VA derived funds, and when completed by the VA and signed by the fiduciary it constitutes a legal binding contract (38 USC 3202).

• Escrow Agreement for Postponed Exterior Onsite Improvements
26-1849
On occasion
Businesses or other institutions
Lenders, builders, escrow agents
SIC: 612, 616, 152
Small businesses or organizations
Veterans housing: 32,000 responses; 16,000 hours; $162,240 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

Legal agreement between builder/seller, lender, and escrow agent covering escrow of funds for unfinished exterior onsite improvements of newly constructed housing proposed for guaranteed financing under 38 U.S.C. 1810. Execution of such agreement permits VA guaranty of veteran's home loan and his/her occupancy of property.

• Appointment of Veterans Service Organization As Claimant's Representative
23-22
On occasion
Individuals or households
Veterans
Small businesses or organizations
Other veterans benefits and services; 325,000 responses; 54,166 hours; $365,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

This form is used by veterans to appoint a veterans service organization as his/her recognized representative in the preparation, presentation and prosecution of benefit claims with the VA (38 U.S.C. 244(2) 3402(B)(2)).

• Statement of fee Appraisers and Compliance Inspectors
26-6684
On occasion
Individuals or households
Fee appraisers and compliance inspectors
Veterans housing: 8,000 responses; 1,333 hours; $50,160 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

Statement on conflict of interest required for execution by newly designated fee appraisers and annually thereafter while on the VA fee appraiser roster under authority of 38 U.S.C. 210 and 213. Statement provides notice of prohibited activities which if pursued by fee appraisers while on the fee roster, could disadvantage veterans or VA.

Verification of Pursuit of Course Leading to a Standard College Degree
22-6553
On occasion
Individuals or households/businesses or other institutions schools and veteran students
SIC: 941
Veterans education, training, rehabilitation: 500,000 responses; 41,667 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

This form is used by schools to certify enrollment information previously submitted to the Veterans Administration. (38 U.S.C. 1780(A)(1) and 1780(G), 38 CFR 31.4204(A).

• Supplemental Physical Examination Report
29-8100 (series)
On occasion
Businesses or other institutions
Physicians
SIC: 801
Small businesses or organizations
Income security for veterans: 3,500 responses; 700 hours; $6,639 Federal cost; 8 forms; not applicable under 3504(h)
Robert Neal, 202-395-6880

These forms are used to obtain complete information as to the physicial and/or mental condition of a veteran who has submitted an application for insurance and/or reinstatement. (38 CFR 6.90 and 8.64).

• Certification of Delivery of Advance Payment and Enrollment
22-1999V
On occasion
State or local governments
Certifying officials at schools
SIC: 822, 824
Veterans education, training, and rehabilitation: 360,000 responses; 30,000 hours; $18,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition council, 202-426-5030

No further benefits can be paid unless this card is completed and filed as required by law (38 U.S.C. 1780). Information on card is used to confirm the students's receipt of advance payment of benefits and confirm enrollment.

Revisions

• Appeal to Board of Veterans Appeals
1-9
On occasion
Individuals or households
Appellants for VA benefits
Other veterans benefits and services: 34,500 responses; 34,500 hours; $1,360 Fereral cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

38 U.S.C. 4005(D) (3) requires that a substantive appeal be filed in order to perfect the appeal. This form is judicial in nature and designed to afford appellants a "piece of paper" upon which to write their arguments for consideration by the appeals board. It's also used to provide the appellant useful information concerning appeals review.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81-18827 Filed 6-24-81; 8:45 am]

BILLING CODE 3110-01-M

PENSION BENEFIT GUARANTY CORPORATION

Payment of Employer Liability for Plan Terminations Initiated Before April 1, 1981; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notification of change in procedure for payment of employer liability; correction.

SUMMARY: On January 28, 1981, the Pension Benefit Guaranty Corporation (PBGC) published in the **Federal Register** at 46 FR 9545, FR Doc. 81-2986, as a companion document to 29 CFR Part 2613, a notification of change in procedures for payment of employer liability. That notice provides guidelines for the payment of employer liability imposed by Section 4062 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. The notice also provides for the assessment of interests on unpaid employer liability

with respect to pension plans for which the plan termination was initiated prior to the effective date of the PBGC's regulation on employer liability. The notice contained an erroneous reference as to where within the PBGC payments of employer liability should be sent. This document corrects the error in that notice.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, NW, Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-2986, appearing at page 9545, January 28, 1981, column 2, third full paragraph, line 10 should read: "to Division of the Treasurer Office of".

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-18825 Filed 6-24-81; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

Securities Exchange Act of 1934; Order Approving Proposed Rule Change

[Release No. 17883 SR-Amex-80-33]

June 22, 1981.

On December 30, 1980, the American Stock Exchange, Inc. 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which eliminates the requirement that the registered address of every floor member be in the vicinity of the exchange.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17434, January 9, 1981) and by publication in the **Federal Register** (46 FR 4013, January 16, 1981). No comments were received with respect to the proposed rule filing.

[1] In its filing, the Amex consented to an extension of the time period for Commission consideration of the proposed rule change, as specified in Section 19(b)(2) of the Act, until 35 days after it filed an amendment specifically notifying the Commission that the regular members of the exchange had voted on and approved the proposed Constitutional amendment. On June 8, 1981, Amex amended its filing to indicate that the proposed rule change was approved by the exchange membership on May 28, 1981.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18787 Filed 6-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17874; File No. SR-CSE-81-3]

Self-Regulatory Organizations; Proposed Rule Change by the Cincinnati Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on June 4, 1981, the Cincinnati Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends the Exchange's Listing Fee Schedule. In general, each corporation which applies to list its securities on the Exchange will be charged $250.00 for the first 25,000 shares of each class of stock of an initial listing or $250.00 for the first $1,000,000 par value of each issue of bonds or any part thereof. The proposed rule change would simply increase the maximum fees charged for the initial and additional listings of securities. As amended, the List Fee Schedule would impose a $1,000 maximum charge on an initial listing of a single class or issue of a security, and a $500 maximum charge for an initial listing of each additional class or issue of a security. When a corporation increases the class of its already listed securities, a maximum fee of $1,000 would be charged for the listing at one time of such additional shares of a single class of securities, and a $500 fee would be charged for each listing at that time of the additional shares of each such additional class.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Fees charged to issuers which list their securities is one of the revenue sources of the Exchange. The purpose of this proposed rule change is to offset in part the increased costs of supplying specific services provided by the Exchange to those issuers. These services include the manpower, automation, utilities and other costs associated with providing marketplace facilities and services and regulatory operations. Listing fees have not been increased since 1966. The average annual rate of growth of expenses since that time has been in excess of 10 percent. The statutory basis for the proposed rule change is Section 6(b)(4) of the Securities Exchange Act of 1934 (the "Act") which requires the rules of the Exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

B. Self-Regulatory Organization's Statement on Burden on Competition

The amended Listing Fee Schedule will apply uniformly to all issuers which list securities on the Exchange and the amount of the charge will be directly related to the number of securities so listed. The Exchange does not believe that the proposed rule change will impose or create any burden on competition not necessary or appropriate to further the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before July 30, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 16, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 17, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18788 Filed 6-24-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-0118]

Affiliated Investment Fund, Ltd.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Affiliated Investment Fund, Ltd. (Affiliated), 225 Shurfine Drive, College Park, Georgia 30337, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to Section 312 of the Act and covered by Section 107.1004 of the SBA Rules and Regulations, governing Small Business Investment Companies (13 FR 107.1004 (1980)) for approval of conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, Affiliated proposes to provide funds to Tucker Thriftown, Inc., for the purpose of R. Kelly Roberts purchasing the interest of Jerome S. Merlin in Tucker Thriftown, Inc., a retail grocery outlet located at 4312 Chamblee-Tucker Road, Tucker, Georgia 30084.

The proposed financing is brought within the purview of Section 107.1004(b)(1) of the Regulations because Mr. Jerome S. Merlin is a member of the Board of Directors of Associated Grocers Co-op. Inc., the sole shareholder of Affiliated, and also on the Board of Directors of Affiliated Investment Fund, Ltd., and therefore is considered an Associate of Affiliated as defined by Section 107.3 of the Regulations.

Notice is hereby given that any interested person may, not later than July 5, 1981, submit written comments on the proposed transaction to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 19, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-18801 Filed 6-24-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1994]

Pennsylvania; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Clarion, Crawford, Jefferson, Mercer and Venango counties and adjacent counties within the State of Pennsylvania constitute a disaster area because of damage resulting from severe storms and flooding beginning on June 8, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 14, 1981, and for economic injury until close of business on March 15, 1982, at: Small Business Administration, District Office, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, or other locally announced locations. For recent changes in disaster loan eligibility, see 46 **Federal Register** (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 19, 1981.

Donald R. Templeman,

Acting Administrator.

[FR Doc. 81-18798 Filed 6-24-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1992; Amdt. No.1]

Texas; Declaration of Disaster Loan Area

The above numbered declaration (46 FR 30453) is hereby amended by extending the incidence period to include additional rains and flooding on June 12–16, 1981, in Travis County and adjacent counties within the State of Texas. All other information remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 19, 1981.

Donald R. Templeman,

Acting Administrator.

[FR Doc. 81-18799 Filed 6-24-81; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 05/05-0158]

Golder, Thoma Capital Co.; Application for a License To Operate as a Small Business Investment Co.

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1980)), by Golder, Thoma Capital Company (the Applicant), 120 South LaSalle Street, Suite 630, Chicago, Illinois 60603, for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amend (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder. The formation and licensing of a limited partnership SBIC is subject to the provisons of Section 107.4 of the Regulations.

The initial investors and their percent of ownership of the Applicant are as follows:

SCB & Co., 120 South LaSalle St., Chicago, Illinois 60603, general partner, .06 percent

The Golder, Thoma Fund, 120 South LaSalle St., Chicago, Illinois 60603, limited partner, 99.60 percent

Golder, Thoma & Co., 120 South LaSalle St., Chicago, Illinois 60603, limited partner, .34 percent

SCB & Co., an Illinois general partnership, will serve as the Applicant's sole general partner. The individual partners of SCB & Co., are:

General Partners and Partnership Interest

Stanley C. Golder, 576 Arbor Vitae Road, Winnetka, Illinois 60093, 33⅓ percent

Carl D. Thoma, 632 Melrose Avenue, Kenilworth, Illinois 60043, 33⅓ percent

Bryan C. Cressey, 3705 North Kenmore Avenue, Chicago, Illinois 60603, 33⅓ percent

The Golder, Thoma Fund, and Illinois limited partnership (the Fund), was established as a venture capital fund in August 1980 and has 22 limited partners. Golder, Thoma & Co., an Illinois limited partnership (GTC), serves as the Fund's sole general partner. The three individual partners of SCB & Co. also serve as the general partners of GTC. None of the Fund's 22 limited partners owns in excess of 10 percent of the aggregate limited partnership interests in the Fund.

The applicant will commence operations with an intial private capital of $5.0 million. The Applicant plans to seek investments in small businesses engaged in various communications industries (such as cable TV and radio broadcasting), but such investments will not exceed 70 percent of its portfolio.

Matters involved in SBA's consideration of the application include the general business reputation and character of the three individual partners of SCB & Co., and the probability of successful operation of the Applicant under their managment, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, on or before July 10, 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 will be published in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 19, 1981

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-18800 Filed 6-24-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 147—Active Beacon Collision Avoidance System (BCAS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Active Beacon Collision Avoidance System (BCAS) to be held on July 14-16, 1981 in Conference Rooms 5A-B, Air Transport Association of America, 1709 New York Avenue, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Second Meeting Held on April 23-24, 1981; (3) Consideration of Report Material Prepared by Drafting Groups; (4) Summary of Task Assignments; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on June 15, 1981.

Karl F. Bierach,

Designated Officer

[FR Doc. 81-18425 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

Advisory Circular on Designated Alteration; Station Authorization Procedures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of draft advisory circular and request for comments.

SUMMARY: The draft advisory circular announces the FAA's Designated Alteration Station (DAS) authorization program; provides acceptable means of compliance with the DAS eligibility, personnel qualifications, and procedural requirements; provides information on FAA's participation in design change approval projects conducted under DAS procedures; and describes the FAA's DAS audit procedures. On May 12, 1980, the FAA issued a notice suspending the issuance of new DAS authorizations and the extension of existing DAS authorizations beyond their current scope. The FAA intends to withdraw the notice of suspension upon final issuance of the advisory circular.

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

ADDRESSES: Comments on the draft advisory circular may be mailed in duplicate to the Federal Aviation Administration, Office of Airworthiness, Attention: Flight Test Branch (AWS-160), 800 Independence Avenue SW., Washington, D.C. 20591, or delivered in duplicate to Room 330, 800 Independence Avenue SW., Washington, D.C. 20591. Comments must be marked "file number AC 21.431-1." Comments may be inspected in Room 330 between 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur J. Hayes, Jr., AWS-120, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591 (telephone (202) 426-8383).

SUPPLEMENTARY INFORMATION:

Comments Invited

Comments are solicited on all aspects of the draft advisory circular. A copy of the draft advisory circular may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

Background

On May 12, 1980, the Administrator issued a "Notice of Policy Regarding Issuance of Designated Alteration Station Authorizations" (45 FR 32155) which suspended issuance of new DAS authorizations and extension of existing DAS authorizations beyond their current scopes pending a review of regulations pertaining to such operations and a review of activities conducted under these authorizations. The suspension was deemed necessary for safety reasons to give the FAA time to assess the need for tighter controls over supplemental type certificate (STC) activities under the DAS program. Under the extensive delegation of the DAS program, a DAS may issue STCs as a

representative of the Administrator for major and significant alterations made to an existing design. Therefore, the Administrator determined that there was a need to review the actual practices involved in the program, the adequacy of standards related to DAS authorization holders' technical staffing, and FAA's participation in the program.

The FAA has completed its review of operations conducted under DAS authorizations and the regulations related thereto. The FAA has found no major safety deficiencies in STCs issued under the DAS program, but believes there is need for additional FAA guidance material on procedures, DAS technical staffing qualifications, and FAA participation, including definitive FAA audit procedures. This draft advisory circular is intended to provide appropriate guidance material.

The draft advisory circular summarizes the controls necessary, possible, and used in practice under the existing DAS authorization regulations. In addition to the minimum qualification requirements of § 21.439(b), qualifications are suggested for other persons who are available as staff to the DAS and who can determine compliance with the applicable airworthiness regulations. In addition to the initial and recurrent FAA inspections of a DAS authorization holder's facilities, products, and records, details are outlined for FAA's findings of compliance involving design areas critical to safety, new design concepts, service experience, policy and procedural changes, rule changes, and acoustical changes.

After resolution of any comments and upon issuance of the final advisory circular, the FAA intends to withdraw the suspension announced in the "Notice of Policy Regarding Issuance of Designated Alteration Station Authorizations" (45 FR 32155) published May 15, 1980.

Issued in Washington, D.C., on June 18, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-18582 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Washington, D.C.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in the District of Columbia.

FOR FURTHER INFORMATION CONTACT:

William A. Sussmann, Jr., Field Operations Engineer, Federal Highway Administration, 666 11th Street, N.W., McLachlen Bldg., Room 1000, Washington, D.C. 20001; Telephone (202) 724-3379

Patricia Fairbairn, Project Manager, District of Columbia Department of Transportation, 415 12th Street, N.W., Rm. 519, Washington, D.C. 20004; Telephone (202) 727-5779.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the District of Columbia Department of Transportation, will prepare an EIS on a proposal to provide eastbound-to-northbound and southbound-to-westbound connections between the Southeast Freeway (Interstate Highway 695) in the vicinity of Barney Circle and the Anacostia/Kenilworth Avenue Freeway. The proposed project will be part of the District of Columbia's planned Interstate Highway system.

The main purpose of the proposed highway facility is to provide a direct freeway route between central Washington D.C. and points to the north and east. The study will also address reducing through-traffic on local streets, providing service to the Robert F. Kennedy Memorial Stadium-Armory Complex, and examining compatibility with objectives for Anacostia Park. Possible alternatives for connecting the Anacostia and Southeast Freeways will be developed and evaluated including the no-build alternate, ramp additions to existing bridges, as well as a new Anacostia River crossing. Also included will be evaluation of transportation efficiency measures such as high occupancy vehicle lanes.

The EIS preparation process will include public participation, identification of evaluation criteria, and formation of a steering committee. Possible alternates will be studied and screened based on the determined evaluation criteria and public input.

No scoping meeting is planned at this time. To ensure the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA and DC DOT as indicated above.

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

Issued on June 19, 1981.

William A. Sussmann, Jr.,

Field Operations Engineer, Washington, D.C.

[FR Doc. 81-18711 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Flathead County, Mont.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Flathead County, Montana.

FOR FURTHER INFORMATION CONTACT:

Mr. Jerry L. Budwig, Division Engineer, Central Direct Federal Division, P.O. Box 25246, Denver, CO 80225, Attention: Mr. Robert Arensdorf or Mr. E. C. Samuelson, (303) 234-4798.

SUPPLEMENTARY INFORMATION: The Montana Forest Highway Program agencies (FHWA-lead agency, U.S. Forest Service, Montana Department of Highways) and Flathead County are proposing to improve approximately 12 miles of the North Fork Flathead River Road (Forest Highway 61 and Flathead County Route 486) from the end of previous improvements at Canyon Creek (about 10 miles north of Columbia Falls) to the junction with Glacier National Park Road Route 8 which crosses the North Fork Flathead River near Camas Creek. The project area crosses and serves both Flathead National Forest and private lands. The proposed action generally would follow the alignment of the existing 15- to 30-foot wide gravel road and includes regrading, widening, improving drainage features, improving the structure section, and surfacing to enhance the capacity and safety features of the existing road. The existing road parallels the North Fork Flathead River—a designated "recreation river" component of the National Wild and Scenic River System. Road improvements would generally be on the side away from the river and will include provisions to minimize encroachment and impacts on the computed 100-year flood plain of the river. The proposed project area also crosses or accesses habitat areas of the grizzly bear and gray wolf which are protected under the federal Endangered Species Act.

Alternatives currently being considered for this proposed action include:

Alternative A—No action, maintain the existing road with no structural or geometric improvement;

Alternative B—Reconstruct the road to a 50 mph standard with asphalt surface, generally on or near the existing road alignment;

Alternative C—Reconstruct the road to a 35 mph standard with asphalt surface, closely following the existing road alignment;

Alternative D—Reconstruct the road to a 35 mph standard with gravel surface, closely following the existing road alignment;

Alternative E—Reconstruct the road on existing alignment at critical locations only (spot safety improvements);

Provide other transportation modes—to serve the transportation needs in this corridor.

The scoping process for this proposed project was begun in 1979 with an interagency meeting and field review in August 1979 and two informal public meetings in September 1979 to obtain public and governmental agency input to project development. Several interagency meetings were held in 1980 to discuss issues of the proposed project, particularly involvement with endangered or threatened species and other wildlife habitat. A newsletter describing the status of the proposed project status and requesting comments will be sent to interested federal, state, and local agencies and individuals/groups in June 1981. Further interagency meetings will be held if needed and an additional public meeting will be held to obtain public input in July 1981. The Forest Highway Program agencies are presently conducting environmental and engineering studies for the project which will be documented in a Draft EIS to be issued in November 1981. A corridor/design public hearing is tentatively scheduled for January 1982 followed by completion of a Final EIS and Record-of-Decision documenting the final decision. Questions or comments concerning the proposed project can be addressed to the individuals noted above.

(Catalog of Federal Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular A-95 regarding state and local clearinghouse review of federal and federally-assisted programs and projects apply to this program)

Issued on: June 17, 1981.

J. L. Budwig,

Division Engineer, Central Direct Federal Division, Denver, Colorado.

[FR Doc. 81-18769 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in April 1981. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Renewal and Party to Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1862-X	DOT-E 1862	Greer Hydraulics, Inc., Los Angeles, CA	49 CFR 173.302(a)(1), 175.3	To authorize shipment of nitrogen in hydraulic accumulators. (Modes 1, 2, 3, and 4.)
2708-X	DOT-E 2708	Union Carbide Cor., Tarrytown, NY	49 CFR 173.315(a), 173.316	To authorize shipment of a flammable liquefied compressed gas in non-DOT specification cargo tanks. (Mode 1.)
2805-X	DOT-E 2805	SunOlin Chemical Co., Claymont, DE	49 CFR 172.101, 173.315(a)(1)	To authorize shipment of liquefied ethylene in non-DOT insulated cargo tanks, (Mode 1.)
3330-X	DOT-E 3330	General Electric Co., Schenectady, NY	49 CFR 173.214(d)	To authorize use of packaging not presently prescribed in Hazardous Materials Regulations for certain flammable Solids. (Modes 1 and 2.)
3330-X	DOT-E 3330	Babcock and Wilcox Co., Lynchburg, VA	49 CFR 173.214(d)	To authorize use of packaging not presently prescribed in Hazardous Materials Regulations for certain flammable solids. (Modes 1 and 2.)
4177-X	DOT-E 4177	Hydrodyne Industries, Inc., Hauppauge, Long Island, NY.	49 CFR 173.302(a)(1), 175.3	To authorize use of a non-DOT specification pressure vessel containing a nonflammable, nonliquefied gas. (Modes 1, 2, 3, and 4.)
4242-X	DOT-E 4242	U.S. Department of Defense, Washington, DC.	49 CFR 173.134, 173.87	To authorize use of a non-DOT specification pressure vessel containing a certain pyroforic mixture. (Mode 1.)
4338-X	DOT-E 4338	Stauffer Chemical Co., Westport, CT	49 CFR 173.119(m), 173.245a, 173.247	To authorize use of DOT specification 3AA2015 cylinders and DOT Specification 51 portable tanks for shipment of corrosive and a flammable liquid. (Modes 1, 2, and 3.)
4453-P	DOT-E 4453	Margraf Explosives, Inc., Rancho Cordova, CA.	49 CFR 173.114a(h)(3)	To become a party to Exemption 4453. (Mode 1.)
4575-X	DOT-E 4575	ICI Americas, Inc., Wilmington, DE	49 CFR 173.314(c), 173.315(a)(1)	To authorize use of DOT specification and non-DOT specification cargo tanks and tank car tanks for shipment of certain liquefied compressed gases. (Modes 1, 2, and 3.)
4575-X	DOT-E 4575	Union Carbide Corp., New York, NY	49 CFR 173.314(c), 173.315(a)(1)	To authorize use of DOT specification and non-DOT specification cargo tanks and tank car tanks for shipment of certain liquefied compressed gases. (Modes 1, 2, and 3.)
4684-X	DOT-E 4684	Honeywell, Inc., Minneapolis, MN	49 CFR 173.202, 173.206, 175.3	To authorize the shipment of a flammable solid in valve actuators sealed in metal bellows contained in metal housing overpacked in a fiberboard box. (Modes 1, 2, and 4.)
4845-X	DOT-E 4845	Gravner Ltd., Slough, England	49 CFR 173.304	To authorize use of non-DOT specification foreign made steel cylinders for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1 and 2.)
5643-X	DOT-E 5643	Union Carbide Corp., Tarrytown, NY	49 CFR 172.101, 173.315(a)(1)	To authorize shipment of a nonflammable gas in vacuum insulated non-DOT specification portable tanks. (Modes 1 and 3.)

Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6007-X	DOT-E 6007	Pennwalt Corp., Philadelphia, PA	49 CFR 173.391(b)(5), 175.3	To authorize the transportation of radioactive devices containing polonium-210 (Modes 1, 2, 3, 4, and 5.)
6007-X	DOT-E 6007	Falcon Safety Products, Inc., Mountainside, NJ.	49 CFR 173.391(b)(5), 175.3	To authorize the transportation of radioactive devices containing polonium-210 (Modes 1, 2, 3, 4, and 5.)
6007-X	DOT-E 6007	Nuclear Products Co., El Monte, CA	49 CFR 173.391(b)(5), 175.3	To authorize the transportation of radioactive devices containing polonium-210 (Modes 1, 2, 3, 4, and 5.)
6215-X	DOT-E 6215	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.315(a)	To authorize use of insulated non-DOT specification cargo tanks for shipment of a nonflammable gas. (Mode 1.)
6253-X	DOT-E 6253	Atlantic Cargo Services, Gothenberg, Sweden.	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	Hapag-Lloyd, Hamburg, Germany	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	Akzo Zout Chemie Nederland, Amsterdam, Holland.	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	Leschaco, Inc., Houston, TX	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6267-X	DOT-E 6267	Bio-Lab, Inc., Conyers, GA	49 CFR 173.217(a)	To authorize the shipment of certain oxidizing materials in non-DOT specification double-faced fiberboard boxes. (Modes 1, 2, and 3.)
6267-P	DOT-E 6267	Airwick Industries, Inc., Carlstadt, NJ	49 CFR 173.217(a)	To become a party to Exemption 6267. (Modes 1, 2, and 3.)
6293-X	DOT-E 6293	Olin Corp., East Alton, IL	49 CFR 173.21(b), 173.245(a)(31)	To authorize shipment of specific corrosive material in DOT Specification MC-311 or MC-312 tank motor vehicles. (Mode 1.)
6418-P	DOT-E 6418	Simplot Soilbuilders, Moses Lake, WA	49 CFR 173.357(b)	To become a party to Exemption 6418. (Mode 1.)
6443-X	DOT-E 6443	Montana Sulphur & Chemical Co., Billings, MT.	49 CFR 173.315(a)(1)	To authorize the use of DOT specification MC-331 insulated cargo tanks not presently authorized for shipment of a flammable gas. (Mode 1.)
6557-X	DOT-E 6557	General Fire Extinguisher Corp., Northbrook, IL.	49 CFR 175.3, 178.36-4(c), 178.37-4(c), 178.50-4(c).	To authorize deviation from the requirements of the inspector's report for DOT Specification 3A, 3AA, and 4B cylinders for shipment of certain nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
6626-X	DOT-E 6626	Airco Welding Products, Springfield, NJ	49 CFR 173.34(e)(15)(i), 175.3	To authorize the use of DOT Specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A, or 3AA for shipment of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
6752-X	DOT-E 6752	Pennwalt Corp., Philadelphia, PA	49 CFR 173.301(d)(3), 173.304(a)(2)	To authorize use of DOT specifications 3A2400 cylinders forming part of a tube trailer for shipment of a liquefied flammable compressed gas. (Mode 1.)
6773-X	DOT-E 6773	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.314(c)	To authorize the shipment of a compressed gas to be transported in a DOT Specification tank car. (Mode 2.)
6774-X	DOT-E 6774	Hydraulic Research Textron, Pacoima, CA.	49 CFR 173.302(a)(2), 175.3	To authorize use of non-DOT specification cylinders complying with DOT Specification 3HT for shipment of a nonflammable gas. (Modes 1 and 4.)
6923-X	DOT-E 6923	Dow Chemical Co., Midland, MI	49 CFR 172.101, 173.315(a)(1)	To authorize the use of non-DOT specification insulated cargo tanks for shipment of a flammable gas. (Mode 1.)
6958-X	DOT-E 6958	Great Lakes Chemical Corp., El Dorado, AR.	49 CFR 173.252(a)(5)	To authorize the shipment of elemental bromine in a portable tank not presently authorized in the regulations. (Modes 1 and 3.)
7005-P	DOT-E 7005	Logemafer, Paris, France	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 7005. (Modes 1, 2, and 3.)
7010-X	DOT-E 7010	Dow Chemical Co., Midland, MI	49 CFR 173.252(a)(4)	To authorize the shipment of bromine in non-DOT specification lead lined portable tanks. (Modes 1, 2, and 3.)
7011-X	DOT-E 7011	Advanced Chemical Technology, City of Industry, CA.	49 CFR 173.239(a), 173.245b(a)(8)	To authorize the transportation of caustic soda bead, a corrosive solid and ammonia perchlorate in non-DOT specification polyethylene containers not exceeding 57-gallon capacity. (Modes 1, 2, and 3.)
7052-X	DOT-E 7052	Industrial Solid State Controls, Inc., York, PA.	49 CFR 172.101, 175.3	To authorize the shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7071-X	DOT-E 7071	Philip A. Hunt Chemical Corp., Palisades Park, NJ.	49 CFR 172.101, 173.245	To authorize packagings in a quantity not provided for in the regulation for use with a corrosive liquid. (Modes 1, 2, and 3.)
7252-X	DOT-E 7252	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.93	To authorize the transportation of Pourvex and Tovex Extra (Class B explosive) in packagings not provided for in Hazardous Materials Regulations. (Mode 3.)
7259-P	DOT-E 7259	Exxon Chemical International Supply, Florham Park, NJ.	49 CFR 176.76(g)(5)	To become a party to Exemption 7259. (Mode 3.)
7259-P	DOT-E 7259	Monsanto Co., St. Louis, MO	49 CFR 176.76(g)(5)	To become a party to Exemption 7259. (Mode 3.)
7413-X	DOT-E 7413	Chilton Metal Products Division, Western Industries, Inc., Chilton, WI	49 CFR 173.302(a), 173.304(a)(1), 175.3, 178.42	To authorize the transportation of carbon dioxide or nitrogen in a non-DOT specification brazed steel cylinder. (Modes 1, 2, and 4.)
7446-X	DOT-E 7446	Kaiser Aluminum and Chemical Corp., Erie, PA.	49 CFR 173.302(a)(1), 178.38	To authorize the shipment of dry powder-fire extinguishant charged with compressed air or nitrogen in non-DOT specification seamless aluminum cylinders. (Modes 1, 2, and 3.)
7451-X	DOT-E 7451	Union Carbide Corp., Tarrytown, NY	49 CFR 173.304, 173.315	To authorize the use of non-DOT specification pressure vessel for shipment of a nonflammable gas. (Modes 1 and 3.)
7503-X	DOT-E 7503	Lowaco, S.A., Geneva, Switzerland	49 CFR 172.101, 173.119, 173.141, 173.245(a), 173.295(a), 173.346(a), 46 CFR 90.05-35	To authorize the shipment of various hazardous materials in non-DOT specification IMCO Type 1 portable tanks. (Modes 1 and 3.)
7513-X	DOT-E 7513	MG Burdett Gas Products Co., Inc., Reading, PA	49 CFR 173.315(a)(1)	To authorize the shipment of pressurized liquid oxygen in DOT Specification MC-331 cargo tanks. (Mode 3.)
7671-P	DOT-E 7671	Logemafer, Paris, France	49 CFR 173.119, 173.125, 173.128(a), 173.129, 173.131(a)(1), 173.132(a)(1), 173.245(a), 173.32(a)(2), 173.346(a), 173.510, 173.605(a), 173.630(b), 46 CFR 90.05-35	To become a party to Exemption 7671. (Modes 1, 2, and 3.)
7731-X	DOT-E 7731	Minnesota Valley Engineering, New Prague, MN.	49 CFR 172.101, 173.315(a)(1)	To manufacture, mark, and sell non-DOT specification super-insulated portable tanks for shipment of pressurized liquid helium. (Modes 1 and 3.)
7849-X	DOT-E 7849	Southern Oxygen Supply Co., Atlanta, GA	49 CFR 173.315(a)	To authorize the sue of non-DOT specification cargo tanks for the shipment of certain nonflammable gases. (Mode 1.)

Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7872-X	DOT-E 7872	Magna Corp., Houston, TX	49 CFR 173.122(a)(6)	To authorize a portable tank capacity in excess of that set forth in the regulations for a tank transporting a flammable liquid. (Modes 1, 2, and 3.)
8002-P	DOT-E 8002	Logemafer, Paris, France	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 8002. (Modes 1, 2, and 3.)
8005-X	DOT-E 8005	Hugonnet, S.A., Paris, France	49 CFR 173.266	To authorize the shipment of hydrogen peroxide in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
8005-X	DOT-E 8005	Intsel Corp., New York, NY	49 CFR 173.266	To authorize the shipment of hydrogen peroxide in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
8050-X	DOT-E 8050	XMAS Corp., Tulsa, OK	49 CFR 173.306(b)(4)	To authorize the transportation of nonliquefied sulfur hexafluoride in certain X-ray machines. (Modes 1, 2, 3, 4, and 5.)
8136-X	DOT-E 8136	Eastman Kodak Co., Rochester, NY	49 CFR 173.245, 173.277	To authorize the use of DOT Specification 57 stainless steel portable tanks for the shipment of certain corrosive solutions or acid. (Mode 1.)
8159-X	DOT-E 8159	Fauvet-Girel, Paris, France	49 CFR 173.266	To authorize the use of non-DOT specification portable tanks for the shipment of a hydrogen peroxide solution. (Modes 1, 2, and 3.)
8159-P	DOT-E 8159	SLEMI, Paris, France	49 CFR 173.266	To become a party to Exemption 8159. (Modes 1, 2, and 3.)
8159-X	DOT-E 8159	Transport International Containers, Paris, France.	49 CFR 173.266	To authorize the use of non-DOT specification portable tanks for the shipment of hydrogen peroxide solution. (Modes 1, 2, and 3.)
8163-X	DOT-E 8163	Transport Inlenationaux Containers, Paris, France.	49 CFR 173.119, 173.125, 173.128, 173.135, 173.141, 173.144, 173.145, 173.146, 173.147, 173.245, 173.347.	To authorize the use of non-DOT specification portable tanks for the shipment of certain flammable, corrosive, class B poisons and combustible liquids. (Modes 1, 2, and 3.)
8163-X	DOT-E 8163	Fauvet-Girel, Paris, France	49 CFR 173.119, 173.125, 173.128, 173.135, 173.141, 173.144, 173.145, 173.146, 173.147, 173.245, 173.347.	To authorize the use of non-DOT specification portable tanks for the shipment of certain flammable, corrosive, class B poisons and combustible liquids. (Modes 1, 2, and 3.)
8184-X	DOT-E 8184	International Minerals and Chemical Corp., Allentown, PA.	49 CFR 173.65	To authorize the transport of flake TNT in non-DOT specification composite type bags. (Modes 1, 2, and 3.)
8203-X	DOT-E 8203	Pennwalt Corp. Philadelphia, PA	49 CFR 173.119, 173.154, 173.245, 173.247, 173.268, 173.346, 46 CFR 90.05-35.	To authorize the use of certain non-DOT specification portable tanks for the shipment of various poison, flammable, oxidizer, or corrosive liquids. (Modes 1, 2, and 3)
8203-X	DOT-E 8203	Eastern Mediterranean (Containers) Co., Ltd., London England.	49 CFR 173.119, 173.154, 173.245, 173.247, 173.268, 173.346, 46 CFR 90.05-35.	To authorize the use of certain non-DOT specification portable tanks for the shipment of various poison, flammable, oxidizer, or corrosive liquids. (Modes 1, 2, and 3).
8225-X	DOT-E 8225	Hoover Universal, Inc., Beatrice, NB	49 CFR 173.245, 173.249, 173.249a, 173.257, 173.263, 173.264, 173.265, 173.266, 173.272, 173.276, 173.277, 173.283, 173.288, 173.289, 173.292, 178.19, 178.253.	To authorize the use of a non-DOT specification rotationally molded, cross-linked polyethylene portable tank for the shipment of corrosive liquids and an oxidizer. (Modes 1 and 2.)
8307-X	DOT-E 8307	U. S. Department of Energy, Washington, DC.	49 CFR 173.21, 173.247, 173.25(b), 173.305(a), 175.3.	To authorize shipment of non-pyrotechnic mixture of certain corrosive materials, gas and an explosive charge in a non-DOT specification container. (Modes 1, 2, 3, and 4)
8308-X	DOT-E 8308	New England Nuclear Corp., Boston, MA	49 CFR 177.842(a), 177.842(b)	To authorize carriage of radioactive materials aboard highway vehicle when the combined transport index exceeds 50 and/or the separation criteria cannot be met. (Mode 1.)
8308-X	DOT-E 8308	Sky Cab. Inc., East Brunswick, NJ	49 CFR 177.842(a), 177.842(b)	To authorize carriage of radioactive materials aboard highway vehicle when the combined transport index exceeds 50 and/or the separation criteria cannot be met. (Mode 1.)
8308-X	DOT-E 8308	Associated Couriers, Inc., Maryland Heights, MO.	49 CFR 177.842(a), 177842(b)	To authorize carriage of radioactive materials aboard highway vehicle when the combined transport index exceeds 50 and/or the separation criteria cannot be met. (Mode 1.)
8323-P	DOT-E 8323	Contrans Hamburg, West Germany	49 CFR 173.119, 173.245, 173.249	To become a party to Exemption 8323. (Modes 1, 2, and 3.)
8362-P	DOT-E 8362	Bunker Ramo Corp. Westlake Village, CA	49 CFR 172.101, 173.206, 173.247	To become a party to Exemption 8362. (Mode 1.)
8401-P	DOT-E 8401	Maritime Helicopters Homer, AK	49 CFR 175.3, 175.310(c)(3), 175.310(d)	To become a party to Exemption 8401. (Mode 5.)
8441-P	DOT-E 8441	U.S. Department of Energy, Washington, D.C.	49 CFR 172.101	To become a party to Exemption 8441. (Mode 1.)
8445-P	DOT-E 8445	Owens-Corning Fiberglass Corp., Granville, OH.	49 CFR Part 173, Subpart D, E, F, H	To become a party to Exemption 8445. (Mode 1.)
8468-X	DOT-E 8468	Hedwin Corp., Baltimore, MD	49 CFR 173.119, 173.125, 173.272, 173.288, 173.346.	To manufacture, mark and sell DOT specification 34 drums for shipment of certain flammable, poison B, corrosive liquids, and organic peroxides. (Modes 1, 2, and 3.)
8471-P	DOT-E 8471	Sea Containers, Inc., New York, NY	49 CFR 173.119, 173.245, 173.247, 173.346.	To become a party to Exemption 8471. (Modes 1, 2, and 3.)
8471-P	DOT-E 8471	Hoyer S.A.G.L., Chiasso, Switzerland	49 CFR 173.119, 173.245, 173.247, 173.346.	To become a party to Exemption 8471. (Modes 1, 2, and 3.)
8479-P	DOT-E 8479	Liquor Control Board of Ontario, Toronto, Canada.	49 CFR 173.119, 173.125	To become a party to Exemption 8479. (Modes 1, 2, and 3.)
8499-X	DOT-E 8499	Hedwin Corp., Baltimore, MD	49 CFR 173.119, 173.125, 173.272, 173.288, 173.346.	To manufacture, mark and sell DOT Specification 34 polyethylene drums for shipment of certain flammable corrosive, and poison B liquids. (Modes 1, 2, and 3.)
8558-X	DOT-E 8558	International Minerals and Chemical Corp., Allentown, PA.	49 CFR 173.53	To authorize the transport of a pharmaceutical described as an initiating explosive in a non-DOT specification polyethylene pail, overpacked in a 15 gallon DOT Specification 37A steel drum. (Mode 1.)

New Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8471-N	DOT-E 8471	Containers and Pressure Vessel Ltd., Clones, Ireland.	49 CFR 173.119, 173.245, 173.247, 173.346.	To authorize shipment of flammable, combustible, corrosive and Poison B liquids in non-DOT specification IMCO Type 1 portable tanks. (Modes 1, 2, and 3.)
8479-N	DOT-E 8479	M1 Engineering, Ltd., Bradford, England	49 CFR 173.119, 173.125	To authorize shipment of alcohol, n.o.s., classed as flammable liquids in non-DOT specification IMCO Type II portable tanks. (Modes 1, 2, and 3.)

New Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8487-N	DOT-E 8487	Brunswick Corp., Lincoln, NB	49 CFR 173.302, 178.44	To manufacture, mark and sell non-DOT specification fiberglass reinforced plastic pressurized containers with welded aluminum liners for shipment of various non-flammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
8493-N	DOT-E 8493	Gibson Cryogenics, Lakeside, CA	49 CFR 172.101	To manufacture, mark and sell vacuum insulated, non-DOT specification portable tank for shipment of liquid nitrogen. (Mode 3.)
8505-N	DOT-E 8505	Tsuji Heavy Industries Co., Ltd., Nagusaki, Japan.	49 CFR 173.118(a), 173.119, 173.245, 173.346.	To authorize shipment of various flammable liquids, combustible liquids, corrosive materials, poison B liquids and ORM-A materials in non-DOT specification IMCO Type I portable tanks. (Modes 1, 2, and 3.)
8506-N	DOT-E 8506	Dow Chemical Co., Midland, MI	49 CFR 173 Subpart D, E, F, 173 Subpart H, 178.102-2(c).	To authorize use of a DOT Specification 6D cylindrical steel overpack constructed with two holes below the top chime for shipment of those materials presently authorized in a DOT Specification 6D. (Modes 1, 2, and 3.)
8507-N	DOT-E 8507	U.S. Department of Energy, Washington, D.C.	49 CFR 173.302, 175.3	To authorize use of non-DOT specification stainless steel welded conical pressure vessel for shipment of a compressed gas. (Modes 1, 2, 4, and 5.)
8510-N	DOT-E 8510	Dow Chemical Co., Freeport, TX	49 CFR 173.154	To authorize shipment of salt-coated magnesium granules in a non-DOT specification wax-impregnated, intermediate bulk, fiberboard box with an inside polyethylene bag. (Modes 1, 2, and 3.)
8523-N	DOT-E 8523	Fauvet-Girel, Paris, France	49 CFR 173.304, 173.315	To authorize shipment of various flammable and non-flammable compressed gases in non-DOT specification IMCO Type 5 portable tanks. (Modes 1, 2, and 3.)
8526-N	DOT-E 8526	Economics Laboratory, Inc., St. Paul, MN	49 CFR 177.834(L)(2)(i)	To authorize the shipment of flammable liquids and/or flammable gases in temperature controlled equipment. (Mode 1.)
8532-N	DOT-E 8532	Container and Pressure Vessels Ltd., Clones, Ireland.	49 CFR 173 Subpart D, 173 Subpart F, 173 Subpart H.	To authorize the use of non-DOT specification IMCO Type 1 portable tanks for the shipment of various hazardous materials. (Modes 1, 2, and 3.)
8533-N	DOT-E 8533	Container and Pressure Vessels Ltd., Clones, Ireland.	49 CFR 173 Subpart D, 173 Subpart F, 173 Subpart H.	To authorize the use of non-DOT specification IMCO Type 1 portable tanks for various hazardous materials. (Modes 1, 2, and 3.)
8550-N	DOT-E 8550	Environmental Sciences Associates, Inc., Bedford, MA.	49 CFR 173.119(m)(6), 175.3	To authorize shipment of a hydrochloric acid/propanol mixture, classed as a flammable liquid in non-DOT specification 1 pint polyethylene bottles not to exceed 6 bottles to one outside DOT Specification 12B fiberboard box. (Modes 1, 2, 3, 4, and 5.)
8554-N	DOT-E 8554	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.114a, 173.93	To authorize shipment of propellant explosives and blasting agents in DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Mode 1.)
8561-N	DOT-E 8561	HTL Industries, Inc., Duarte, CA	49 CFR 173.304(a)(1), 175.3, 178.44	To manufacture, mark and sell non-DOT specification stainless steel cylinders similar to a DOT Specification 3HT, except for girth weld, type of steel, and other variations, for shipment of oxygen. (Modes 1, 2, and 4.)
8564-N	DOT-E 8564	Altus Corp., San Jose, CA	49 CFR 173.206, 173.247	To authorize shipment of lithium/thionyl chloride batteries in DOT Specification 19 wooden boxes. (Mode 1.)
8565-N	DOT-E 8565	Olin Corp., Stamford, CT	49 CFR 173.217(a)(3), 178.224	To authorize shipment of calcium hypochlorite mixture, dry, classed as oxidizers, in a DOT Specification 21C drum having an inner ply consisting of a lamination of polyester film mounted on the aluminum foil. (Modes 1 and 3.)
8571-N	DOT-E 8571	MCB Manufacturing Chemists, Inc., Norwood, OH.	49 CFR 173.119(a)(28), (b)	To authorize shipment of various flammable liquids packaged in a DOT Specification 12A80 corrugated fiberboard box with two inside metal containers not over 10 liters capacity each. (Mode 1.)
8573-N	DOT-E 8573	Shenango enterprises, Inc., fountain Valley, CA.	49 CFR 173.2179(a)(8)	To manufacture, mark and sell DOT Specification 12B double-wall corrugated fiberboard boxes for shipment of certain solid oxidizers. (Modes 1, 2, and 3.)
8574-N	DOT-E 8574	Enterprise Steel Drum Corp., Berlin, NJ	49 CFR 173.28(o), 175.3, 178.118-10(a)	To authorize conversion of non-DOT specification 55-gallon steel drum to an open-head, DOT Specification 17H drum, except for marking location, for shipment of certain hazardous materials. (Modes 1, 2, 3, and 4.)
8575-N	DOT-E 8575	Cincinnati Drum Service, Inc., Ludlow, KY	49 CFR 173.28(o), 175.3, 178.118-10(a)	To authorize conversion of non-DOT specification 55-gallon steel drum to an open-head, DOT Specification 17H drum for shipment of certain hazardous materials. (Modes 1, 2, 3, and 4.)
8582-N	DOT-E 8582	Missouri Pacific Railroad Co., St. Louis, MO.	49 CFR Part 100-177	To authorize transportation of railway track torpedoes and fusees packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (mode 1.)
8583-N	DOT-E 8583	Process Engineering, Inc., Plaistow, NH	49 CFR 172.101,173.315(a)	To manufacture, mark and sell non-DOT specification insulated cargo tanks for shipment of certain flammable gases. (Mode 1.)
EE 8809-X	DOT-E 6809	H. J. Baker & Bros., Inc., New York, NY	49 CFR 173.152(b)(5)(ii)	To authorize the shipment of potassium nitrate in polyethylene inner/polyproylene outer bags. (Modes 1 and 3.)
EE 8308-X	DOT-E 8308	Caspersen, Inc., Glencoe, IL	49 CFR 177.842(a), 177.842(b)	To authorize carriage of radioactive materials aboard highway vehicle when the combined transport index exceeds 50 and/or the separation criteria cannot be met. (Mode 1.)
EE 8618-N	DOT-E 8618	Alaska International airlines, Anchorage, AK.	49 CFR 172.101 column (6)(b), 175.30(a)	To authorize the transportation of flammable liquids in DOT Specification 17H drums having capacity exceeding the net quantity limitation for cargo only aircraft. (Mode 4.)
EE 8619-N	DOT-E 8619	Evergreen International Airlines, Newberg, OR.	49 CFR 172.101 column (6)(b), 175.30(a)(1).	To authorize the transportation of oil well cartridges, cordeau detonant fuse, high explosives, and electric blasting caps in the same aircraft. (Mode 4.)
EE 8641-N	DOT-E 8641	Warner-Lambert Co., Morris Plains, NJ	49 CFR 173.387(b)	To authorize the use of non-prescribed packaging for a one time shipment of microbiological cultures. (Mode 1.)

Withdrawals

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8310-N	Exxon Chemical Co., Houston, TX	49 CFR	To authorize use of a non-attended, TV monitored tank truck loading & unloading rack for shipping and receiving dilute isoprene.

Denials

6793-X—Request by Trafpak Limited, Aylesbury, England to transport cumene hydroperoxide, classed as an organic perioxide, in portable tanks denied April 15, 1981.

8515-N—Request by Fruehauf Corporation, Omaha, NB to authorize shipment of flammable liquids, n.o.s., and combustible liquids, n.o.s., in non-DOT specification portable tanks denied April 8, 1981.

Issued in Washington, D.C., on June 17, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-18707 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 32]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $656,000 has been established for the company.

Name of Company:
Worldwide Underwriters Insurance Company

Business Address:
2000 Westwood Drive
Wausau, Wisconsin 54401

State of Incorporation:
Wisconsin

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1980 Revision, at page 44513 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: June 18, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-18750 Filed 6-24-81; 8:45 am]

BILLING CODE 4810-35-190-M

Office of The Secretary

[Supplement to Dept. Circular on Public Debt Series No. 17-81]

Notes Designated Series S-1983; Interest Rates

The Secretary announced on June 18, 1981, that the interest rate or the notes designated Series S-1983, described in Department Circular—Public Debt Series—No. 17-81, dated June 11, 1981, will be 14⅝ percent. Interest on the notes will be payable at the rate of 14⅝ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-18795 Filed 6-24-81; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on July 28, 1981, at 10 a.m., the Muskogee Station Committee on Educational Allowances shall at Room 2A20, 125 South Main Street, Muskogee, Oklahoma, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Carl Albert Junior College, Highway 271 South, Poteau, Oklahoma, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: June 18, 1981.

Ray E. Smith,

Director, VA Regional Office.

[FR Doc. 81-18704 Filed 6-24-81; 8:45 am]

BILLING CODE 8320-01-M

CIVIL AERONAUTICS BOARD

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

In the matter of notice of applications for certificates of public convenience and necessity and foreign air carrier permits filed under Subpart Q of the board's procedural regulations (see, 14 CFR 302.1701 et seq.), week ended June 19, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist or the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
June 15, 1981	39711	British Caledonian Airways Limited, c/o Leonard N. Bebchick, Martin, Whitfield, Smith & Bebchick, 1701 Pennsylvania Avenue NW., Suite 1102, Washington, D.C. 20006. Application of British Caledonian Airways Limited, pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of its foreign air carrier permit so as to add San Juan, Puerto Rico as an additional U.S. coterminal point on its existing Paragraph A route authorization. B.Cal intends to operate both scheduled and charter services over the San Juan route. It plans to inaugurate twice-weekly DC-10 London/San Juan scheduled service on October 24, 1981. B.Cal initially will serve San Juan as an intermediate point on its routes from London to Venezuela, Columbia, Ecuador and Peru. Answers to Application may be filed by July 13, 1981.
June 15, 1981	39719	Columbia Air, Inc., P.O. Box 8602, Baltimore-Washington International Airport, Maryland 21240. Application of Columbia Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in scheduled air transportation of passengers, property, and mail, as follows: Atlanta, Ga., Baltimore, Md.-Washington, D.C., Boston, Mass., Buffalo, N.Y., Charleston, W. Va., Charlotte, N.C., Chicago, Ill., Cincinnati, Ohio, Cleveland, Ohio, Columbia, S.C., Columbus, Ohio, Detroit, Mich., Greensboro-High Point, N.C., Hartford, Conn.-Springfield, Mass., Indianapolis, Ind., Islip, N.Y., Louisville, Ky., Miami, Fla., Nashville, Tenn., New York, N.Y.-Newark, N.J., Norfolk, Va., Orlando, Fla., Pittsburgh, Pa., Providence, R.I., Raleigh-Durham, N.C., Rochester, N.Y., St. Louis, Mo., Savannah, Ga., Syracuse, N.Y., and the terminal point Tampa, Florida. Conforming Applications, motions to modify scope, and Answers may be filed by July 13, 1981.
June 17, 1981	39723	Fast Air Carrier Ltds., Suite 330, 7220 N.W. 36th Street, Miami, Florida 33166. Application of Fast Air Carrier Ltds. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests the Board to amend Fast Air's foreign air carrier permit to allow the carrier to operate scheduled all-cargo services between a point or points in the Republic of Chile and the United States (Los Angeles, California and Houston, Texas) via intermediate points including Lima, Peru. Answers may be filed by July 15, 1981.
June 17,1981	39726	Scanair, c/o Robert Reed Gray, Hale Russell & Gray, Suite 400, 1025 Connecticut Avenue NW., Washington, D.C. 20036. Application of Scanair pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit for the following charter authority: Between any point or points in Denmark, Norway of Sweden and any point or points in the State of Florida in the United States, either directly or via intermediate points in other countries, with or without stopovers. The authority requested is limited to passenger charters (and accompanying baggage) originating at Scandinavian points and operated in accordance with applicable charter regulations of Denmark, Norway and Sweden. Answers may be filed by July 15, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-18832 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 122
Thursday, June 25, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting.

Pursuant to subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 9:35 p.m. on Friday, June 19, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Northwest Commerce Bank, North Bend, Oregon, which was closed on June 19, 1981 by the Oregon Superintendent of Banks; (2) accept the bid for the transaction submitted by Citizens Bank of North Bend, North Bend, Oregon, a newly-chartered State member bank organized by a subsidiary of Citizens Valley Bank, Albany, Oregon; (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction; and (4) appoint a liquidator for such of the assets of the closed bank as were not purchased by Citizens Bank of North Bend.

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: June 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-981-81 Filed 6-23-81; 11:45 am]

BILLING CODE 6714-01-M

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, June 30, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits. FOIA Appeal.

* * * * *

DATE AND TIME: Thursday, July 2, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certifications
Advisory opinions:
Draft AO 1981-24: William C. Oldaker, American Federation of State, County and Municipal Employees (AFSCME) (continued from June 18, 1981 meeting)
Draft AO 1981-27: Bill Archer, Member of Congress
Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-988-81 Filed 6-23-81; 3:30 pm]

BILLING CODE 6715-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Tuesday, June 30, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: Proposed Acquisition of Control of—Financial Federation Inc., Los Angeles, California by Great Western Financial Corporation, Beverly Hills, California and its wholly owned subsidiary, Great Western Savings and Loan Association, Beverly Hills, California—Merger of Eleven Insured Subsidiaries of Financial Federation Inc. into Great Western Savings and Loan Association.

No. 504, June 23, 1981.

[S-986-81 Filed 6-23-81; 2:41 pm]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., June 30, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. 10410: U.S. Gulf-Amazon Basin Discussion Agreement between American Atlantic Shipping, Inc. and Frota Amazonica, S.A.

2. Marine Engineers' Beneficial Association's Submission to the President's Task Force on Regulatory Relief—Concerning Maritime Regulation.

Docket No. 80-13: Licensing of Independent Ocean Freight Forwarders—Petitions for Reconsideration of Final Rules.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523-5725.

[S-987-81 Filed 6-23-81; 2:41 pm]

BILLING CODE 6730-01-M

5

NATIONAL COUNCIL ON THE HANDICAPPED.

TIME AND DATE:

9:30 a.m.—5:30 p.m., Thursday, July 16, 1981
9:30 a.m.—2:00 p.m., Friday, July 17, 1981

PLACE: Capitol Holiday Inn, (202) 479–4000, 550 C Street, S.W. (Saturn/Venus Room), Washington, D.C. 20024.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED: The purpose of this meeting is to provide the National Council with a status report on Congressional activity concerning federally-funded or assisted programs for handicapped persons.

CONTACT PERSON FOR MORE INFORMATION: Carol Berman, National Council on the Handicapped, (202) 245–3498.

Carol Berman,

Executive Director.

[S-985-81 Filed 6-23-81; 1:34 pm]

BILLING CODE 4000-01-M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Week of June 22, 1981.

PLACE: Commissioners Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Wednesday, June 24:

2 p.m.

1. Commission Meeting on McGuire (public meeting)

Thursday, June 25:

3 p.m.

1. Affirmation/Discussion Session (approximately 15 minutes, public meeting)
Items to be affirmed and/or discussed:
a. Significant Changes Decision in Summer Antitrust Matter (delayed from June 19)
b. 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste" (delayed from June 19)
2. Continuation of Discussion and Possible Vote on Operating License for McGuire (closed meeting) (continued from June 19)

ADDITIONAL INFORMATION: The Affirmation/Discussion Session held on June 19 was partially closed. Discussion and Possible Vote on Operating License for McGuire, scheduled for the morning of June 19, was delayed until 2:30 that afternoon.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S-969-81 Filed 6-23-81; 3:58 pm]

BILLING CODE 7590-01-M

7

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., July 16, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: June 23, 1981.

[S-982-81 Filed 6-23-81; 11:56 am]

BILLING CODE 7600-01-M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., July 23, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: June 23, 1981.

[S-983-81 Filed 6-23-81; 11:56 am]

BILLING CODE 7600-01-M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., July 30, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: June 23, 1981.

[S-984-81 Filed 6-23-81; 11:57 am]

BILLING CODE 7600-01-M

10

POSTAL SERVICE.

(Board of Governors).

Notice of vote to close meeting.

On June 22, 1981, the Governors of the United States Postal Service voted to close to public observation a portion of its meeting. The portion closed involved a discussion of those aspects of the Opinion and Recommended Decision upon Reconsideration of the Postal Rate Commission dated June 4 which would be likely to specifically concern the Postal Service's participation in civil litigation.

The Governors determined, pursuant to 5 U.S.C. 552b(c)(10) that the portion of the meeting to be closed was exempt from the open meeting requirement of the Sunshine Act in that it was likely to specifically concern agency participation in a civil action or proceeding.

The Governors voting in favor of closing this portion of the meeting were: Babcock, Camp, Ching, Hardesty, Hughes, Hyde, and Sullivan. Governor Jenkins dissented.

Prior to the June 22 meeting, the board of Governors gave due public notice of its intention to hold the meeting, the notice and the proposed agenda for the meeting having been published in the **Federal Register** on June 17, 1981 (46 FR 31808–9). On June 22 the Governors determined that the timely discharge of their responsibilities required that the portion of the meeting in question should be closed, notwithstanding the fact that the published agenda for the meeting had not stated that this portion would be closed.

The Governors determined that the public interest did not require that this portion of the meeting be open to the public, since a failure to discuss litigation strategies without the inhibitions to candor that might result from holding such a discussion in public (quite possibly with opposing counsel in attendance) would be inconsistent with the public's interest in having the Governors arrive at their Decision only after a candid analysis of how the various alternatives open to them might best be analyzed in the light of pending litigation.

In accordance with 5 U.S.C. 552b(c)(10), the General Counsel of the United States Postal Service certified that in his opinion the portion of the meeting to be closed might properly be closed to public observation.

Louis A. Cox,

Secretary.

[S-979-81 Filed 6-23-81; 10:18 am]

BILLING CODE 7710-12-M

11

POSTAL SERVICE.

(Board of Governors).

Notice of Meeting.

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260 at 4:00 P.M. on June 29, 1981. The meeting is a continuation of the discussion of the Postal Rate Commission's Opinion and Recommended Decision upon Reconsideration, dated June 4, 1981, captioned "Postal Rate and Fee Changes, 1980" (Docket No. R80-1) which was commenced but not completed in closed session on June 22, 1981. The continuation of the discussion will likewise be in closed session, the Board having duly determined to close its discussion of this agenda item to public observation, in accordance with the provisions of the Sunshine Act. Docket No. 80-1 is the only agenda item to be considered at this meeting.

Louis A. Cox,

Secretary.

[S-980-81 Filed 6-23-81; 10:19 am]

BILLING CODE 7710-12-M

12

SECURITIES AND EXCHANGE COMMISSION.

DATE AND TIME: June 24, 1981, 10:00 a.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

The Commission will hold a closed meeting on Wednesday, June 24, 1981, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendered matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c) (4) (8) (9) (A) and (10) and 17 CFR 200.402(a) (4) (8) (9) (i) and (10).

Chairman Shad and Commissioners Loomis and Evans determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, June 24, 1981, at 10:00 a.m., will be:

Formal order of investigation.
Litigation matter.
Institution and settlement of administrative proceedings of an enforcement nature.
Consideration of *amicus* participation.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2092.

June 22, 1981.

[S-978-81 Filed 6-23-81; 10:14 am]

BILLING CODE 8010-01-M

federal register

Thursday
June 25, 1981

Part II

Department of Agriculture

Agricultural Marketing Service

Milk in the New York-New Jersey Marketing Area; Amendments to Marketing Agreement and Order

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1002

[Docket No AO-71-A73]

Milk in the New York-New Jersey Marketing Area; Amendments to Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This final decision provides changes in the order based on industry proposals considered at a public hearing in June 1980. The principal changes increase the transportation allowances for milk handlers to reflect more nearly the cost of assembling milk from dairy farms and transporting it to plants for processing. The changes are necessary to reflect current marketing conditions and to assure orderly marketing in the New York-New Jersey area.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447-6273).

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued May 13, 1980; published May 16, 1980 (45 FR 32321).

Recommended Decision: Issued March 12, 1981; published March 18, 1981 (46 FR 17207).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the New York-New Jersey marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Albany, New York, on June 10–18, 1980. Notice of such hearing was issued on May 13, 1980 (45 FR 32321).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Marketing Program Operations, on March 12, 1981, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

Index of Changes

1. Under the heading *"Transportation differential and direct delivery differential"*—a new paragraph is inserted after paragraph 10, and three new paragraphs are inserted after paragraph 13.

2. Under the heading *"Pool credit and tank truck service charge"*—three new paragraphs are inserted after paragraph 7 and one new paragraph is inserted after paragraph 16.

3. Under the heading *"Other proposals not adopted"*—four new paragraphs are added at the end.

4. The paragraph beginning with the heading *"Omission of the recommended decision"* is revised.

The material issues on the record of the hearing relate to whether changes should be made in the following provisions for the purpose of permitting a more equitable competitive situation, on both an intermarket and intramarket basis, for Order 2 handlers.

a. Transportation differentials.

b. Pool transportation credit to handlers for bulk tank milk.

c. Tank truck service charge.

d. Direct delivery differential.

e. Class I price differential.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Modification of transportation allowances. The New York-New Jersey order transportation allowances should be amended in the following manner:

First, the transportation differential rate of 1.8 cents per hundredweight for each 10-mile zone less distant than the 201–210 mile zone that is now used to adjust the Class I and uniform prices for location should be increased to 2.2 cents per zone.

Second, the present 15-cent per hundredweight direct delivery differential for the 1–70 mile zone should be changed to an additional 15-cent fixed transportation differential on Class I and uniform prices applicable within the 1–70 mile zone.

Third, the present 15-cent per hundredweight limit on tank truck service charges to producers should be modified by allowing handlers to negotiate with producers or their cooperatives a tank truck service charge with respect to any farm-to-first plant hauling cost that is in excess of: (1) the 15-cent per hundredweight transportation credit on bulk unit pool milk plus (2) the amount that the class use value of the milk at the location of the plant of first receipt is in excess of its class use value at the location where the milk was received in the bulk tank unit from which the milk was transferred.

These amendments would adjust hauling allowances for handlers under the order to more closely relate the location value of milk to the costs incurred in transporting milk from farms and country plants to distributing plants in the major consuming centers of the market. The changes are necessary to reflect current marketing conditions and to permit a more equitable competitive situation for regulated handlers, both on an intramarket and intermarket basis.

Present transportation provisions. Under the present terms of the order milk from bulk tank producers (99.6 percent of the milk in the market) is priced essentially at the location of the farms where it is picked up in a tank truck (and thereby received) by handlers. Farms in each township are included in a price zone based on the distance, in 10-mile increments, between the township and the nearest of several basing points in the metropolitan New York City area. For pooling, accounting and pricing purposes, handlers establish farms in bulk tank units. Milk transferred from a bulk tank unit is classified in the unit according to its use at the plants to which it is transferred during the month. The handler operating the bulk tank unit accounts for the milk in the unit at its classified use value for the location of the unit. The price zone location of the unit is the weighted average zone location of the volume of milk received from farms in the unit.

Separate transportation differential rates apply to Class I and Class II prices. Prices are adjusted from the 201–210 mile base zone. The Class I milk price is increased 1.8 cents for each 10-mile zone less distant than the 201–210 mile zone and reduced 1.5 cents for each 10-mile zone more distant than the 201–210 mile zone. The Class II milk price is increased 1 cent for each 25-mile zone less distant than the 201–210 mile zone and decreased 1 cent for each 25-mile zone more distant than the 201–225 mile zone, except the adjustment is limited to minus 8 cents for all locations in the 401 and over mile zone. The uniform price to producers is adjusted the same as the Class I milk price.

In addition to these transportation differentials a direct delivery differential of 15 cents per hundredweight is applicable to bulk tank unit milk received from farms in the 1–10 mile zone through the 61–70 mile zone. The direct delivery differential is applicable also to milk received in cans at a plant in the 1–70 mile zone.

Transportation allowances are provided under the order for farm-to-first plant hauling of bulk tank milk. A pool transportation credit to handlers of 15 cents per hundredweight is provided on milk received by a handler in a bulk tank unit. Also, handlers are permitted to negotiate with producers or their cooperatives a tank truck service charge of up to 15 cents per hundredweight with respect to any farm-to-first plant hauling costs not recovered through the 15-cent pool transportation credit on farm bulk tank milk.

Summary of hearing proposals. The basic purpose of the hearing was to consider proposals that would amend the transportation allowances provided in the order to reflect current costs of assembling and transshipping milk from farms to plants under the farm township pricing provisions of the order to assure intramarket and intermarket alignment of Class I milk and Class II milk procurement costs among competing handlers. Witnesses contended that transportation allowances provided in the order do not cover current costs of hauling milk from farms to plants and that increases in hauling costs are being borne largely by handlers. This, they contended, increases handlers' cost of milk in the amount of any increase in hauling costs.

With respect to intermarket competition, witnesses alleged that handlers in other order markets have not borne the burden of increased hauling costs, since milk is priced at the first plant at which it is received and producers pay the farm-to-plant hauling costs. Thus, when Order 2 handlers compete with handlers in other markets for the sale of milk products, witnesses contend there is a disparity in the cost of milk to handlers under Order 2 and other orders.

With respect to the intramarket competitive situation for handlers, witnesses claimed that hauling costs tend to vary among bulk tank units operated by handlers. Thus, in a situation where hauling costs are in excess of the transportation allowances provided in the order, there tends to be a variation in the amount of hauling costs borne by competing handlers. Witnesses indicated that this is particularly the case with respect to long-distance shipments of milk from the production areas to distributing plants in the major metropolitan area, since the transportation differential rate under the order does not reflect actual hauling costs associated with the distance milk is moved.

Proprietary handlers and producer groups offered a number of proposals which they believed would minimize the competitive problems of which they complained. The basic thrust of the proposals was to increase the transportation allowances under the order for both farm-to-first plant hauling and hauling from country plants to distributing plants in the major metropolitan area.

With respect to farm-to-first plant transportation allowances, several proposals pertained to modification of the present 15-cent pool credit and modification of the 15-cent limit on the negotiable hauling deductions from payments to producers. An association of proprietary handlers, certain individual handlers, and cooperative associations all made proposals to increase the pool credit to 20 cents per hundredweight. One handler proposed a 30-cent pool credit. Another handler proposed a 25-cent pool credit in any case where farm bulk tank pick-up is limited by the producer to a six-day per week basis. However, one producer group proposed that the pool credit be deleted from the order.

All proponents of modification of the pool credit made companion proposals with respect to the limit on hauling deductions from payments to producers. The association of proprietary handlers proposed that the 15-cent limit be removed. Certain proprietary handlers, in addition to those represented by the association, also proposed elimination of the limit on hauling deductions. One producer group proposed that the limit be removed along with its proposal to delete the pool credit. However, cooperative associations proposed that the 15-cent limit be increased to 25 cents in conjunction with their proposal to increase the pool credit to 20 cents per hundredweight.

Several cooperative associations proposed a further modification to the hauling deduction that may be negotiated with producers. Such modification would require a handler to reduce the amount negotiated by the amount that the location value of the milk at the plant of first receipt exceeds its location value in the bulk tank unit. Such disallowed hauling deduction would be in addition to the amount of any reimbursement that the handler receives through the pool transportation credit.

At the hearing several handler witnesses proposed that if a limit on the amount of the hauling deduction is adopted under the order, the hauling limit should be made subjet to an automatic adjustment based on changes in the price of diesel fuel. The adjustment suggested would increase the limit 1-cent per hundredweight for every 5-cent per gallon increase in the cost of fuel.

Witnesses for the proponents of proposed changes in the pool transportation credit on bulk tank milk and the negotiable hauling deduction from payments to producers indicated that the proposals were for the purpose of updating the order terms to accommodate increasing costs of farm-to-first plant hauling of bulk tank milk. Proponents contended that the order should permit handlers to recover their costs of farm-to-first plant hauling of milk. They pointed out that in most cases farm-to-first plant hauling costs are now more than the 30 cents per hundredweight that they are permitted to recover through the 15-cent pool credit and the 15-cent negotiable charge to producers. For example, the witness for the association of proprietary handlers stated that the farm-to-country plant hauling cost for the bulk tank units operated by its member handlers ranged from 27.5 cents to 44.5 cents per hundredweight in May 1980. The weighted average hauling cost for all units operated by the association's members in May 1980 was stated to be 33.7 cents per hundredweight compared to 26.9 cents in May 1979. With respect to shipments of milk directly from farms to city plants, the association's witness indicated that member handlers' costs of hauling ranged from 40.1 cents to $1.00 per hundredweight in May 1980. The witness stated that the weighted average of these hauling costs was 77.9 cents per hundredweight compared to 55.3 cents per hundredweight in May 1979.

The handler association took the position that the limit on the amount of the hauling cost that is negotiable with producers should be removed to accommodate increasing hauling costs, including anticipated increased costs in the future. The association witness contended that producers would be adequately protected against excessive hauling deductions through (1) the requirement of written consent from the producer or his cooperative, (2) limiting negotiated deductions to the amount that actual hauling costs exceed the amount of the pool transportation credit, and (3) the effectiveness of competition for producer patronage as a ceiling on

hauling deductions. The witness pointed out also that any limit on hauling deductions would be effective only with respect to proprietary handlers, since a cooperative association has the opportunity to make whatever payment arrangements it desires between the association and its member producers.

Cooperative associations opposed the handler association's proposal to simply increase the pool transportation credit to 20 cents per hundredweight and delete the 15-cent limit on the negotiable hauling deduction from producers. The cooperatives contended that the handler association's proposals could result in misalignment of costs to handlers and threaten the opportunity for cooperatives to sell bulk milk to handlers. Cooperative association witnesses argued that this handler proposal would permit handlers to purchase milk at the farm zone price and charge the producers for hauling the milk to the 1–10 mile zone. They pointed out that the order requires handlers who purchase milk from a bulk tank unit operated by a cooperative to pay the cooperative the prices applicable at the location of the receiving handler's plant. In this circumstance, they noted, the cooperative has to charge a plant operator in the 1–10 mile zone the prices applicable at the plant location rather than the lower farm zone prices applicable to the bulk tank unit. Therefore, cooperatives took the position that the order should provide a limit on the hauling deduction that can be negotiated with producers and proposed that the amount of any increase in the location pricing value of milk at the plant of first receipt above its value at the location of the bulk tank unit be disallowed as a hauling deduction. The cooperatives argued that such a proposal was necessary to price milk purchased by a handler directly from producers on the same basis as milk purhcased from a cooperative association.

Another major proposal by cooperative associations relates to the recovery of costs for long-haul shipments of bulk milk. The proposal would increase the Class I and uniform price transportation differential rate between the 201–210 mile zone and the 1–10 mile zone to 2.2 cents per 10-mile zone rather than the current 1.8 cents per zone. Proponent witnesses stated that the proposal would update the transportation differential rate to the current costs associated with distance in hauling milk from the production area to plants in the 1–10 mile zone. They indicated that the rate increase would tend to make the cost of direct-shipped milk more comparble to the cost of reloaded milk from country plants. Also, they claimed that the resultant increase of 8 cents in the Class I location adjustment for the 1–10 mile zone (20 zones × 0.4) would provide better alignment between the Order 2 Class I price and the Class I price under the neighboring Middle Atlantic Federal milk order (Order 4).

Another major proposal would apply the 15-cent direct delivery differential for the 1–70 mile zone to all milk direct-shipped to plants in the 1–70 mile zone irrespective of the location of the farms on which the milk is produced. Presently the direct delivery differential is to be paid to bulk tank producers whose farms are located within the 1–70 mile zone and for milk from can producers that is delivered to a plant within the 1–70 mile zone. Also any handler whose plant is within the 1–70 mile zone and who purchases milk on a direct-shipped basis from a cooperative is subject to the direct delivery differential on such milk received at that plant.

Producer groups that were proponents of this proposal argued that the proposal was needed to effect uniform pricing to handlers whose plants are located in the 1–70 mile zone. They pointed out that in recent years many 1–70 mile zone handlers have been obtaining direct-shipped bulk tank milk from independent producers' farms outside the 1–70 mile zone and thereby avoiding the direct delivery differential. They contended that this practice has resulted in unequal costs of milk to metropolitan New York City handlers, since many handlers have to pay the direct delivery differential for direct-shipped milk from cooperatives. Cooperative association witnesses stated that the proposed 15-cent direct delivery differential was needed in conjunction with the transportation differential rate of 2.2 cents per 10-mile zone to effect alignment of Class I prices to Order 2 and Order 4 handlers.

Proprietary handler witnesses testified in opposition to the direct delivery differential, especially on the basis of its impact on the cost of Class II milk. They stated that it inflates the cost of Class II milk at 1–70 mile zone plants, and thereby creates a disparity in Class II pricing between Order 2 and Order 4 handlers. Handler witnesses suggested that the direct delivery differential be deleted, particularly with respect to Class II milk.

Other major modifications to the order were proposed by a federation of cooperatives in the Order 4 market. The federation proposed that Order 2 be changed to plant location pricing, that the direct delivery differential be reduced to 5 cents, and that the Class I differential in the 201–210 mile base zone be increased from $2.25 to $2.40. Proponents' witness contended that this package of order modifications would provide proper alignment of pricing between Orders 2 and 4.

Several Order 2 handler witnesses indicated on the record that they were in favor of plant point pricing in principle, but preferred that the matter be given more intensive future study. Order 2 cooperatives opposed the consideration of any complete change to plant location pricing on the basis of this hearing.

The need for order modifications. It is clear that marketing conditions have changed since the present transportation allowances under the order were adopted. The transportation provisions of the New York-New Jersey order were last reviewed at a public hearing held in February 1976. The amendments resulting from that proceeding became effective on November 1, 1977, and were based on transportation costs and marketing patterns which existed in 1975. Since those amendments were effectuated, significant shifts in marketing patterns and increases in milk transportation costs have occurred.

The current transportation provisions of the order were designed to accommodate the marketing pattern existing in 1975. At that time, only 19 percent of the Class I milk at plants in the 1–70 mile zone was received directly from farms, while 81 percent was reloaded at country plants for transshipment to distributing plants within the 1–70 mile zone, from which over 80 percent of the market's Class I milk is now sold. Under the current marketing pattern in the market, a majority of the milk moved to distributing plants in the 1–70 mile zone is received directly from farms. For example, by October 1979, 52 percent of the Class I milk at plants within the 1–70 mile zone was received directly from farms, and only 48 percent was reloaded. Moreover, the record indicates that the Order 2 handlers whose plants are located in northern New Jersey, and who are in intermarket sales competition with Order 4 handlers, receive most of their milk supplies directly from farms, as do the Order 4 handlers. Thus, intermarket price alignment needs to be structured primarily in light of costs of obtaining direct-shipped milk, in contrast to an emphasis on the cost of obtaining reloaded milk under Order 2 compared to direct-shipped milk under Order 4 as was the case with the 1977 amendments to the transportation provisions of Order 2.

Nevertheless, since a substantial proportion of the milk assembled for Class I use in the 1–70 mile zone of the New York-New Jersey market is still reloaded, it is important that the order transportation provisions be structured in a manner that tends to equate the costs of direct-shipped milk to the cost of reloaded milk for handlers in the major population center of the market. On the basis of December 1979 data, the average cost of hauling milk between plants is 59 cents per hundredweight for a distance of 200 miles. The order establishes a difference of 36 cents in Class I prices for this distance between the 201–210 mile zone and the 1–10 mile zone. In addition, the order establishes a 15-cent direct delivery differential for milk procurred from farms in the 1–70 mile zone near the metropolitan New York City area. Thus, with respect to nearby direct-shipped milk, the minimum order Class I pricing structure reflects a price in the 1–10 mile zone that is 51 cents per hundredweight higher than the 201–210 mile zone price, but 8 cents less than the cost of transporting reloaded milk from the 201–210 mile zone to the 1–10 mile zone. Moreover, with respect to direct-shipped milk from farms beyond the 1–70 mile zone where the 15-cent direct delivery differential does not apply (except on milk purchased from a cooperative association bulk tank handler), the minimum order Class I pricing structure reflects a 1–10 mile zone price that is 23 cents below the transportation cost on reloaded milk from the 201–210 mile zone.

Under the price structure adopted in 1977, there was a strong incentive for handlers in the 1–70 mile zone to seek supplies of direct-shipped milk from beyond the 1–70 mile zone. The record indicates that as of October 1979 handlers in the 1–70 mile zone were obtaining nearly as much direct-shipped milk as they were reloaded milk from beyond the 1–70 mile zone. In that month plants inside the 1–70 mile zone received 25 million pounds of Class I milk direct-shipped from farms inside the 1–70 mile zone and 145 million pounds from farms outside the 1–70 mile zone. Reloaded Class I milk for 1–70 mile zone plants from plants outside the 1–70 mile zone amounted to 157 million pounds in October 1979.

The hauling costs being borne by metropolitan area handlers for direct-shipped milk from beyond the 1–70 mile zone had become equivalent to the hauling cost on reloaded milk by December 1979. For example, hauling cost data for December 1979 that were obtained by audit of handlers' records show that the average cost of hauling milk from 181–190 mile zone farms to 1–70 mile zone plants was 87 cents per hundredweight. Handlers recovered 30 cents per hundredweight of this cost through the 15-cent pool credit and the 15-cent negotiable transportation charge to producers. The resultant 57 cents per hundredweight average cost to the handlers is equivalent to the average cost of moving reloaded milk from plants in the 181–190 mile zone to plants in the 1–70 mile zone. In these circumstances, the effective Class I differential cost of distant direct-shipped milk to 1–70 mile zone handlers can be expressed in terms of the order Class I differential applicable for the farm zone where the milk was procured and adding the amount of the hauling cost borne by the handlers. The Class I differential in the 181–190 mile zone is $2.286 and the direct-shipped hauling cost borne by handlers is $.57 for a total of $2.856.

Several examples of effective Class I differential costs of direct-shipped milk to 1–70 mile zone handlers were placed in the record based on December 1979 hauling costs from various farm price zones. All such examples revealed an effective Class I differential cost to 1–70 mile zone handlers within a few cents of $2.84, which is the Class I differential cost under the neighboring Middle Atlantic Federal milk order (Order 4) at plants located within 55 miles of Philadelphia.

Since May 1978 when a large-volume Class I handler at Flemington, New Jersey, shifted regulation from the Middle Atlantic order to the New York-New Jersey order, intermarket shipments of packaged fluid milk products have been about 20 million pounds per month in each direction. For example, in April 1980 Order 2 handlers' packaged fluid milk sales in the Order 4 marketing area were 19.3 million pounds compared to 20.8 million pounds in May 1978. Similarly, in April 1980 Order 4 handlers' sales of packaged fluid milk in the Order 2 marketing area were 18.8 million pounds compared to 17.8 million pounds in May 1978. The potential still exists for the Flemington, New Jersey, handler to shift regulation between these orders. Because of the intermarket competition, it is essential that the Class I prices under the two orders be reasonably aligned.

Under the present circumstances, Order 2 handlers are concerned that increasing hauling costs could place them at a competitive disadvantage relative to Order 4 handlers. This is because under the present terms of Order 2, handlers are faced with having to absorb any further increases in farm-to-plant hauling costs, but under the terms of Order 4, milk is priced at the plant of first receipt and producers pay the cost of hauling their milk from farm to plant. This interorder difference in the treatment of hauling costs is critical with respect to the cost of Class II milk as well as Class I milk for handlers.

The cost of Class II milk to Order 2 handlers is affected by the amount of milk transportation costs borne by the handlers. For example, in the case of direct-shipped milk procured from the 181–190 mile zone, the 57-cent per hundredweight hauling cost borne by the handlers in the 1–70 mile zone would be applicable irrespective of the use made of the milk. Class I handlers cannot avoid having a proportion of their milk in Class II uses, such as shrinkage, route returns, and cream from standardization of milk to a lower butterfat content.

Under Orders 2 and 4, the price for Class II milk is based on the same basic formula price (the Minnesota-Wisconsin price). However, other factors affect a handler's cost of Class II milk. Both orders provide for seasonal adjustments to the basic formula price, which average 2 cents higher under Order 4 than under Order 2. Also, there is a direct delivery differential under Order 4 of 6 cents per hundredweight that is applicable at plants within 55 miles of Philadelphia. Under Order 2, there is a transportation differential on Class II milk in the amount of 1 cent for each 25-mile zone less distant than the 201–210 mile zone, or plus 8 cents for the 1–25 mile zone, in addition to the 15-cent direct delivery differential for the 1–70 mile zone. Thus, the cost of Class II milk to Order 2 metropolitan area handlers is at least 15 cents higher than the cost of Class II milk for Philadelphia area handlers under Order 4.

With respect to Class II milk costs at more distant zones under Order 2, the transportation differential of 1 cent for each 25-mile zone is reduced beyond the 201–225 mile zone, but is limited to a minus 8 cents. However, this minus differential would be offset by any amount of farm-to-first plant hauling costs borne by the receiving handler. In most cases, Order 2 handlers are faced with such costs, even on short-distance movements of milk between the farm and plant of first receipt.

Based on a December 1979 hauling cost audit conducted by the Office of the Market Administrator, 165 million pounds of bulk tank milk, or only 20 percent of the 821 million pounds of milk received in bulk tank units, was hauled at a cost of 30 cents or less per

hundredweight. Thus, for 80 percent of the milk the hauling cost was in excess of the 30 cents reimbursable to handlers through the 15-cent pool credit and the 15-cent negotiable charge to producers. For all short-distance movements of milk (less than 5 10-mile zones between the bulk tank unit zone and the plant zone), the average hauling cost was 35.3 cents in December 1979. Consequently, handlers are faced with having to absorb on the average more than 5 cents of the cost of assembly of bulk tank milk at country plants for processing into Class II products. In addition, this extra cost would be absorbed by handlers with respect to bulk tank milk reloaded at country plants for shipment to other plants. As previously stated, 157 million pounds of Class I milk was reloaded for shipment to plants in the 1–70 mile zone in October 1979.

On the basis of hauling cost data in the record, it is apparent that Order 2 handlers in the 1–70 mile zone are faced with costs for direct-shipped Class I milk that are comparable to the Class I milk costs for competing handlers under Order 4. However, under the present transportation provisions of Order 2, the Order 2 handlers will have to absorb any further increases in hauling costs, which would create a competitive disparity in Class I pricing for Order 2 handlers who compete with Order 4 handlers for sales accounts. Also, with respect to reloaded milk moved to metropolitan New York City area handlers for Class I use, the present limit on farm-to-first plant hauling costs is forcing handlers to absorb an average of at least 5 cents per hundredweight higher transportation cost than on direct-shipped milk. This extra 5-cent cost plus any further increases in hauling costs need to be passed back to producers if comparable Class I milk costs are to be maintained between Orders 2 and 4.

Transportation allowances under Order 2 need to be changed also with respect to Class II milk costs to Order 2 handlers. Presently, on Class II milk Order 2 handlers in the 1–70 mile zone are paying at least 15 cents more than handlers under Order 4, or the amount of the direct delivery differential for the 1–70 mile zone. In the case of country manufacturing plants which process most of the Class II milk in the market, the limit on hauling deductions is forcing an average increase in milk costs of about 5 cents per hundredweight. Any further increase in hauling costs would also accrue to handlers under the present terms of the order. The basic formula price for Class II milk is the same as is used in other Federal milk orders for milk processed into hard manufactured milk products. Thus, farm-to-first plant transportation costs need to be borne by producers under Order 2 if Class II milk costs are to be maintained in alignment with other orders.

Order modifications. As previously indicated, the transportation differential, direct delivery differential, and tank truck service charge provisions of the order should be modified.

Transportation differential and direct delivery differential. The transportation differential rate of 1.8 cents per hundredweight for each 10-mile zone less distant than the 201–210 mile zone that is used to adjust the Class I and uniform prices for location should be increased to 2.2 cents per zone. Also, the present 15-cent direct delivery differential for the 1–70 mile zone should be changed to an additional 15-cent fixed transportation differential on Class I and uniform prices within the 1–70 mile zone.

The combination of these changes in the transportation differentials will reflect the current variable and fixed transportation costs in moving reloaded milk to the 1–70 mile zone. A witness for the Office of the Market Administrator presented the results of a hauling cost analysis for milk reloaded outside the 1–70 mile zone and shipped to plants inside the 1–70 mile zone in December 1979. The analysis was based on a hauling cost audit conducted by the Office of the Market Administrator in which data were obtained from plants transferring in excess of 500,000 pounds of bulk milk using contract haulers. A total of 72 million pounds of milk was shipped between 15 transfer plants and 13 receiving plants. The distances traveled between plants ranged from 122 miles to 364 miles. A statistical analysis was made of the data to determine what proportion of total hauling costs represented fixed costs or the amount not associated with distance traveled and those costs attributable to 10-mile increments of distance traveled. The results of the analysis revealed a fixed cost of 15.26 cents per hundredweight and a variable cost of 2.22 cents per 10-mile increment of distance per hundredweight.

On the basis of this hauling cost analysis, the present transportation differential rate of 1.8 cents per 10-mile zone is 0.4 cents per zone less than the variable costs being incurred by handlers in obtaining milk from distant plants. Cooperative association proponents of increasing the variable transportation differential rate to 2.2 cents per 10 miles urged that the proposal be adopted in order to price direct-delivered milk in line with the cost of obtaining reloaded milk, an increase in the transportation costs for shipping milk from distant plants to the 1–70 mile zone creates a corresponding increase in the value of direct-shipped milk from nearby farms relative to the value of milk from farms located more distant from the major population center of the market, particularly when the cost of long-distance hauling of direct-shipped milk increases as well.

The record demonstrates that long-distance direct-shipped hauling costs have been increasing. For example, the weighted average cost for one group of handlers for hauling bulk milk from farms directly to city plants increased from 38.4 cents per hundredweight in May 1976 to 55.3 cents per hundredweight in May 1979, and to 77.9 cents per hundredweight in May 1980. Moreover, it is apparent that the cost of direct-shipping milk increases with the distance shipped in about the same amount as for reloaded milk.

Hauling costs for milk produced beyond the 1–70 mile zone and delivered directly to plants in the 1–70 mile zone during December 1979 for various distances between the bulk tank unit and the plant were as follows: 101–110 miles, $0.696; 151–160 miles, $0.804; and 181–190 miles, $0.870. The 17.4-cent difference in hauling costs between 101–110 miles and 181–190 miles averages 2.175 cents per 10 miles. The 10.8-cent difference in hauling costs between 101–110 miles and 151–160 miles averages 2.16 cents per 10 miles. The 6.6-cent difference in hauling costs between 151–160 miles and 181–190 miles averages 2.2 cents per 10 miles. Thus, the proposed transportation differential rate of 2.2 cents per 10-mile zone closely reflects the added costs per 10-mile increase in the distance that milk was direct-shipped during December 1979.

Accordingly, adoption of a transportation differential rate of 2.2 cents per 10-mile zone will tend to permit handlers to recover the hauling costs associated with distance in moving Class I milk from the production area to metropolitan area processing plants for both direct-shipped and reloaded milk. In addition, uniform prices to producers would be adjusted more closely in line with the decreasing fluid use value that milk produced at increased distances from the market center has to metropolitan area handlers because of increased hauling costs in moving the milk to their plants.

At the hearing and in their brief, a proprietary handler association opposed any increase in the transportation differential rate because it would

increase the Class I price by 0.4 cents per hundredweight per 10-mile zone nearer the metropolitan center than the 201–210 mile zone. Also, the association argued that the transportation differential rate inside the 201–210 mile zone should not be different than the 1.5-cent transportation differential rate beyond the 201–210 mile zone or the 1.5-cent location adjustment rate under the neighboring Middle Atlantic order.

The 1.5-cent transportation differential rate beyond the 201–210 mile zone is the rate commonly used under other Federal orders. Cooperative association proponents of the 2.2-cent rate inside the 201–210 mile zone stated that they did not propose any change in the rate beyond the 201–210 mile zone because a change in the 1.5-cent rate could disrupt intermarket price alignment and that they did not believe it would be desirable to provide further inducement to move the more distant supplies of milk to the 1–70 mile zone.

With respect to intermarket price alignment beyond the 201–210 mile zone, in western New York and Pennsylvania the production area for the New York-New Jersey market is adjacent to the production area for the Eastern Ohio-Western Pennsylvania Federal order market. Thus, a change in the Order 2 transportation differential rate for those zones beyond the 201–210 mile zone would change the interorder milk procurement situation between Order 2 and the neighboring Federal order markets to the west. The competitive milk procurement relationships between the Eastern Ohio-Western Pennsylvania market and the New York-New Jersey market were not revealed in any significant detail on this hearing record. Thus, a meaningful indication of the probable impacts that a change in the transportation differential rate beyond the 201–210 mile zone could have on the milk marketing competition between these order markets is not feasible on this record.

With respect to the cooperatives' position that no further inducement should be made through the transportation differential rate beyond 210 miles to ship milk to the 1–70 mile zone, such position is supported by record evidence. In October 1979, a month of seasonally high Class I utilization, 327 million pounds of Class I milk were moved to plants within the 1–70 mile zone. During that month 474 million pounds of producer milk were produced on farms within the 1–210 mile zone. This amount exceeded not only the Class I needs of handlers in the 1–70 mile zone but also the Class I use in the entire market. Also, total milk production in the market of 812 million pounds in October 1979 exceeded total Class I use by 399 million pounds. Thus, more milk (399 million pounds) needed to be processed into manufactured dairy products than was needed for Class I use (327 million pounds) inside the 1–70 mile zone. Under these conditions, substantial transportation savings would be realized if milk produced on farms located closest to Class I outlets were used for Class I purposes and milk produced on farms located more distant from Class I outlets were used in manufactured dairy products. This would tend to be encouraged by adoption of a 2.2-cent per hundredweight transportation differential for each 10-mile zone less distant than 201–210 miles and not increasing the 1.5-cent per 10-mile rate for zones beyond 210 miles.

In its exceptions to the recommended decision a proprietary handler association urged that the 1.5-cent per 10-mile rate for zones beyond 210 miles be increased to 2.2 cents per zone. The association contended that there would not be any adverse intermarket price alignment problem in using a 2.2-cent rate for all zones, since the only intermarket packaged fluid milk product sales competition is in areas less distant than the 201–210 mile zone. This may be so, but a change in the transportation differential beyond the 201–210 mile zone would reduce the Class I and uniform prices in the most distant segment of the production area where there is bulk milk procurement competition with the production area for the Eastern Ohio-Western Pennsylvania market. Consequently, a change in the rate for zones beyond the 201–210 mile zone would impact on the milk procurement competition between the markets. Accordingly, for the reasons stated previously there is a sound economic basis for increasing the transportation differentials inside the 201–210 mile zone only.

The 2.2-cent per 10-mile rate inside the 201–210 mile zone will also result in better intermarket Class I price alignment between Order 2 and Order 4. A 2.2-cent rate for the 20 zones inside the 201–210 mile zone would add 44 cents to the $2.25 Class I differential for a total of $2.69 in the 1–10 mile zone. The $2.69 plus the amount of the direct delivery differential of 15 cents would result in a Class I milk differential price of $2.84 for direct-shipped milk in the 1–10 mile zone. this is the same as the Class I differential cost of milk at plants within 55 miles of Philadelphia under Order 4 ($2.78 Class I differential plus a 6-cent direct delivery differential).

However, the amount of the 15-cent direct delivery differential under Order 2 should be changed to a fixed transportation differential for the 1–70 mile zone, to effect comparable Class II pricing between Order 2 and Order 4, as well as alignment of Class I prices between these orders. Moreover, the 15-cent fixed transportation differential is needed under Order 2 to maintain comparable costs between direct-shipped milk and reloaded milk for handlers in the 1–70 mile zone. As previously indicated, analysis of the costs of hauling reloaded milk during December 1979 under Order 2 revealed a fixed transportation cost of 15.26 cents per hundredweight. Consequently, this fixed cost needs to be reflected in the Class I price of direct-shipped milk to maintain comparable hauling allowances for handlers on both direct-shipped and reloaded milk.

Proponents of application of the direct delivery differential to all direct-shipped milk irrespective of whether it is produced on farms inside or outside the 1–70 mile zone recognized that milk has the same plant location value to a 1–70 mile zone Class I handler regardless of the location of the farm where produced. Uniform pricing to handlers cannot be maintained effectively when producers located outside the 1–70 mile zone are left to rely on their bargaining strength to obtain a price competitive with the higher cost of reloaded milk or the higher price of direct-delivered milk from farms within the 1–70 mile zone, as is presently done under the order.

In its comments on the recommended decision, a group of proprietary handlers excepted to the 15-cent fixed transportation cost being reflected in the order as an additional transportation differential within the 1–70 mile zone. They pointed out that there are some handlers who package milk at plants beyond the 1–70 mile zone that compete for sales accounts with handlers whose plants are within the 1–70 mile zone. In view of such competitive conditions, they contended that the 15-cent fixed transportation differential should be applied to all packaged milk disposition within the 1–210 mile zone or, alternatively, that such fixed transportation costs be reflected in the order as a pool credit for bulk shipments of milk from outside the 1–70 mile zone to plants located within the 1–70 mile zone.

The 15-cent fixed transportation differential relates to the cost of transporting reloaded milk from distant production areas to plants within the 1–70 mile zone. There is no indication on the record that plants located outside

the 1–70 mile zone obtain any reloaded milk. Thus, there would not be a sound hauling cost basis for providing a fixed transportation differential at plants located in areas where milk is not obtained through reloading operations. However, the record does indicate that it costs as much to transport milk in packaged form as it does in bulk form. Also, it is logical that there would be fixed costs associated with trucking packaged milk as is the case with reloaded bulk milk. Consequently, it is questionable whether there is any transportation-related advantage in moving packaged milk from distant plants compared to shipping it in bulk form for packaging at plants in the metropolitan area.

With respect to the suggested adoption of a pool transportation credit on shipments of bulk milk and not packaged milk, this would raise the issue of nonuniformity in pricing of Class I milk at distant plant locations. Moreover, it would tend to be inequitable to provide a pool subsidy for movement of milk to the metropolitan area in one form and not other forms. Accordingly, it is concluded that no departure from the recommended transportation provisions should be made on the basis of this hearing record.

Alignment of minimum order Class II pricing on an intermarket and intramarket basis would be improved by removal of the impact of the direct-delivery differential on Class II milk, as proposed at the hearing by proprietary handlers. As previously discussed, the 15-cent direct delivery differential results in a cost of Class II milk to Order 2 handlers that is 15 cents above the cost of Class II milk to Order 4 handlers whose plants are located within 55 miles of Philadelphia. With respect to intramarket competition the effective minimum order cost of Class II milk varies among handlers in accordance with the amount of hauling cost for which handlers are not reimbursed through the 15-cent pool credit and the 15-cent negotiable hauling deduction from producers. Further detail on this matter is included later in this decision.

Pool credit and tank truck service charge. The combination of the 15-cent bulk tank unit pool credit to handlers and the 15-cent limit on the negotiable hauling charges to producers relates to the proportion of farm-to-first plant hauling cost to be borne by producers and the proportion to be borne by handlers. The bulk tank unit pool credit should be continued at the 15-cent rate. However, the limit on the negotiable hauling charge to producers should be modified by permitting handlers to recover any farm-to-first plant hauling costs that are in excess of the pool credit and the amount of any increase in class use location value of the milk at the plant of first receipt over its class use location value in the bulk tank unit from which it was transferred.

The proposals to increase the amount of the pool credit and the proposal to delete the pool credit should not be adopted. Proponents of an increase in the pool credit supported it on the basis that hauling costs have increased and the minimum farm-to-first plant hauling cost in the market is now about 20 cents per hundredweight. The proponent of deletion of the pool credit stated that the use of a pool credit tends to keep an equivalent amount of hauling costs hidden from producers. Proponent argued that producers should be charged directly for all hauling costs so that they will better realize what such costs are rather than having a portion of such costs hidden in the form of a reduced pay price.

One of the impacts of the use of a pool credit is a reduction in the amount of the announced uniform price under the order. If the pool credit were eliminated the announced uniform price would be 15 cents higher. Thus, the amount of the hauling cost represented by the pool credit is borne by producers. Accordingly, total net returns to producers would be the same if the pool credit were deleted and the hauling charge directly to producers were increased a like amount. In this circumstance, it would seem that the pool credit should be changed to an increase in hauling charges directly to producers, since it has only a psychological impact on producers. However, the record does not reveal the extent to which producers may understand that they are paying for part of farm-to-first plant hauling in the form of a reduced pay price. If producers are not generally aware of this impact of the present pool credit, it could result in unrest among producers if hauling charges were abruptly increased by 15 cents per hundredweight through deletion of this pool credit.

The hauling cost problems faced by handlers can be alleviated with the continuation of a pool credit, but there could be adverse impacts if the amount of the pool credit were increased. If the credit were set at an amount in excess of the minimum hauling cost it would result in a windfall profit to bulk tank unit operators in an amount that hauling costs are less than the amount of the credit. For example, the proposed 30-cent pool credit would have exceeded the actual farm-to-first plant hauling cost in December 1979 for 164.5 million pounds of milk. The proposed 25-cent pool credit would have overcompensated handlers with respect to 39.9 million pounds of milk that was hauled during December 1979. Also, witnesses indicated that there is still some milk being hauled from farm to plant for less than the proposed 20-cent pool credit.

Moreover, an increase in the pool credit would tent to limit the flexibility handlers would be permitted to exercise in adopting hauling charges that reflect the wide variations inherent in the cost of hauling milk among producers within a bulk tank unit. If the pool credit were set at the average hauling cost for all milk in a bulk tank unit, the handlers would not be permitted to make any hauling deduction and producers in the unit would all be paying the same hauling cost in the form of a reduced uniform price. However if the pool credit were to be kept at the lowest cost of hauling for any producer in the unit, then handlers would be permitted to adopt a hauling schedule that reflected the full variation in costs of hauling for milk of individual producers in the unit.

The record indicates that cooperative associations in the market have employed the use of a stop charge in their hauling schedule for member producers. Thus, producers with large volumes of production tend to realize a lower per unit cost of hauling than small-volume producers. Also, producers whose milk is picked up every day are charged more per unit than producers who are on a every-other-day pickup. In order for proprietary handlers to use this stop charge type of hauling scheme, the pool credit needs to be kept at the per unit hauling cost of the lowest cost producer in the unit. However, a pool credit at such low level would not preclude a handler from applying the same per hundredweight hauling charge for all producers in the unit.

Handler and cooperative association witnesses indicated that under the present terms of the order there is allowance for exercising some variability in the type of hauling charge schedule used and they proposed that it be continued. In view of the above considerations, it is concluded that no change should be made at this time in the amount of the bulk tank unit pool credit.

Certain producer groups excepted to the conclusion in the recommended decision that no change should be made in the pool credit. Cooperative association proponents for an increase in the amount of the pool credit argued that the pool credit should be increased

for the purpose of limiting the amount of flexibility a proprietary handler could use in his hauling charge schedule. The cooperatives reasoned that, otherwise proprietary handlers would be encouraged to be selective in their procurement by seeking the large volume producers. The producer group that proposed the elimination of the pool credit contended in its exception that the use of the pool credit makes it more difficult for producers to compare alternative order market prices.

The provisions adopted do provide proprietary handlers with the flexibility to use a stop charge in their hauling scheduled. However, an increase in the pool credit would not tend to interfere with this unless it were increased to an amount in excess of what it costs to haul the milk of the lowest hauling cost producer. As previously stated, if the pool credit were increased to the point where it exceeded hauling costs, handlers would realize a net profit on hauling the milk of large volume producers and, thus, would be encouraged to limit their procurement to such producers. In any event the provisions adopted tend to remove any influence that the order transportation provisions may have on whether a handler obtains milk from large or small volume producers. This should discourage segregation of milk hauling routes by volume of production.

As previously stated, the 15-cent pool credit is not expected to have any impact on producers or handlers, except for a possible psychological impact on producers if the provison were deleted. Since for the most part the industry proposed continuation of a pool credit in the transportation provisons it would be more appropriate that its removal be based on an indication of broader support on the part of producers.

The limit on the total amount of the negotiable hauling deduction from producers should be changed to effect uniform class prices to handlers at a given plant location. This can be accomplished by adoption of the proposal by cooperatives to subtract from the negotiable hauling deduction from producers the amount of the pool credit and the amount that the class use location value of the milk at the plant of first receipt exceeds its class use location value in the bulk tank unit from which the milk was transferred. The adjustment of hauling charges in this manner is necessary to preclude handlers from obtaining a double credit for the transportation differential under the order.

As previously discussed, transportation differentials for adjusting class prices are employed under the order to afford handlers transportation cost allowances for moving milk from the production area to metropolitan New York City processing plants. With respect to bulk tank unit milk, class prices are reduced for the location of the farms included in the bulk tank unit. Handlers are obligated to account to the producer settlement fund at the classified use value of milk at the location of the bulk tank unit. Thus, in this manner handlers receive the benefit of the transportation differential employed in the order. In this circumstance, if a handler is permitted to charge producers for hauling milk to a plant in a higher-priced zone than the bulk tank unit the handler would benefit twice from the transportation differentials provided in the order. Accordingly, it is appropriate that handlers incur the transportation differential amount of hauling costs associated with moving direct-shipped milk from a bulk tank unit to a plant in a higher-priced zone. This can effectively be accomplished through the disallowances of any charge to producers for the amount that the transportation differential value of milk at the plant of first receipt exceeds its transportation differential value in the bulk tank unit.

Such hauling allowance provisions will also provide assurance that costs of direct-shipped milk are uniform to handlers at the plant of first receipt as adjusted for location by the transportation differentials. Under the present terms of the order, handlers tend to receive the benefit of any farm-to-city plant hauling costs that are less than a competing handler's hauling costs. Thus, the effective costs to city handlers tend to vary with any variations in the costs of direct-shipping milk from the zone of the bulk tank unit to the city plant. Under the adopted amendments, such hauling costs variations will tend to accrue to producers.

Under the present transportation allowance scheme in the order, proprietary handlers have had an incentive to seek out those direct-shipped producer milk supplies that are the least costly to haul to their plants since the hauling allowances do not cover the full hauling costs. Typically such producer milk supplies are from farms located on good highways and from large-volume producers. Contrariwise, there has been an incentive for proprietary handlers to avoid obtaining milk from small-volume producers or from farms located on poor roads, or on roads with lower truck weight limits, or in hilly areas, all of which involve higher hauling costs. Thus, in many cases bulk tank hauling routes have been segregated according to the cost of hauling milk from farms. The witness for one producer group contended that variations in hauling costs among farms should be reflected in hauling costs to producers rather than in the hauling costs incurred by handlers. The witness pointed out that for the most part producers have incurred an increased capital investment in farms located on good roads and with farmstead lanes that facilitate the use of the larger more efficient tank trucks for picking up their milk. Moreover, the witness contended that property taxes are higher for farms that are on the better roads and that have farm lanes in a condition that permits easy access to the milk house by large tank trucks. In these circumstances, the efficiency of hauling routes tends to be related to conditions at the farm and therefore it is appropriate that the transportation provisions of the order permit the reflection of variations in costs of hauling back to producers individually.

The proposals to remove the limit on the amount of actual hauling costs that may be negotiated between handlers and producers would allow for the reflection of variations in hauling costs among farms in a bulk tank unit. Also, handlers would be assured that the terms of the order would not force them to absorb hauling costs that would effect higher than minimum order class use values of milk at the plant of first receipt.

The proposals to maintain a maximum limit on the negotiable hauling deduction could threaten the ability of producers on farms from which milk hauling costs are somewhat higher than for neighboring farms to maintain an outlet for their milk. Witnesses indicated that this has been the case under the present hauling limit. Obviously, this type of problem would tend to be alleviated by setting the hauling deduction limit at a higher amount. However, most witnesses contended that hauling costs could be expected to continue increasing. Thus, the problems attributable to the limit could be expected to recur at a future date, particularly if the farm-to-first plant hauling allowances were increased from the present 30 cents to only 45 cents per hundredweight as proposed by cooperatives.

The farm-to-first plant hauling cost audit conducted by the Office of the Market Administrator reveals that in December 1979 hauling costs exceeded an average of 45 cents per hundredweight for some bulk tank units

for which milk was shipped less than 50 miles between the unit location and the plant location. A total of 77.5 million pounds of milk was included in such units. Accordingly, adoption of the maximum limit proposed by cooperatives would fall short of covering the present range of farm-to-first plant hauling costs.

A major impact of the hauling limit has been to preclude handlers from benefiting twice from the transportation differential structure under the order in the case of milk direct-shipped long distances from the production area to plants in the 1–70 mile zone. This impact under the order would be taken care of by the adoption of the previously discussed modification to the negotiable hauling charge. Thus, a maximum limit would no longer be needed to preclude handlers from realizing a double credit for the hauling allowances reflected in the transportation differentials under the order.

Moreover, as pointed out by those proposing the removal of the limit on hauling deductions, producers have the protection of handlers having to get a producer's or his cooperative's advance written approval for a hauling charge. Also, producers would always have the option of changing market outlets to obtain a more favorable hauling rate. Thus, competition among haulers should tend to protect the interest of producers with respect to hauling costs that they incur. In view of the above considerations, it is concluded that a maximum limit on negotiable hauling deductions should not be maintained under the order.

In its exception to the recommended decision a cooperative argued that a limit on the negotiable hauling deduction should be maintained to prevent excessive hauling costs resulting from inefficient hauling route arrangements. The cooperative contended that there are occasions when alternate market outlets are not readily available and in such circumstances some producers could be faced with having to accede to an unusually high hauling charge. This could well happen, but it would be better than not having any market outlet if the handler receiving the milk were to refuse to market the milk on the basis that he could not afford to absorb hauling costs that resulted in an effective price in excess of the minimum class prices at which he may otherwise obtain sufficient milk supplies.

The adoption of the combination of the aforementioned amendments to the order should tend to effect the recovery of transportation costs by handlers in a manner that results in proper alignment of handlers' costs of milk on an intramarket and intermarket basis. It is recognized, however, that no action is taken with respect to milk assembly costs not associated with transportation costs. There was discussion on the record with respect to the cost of reloading milk at country plants which could result in a higher total cost to handlers for reloaded milk than for direct-shipped milk. No proposals were made with respect to matters other than transportation costs.

Other proposals not adopted. The proposal made at the hearing to adjust the negotiable hauling deduction limit by use of a diesel fuel formula is rendered moot by the elimination of a fixed limit on hauling deductions.

The proposal for a complete change to plant location pricing should not be adopted. The amendments provided herein tend to effect plant pricing with respect to the classified prices to handlers. However, farm zone pricing is retained with respect to uniform prices to producers. In these circumstances, the basic substantive difference between the adopted provisions and plant pricing is the order's impact on movement of milk to higher-priced zones for Class II use. Under plant pricing the minimum uniform price payable to producers applies at the location of the plant of first receipt and handlers are credited from the producer settlement fund at such uniform price. Accordingly, such application of the order would provide a greater incentive to haul direct-shipped milk to city plants for Class II use, since there would be a credit from the pool for the full amount that the uniform price transportation differential at the city plant exceeds the transportation differential for the zone of the bulk tank unit.

In such circumstances, adoption of plant pricing would tend to provide encouragement to move milk long distances toward the city for manufacturing use. Since manufactured products are a much more concentrated form of dairy products than fluid milk, transportation savings can be realized if manufactured products are processed at plants nearby producers' farms and shipped to the city in manufactured form. The pricing scheme adopted will tend to discourage the long distance shipment of milk toward higher-priced zone plants for Class II use, since handlers will be in a position of having to convince the producer to pay the extra cost of hauling milk to their plants compared to the cost of hauling milk to a plant near the producer's farm.

Under the present terms of the order, handlers are discouraged from moving milk long distances for Class II use since they incur the extra hauling costs. This situation will be essentially the same under the provisions adopted, since producers would have the option of obtaining an alternative outlet for their milk at manufacturing plants in the production area, rather than agreeing to pay the extra cost of having their milk hauled to the city for Class II use. Order 2 cooperative association witnesses argued that the order provisions should continue to be structured in a manner that discourages the movement of milk to the city for Class II use. For this reason, complete plant pricing should not be adopted at this time.

The proposals to increase the Class I differential by 15 cents and reduce the direct delivery differential to 5 cents were supported on the basis that they would result in proper alignment of prices between Order 2 and Order 4. These proposals would result in reducing the transportation allowance under the order to 49 cents between the 201–210 mile zone and the 1–10 mile zone. This is 2 cents less than under the present terms of the order and 10 cents less than the actual transportation cost on reloaded milk. Moreover, it would provide a Class I differential cost of $2.89 in the 1–10 mile zone. Such $2.89 Class I differential cost plus the shortfall of 10 cents in covering the transportation costs on reloaded milk would result in an effective Class I differential milk cost of $2.99 at the 1–10 mile zone. This is 15 cents higher than the Class I differential cost under the adjacent Order 4 at plants within 55 miles of Philadelphia. In this circumstance, there would be a disparity in pricing under the orders that would tend to favor Order 4 handlers. Accordingly, these proposals should not be adopted.

An exception to the recommended decision suggested that the Class I differential be increased to $2.35 and the fixed transportation differential be set at 5 cents rather than 15 cents. This suggestion has essentially the same shortcomings as the proposal discussed above that would increase the Class I differential to $2.40 and reduce the direct delivery differential to 5 cents.

A proprietary handler association urged in its comments on the recommended decision that the Class II transportation differentials be amended by deleting the plus adjustments and eliminating any impact of the minus adjustments on transfers of milk between bulk tank units and plants. No proposal concerning Class II transportation differentials was included in the hearing notice. Thus it would not be appropriate to revise such

differentials on the basis of this hearing record.

Another suggestion made by the handler association in its comments on the recommended decision was to reduce the 15-cent fixed transportation differential in the 1–70 mile zone to 6 cents to offset the costs handlers incur in handling daily and seasonal reserve milk supplies. Such type of offset to the transportation differential structure in the order would not be appropriate. Handlers outside the 1–70 mile zone and handlers in the neighboring Order 4 market have similar "supply-balancing" costs. Thus such proposal could adversely impact on intramarket and intermarket price alignment.

In a comment on the recommended decision a producer questioned whether it would be appropriate to increase class prices to offset any increased hauling costs to be borne by producers under the amendments adopted. As previously indicated it is necessary that producers absorb increased hauling costs rather than handlers in order to maintain appropriate alignment of milk costs between Order 2 handlers and Order 4 handlers.

Issuance of a recommended decision. A recommended decision was issued in this proceeding. A proprietary handler association urged at the hearing that their proposed amendments be adopted on an emergency basis by omitting the usual issuance of a recommended decision for review and comments by interested parties before a final decision is issued. However, in its brief the association stated that it wished to have the benefit of commenting on a recommended decision if any amendments other than those that the association proposed were adopted. In these circumstances, the issue was moot, since amendments other than those proposed by the association were adopted in the recommended decision.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the New York-New Jersey marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Referendum Order To Determine Producer Approval; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted and completed on or before the 30th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300 *et seq.*), to determine whether the issuance of the attached order as amended and as hereby proposed to be amended, regulating the handling of milk in the New York-New Jersey marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during the representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The representatve period for the conduct of such referendum is hereby determined to be February 1981.

The agent of the Secretary to conduct such referendum is hereby designated to be Norman K. Garber.

Signed at Washington, D.C., on: June 22, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

Order [1] amending the order, regulating the handling of milk in the New York-New Jersey marketing area.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determninations are hereby ratified and affirmed, except insofar as much findings and determinations may be in conflict with the findings and determinations set forth herein.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Marketing Program Operations, on March 12, 1981, and published in the **Federal Register** on March 18, 1981 (46 FR 17207), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

1. The introductory text preceding paragraph (a) in § 1002.50a is revised to read as follows:

§ 1002.50a Class prices.

For pool milk received during each month from dairy farmers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in §§ 1002.51 and 1002.81. Any handler who purchases or receives milk during any month from a cooperative association of producers but does not operate the plant or unit receiving this milk from producers shall pay the cooperative association on or before the 19th day of the following month for such milk at not less than the class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51 and 1002.81 applicable at the plant at which the milk is first received from the cooperative association. Such payments to a cooperative association shall be deemed not to have been made until the payments have been received by the cooperative association.

* * * * *

2. In § 1002.51, paragraph (c) is revised to read as follows:

§ 1002.51 Transportation differentials.

* * * * *

(c) The differential rates applicable at plants shall be as set forth in the following schedule.

A	B	C
Freight zone	Classes I-A and I-B	Class II
(Miles)	(Cents per hundredweight)	
1-10	+59.0	+8
11-20	+56.8	+8
21-25	+54.6	+8
26-30	+54.6	+7
31-40	+52.4	+7
41-50	+50.2	+7
51-60	+48.0	+6
61-70	+45.8	+6
71-75	+26.6	+6
76-80	+26.6	+5
81-90	+26.4	+5
91-100	+24.2	+5
101-110	+22.0	+4
111-120	+19.8	+4
121-125	+17.6	+4
126-130	+17.6	+3
131-140	+15.4	+3
141-150	+13.2	+3
151-160	+11.0	+2
161-170	+8.8	+2
171-175	+6.6	+2
176-180	+6.6	+1
181-190	+4.4	+1
191-200	+2.2	+1
201-210		
211-220	-1.5	
221-225	-3.0	
226-230	-3.0	-1
231-240	-4.5	-1
241-250	-6.0	-1
251-260	-7.5	-2
261-270	-9.0	-2
271-275	-10.5	-2
276-280	-10.5	-3
281-290	-12.0	-3
291-300	-13.5	-3
301-310	-15.0	-4
311-320	-16.5	-4
321-325	-18.0	-4
326-330	-18.0	-5
331-340	-19.5	-5
341-350	-21.0	-5
351-360	-22.5	-6
361-370	-24.0	-6
371-375	-25.5	-6
376-380	-25.5	-7
381-390	-27.0	-7
391-400	-28.5	-7
401 and over	-30.0	-8

* * * * *

§ 1002.53 [Amended]

3. In § 1002.53, the reference "§§ 1002.51 and 1002.82(b)" is changed to "§ 1002.51."

4. In § 1002.80, paragraph (a) (2) and (3) are revised to read as follows:

§ 1002.80 Time and rate of payments.

(a) * * *

(2) Proper deductions for the month that were authorized in writing by producers from whom the handler received milk (except as specified in paragraph (a)(3) of this section);

(3) For milk received in a bulk tank unit and for which transportation was provided by the handler or at his expense, there may be deducted, as proper and as authorized in writing by the producer, or by a cooperative association authorized to act on behalf of such producer, a tank truck service (transportation) charge. This charge may include any farm-to-first plant transportation costs for which the handler was not reimbursed through the transportation credit pursuant to § 1002.55, but such charge shall be reduced by the amount that the class use location value of milk at the plant of first receipt exceeds its class use location value where the milk was accounted for as a receipt in the bulk tank unit from which the milk was transferred. Any such deduction, plus the transportation credit, and plus the amount of the increase in class use location value of the milk at the plant compared to the unit shall not exceed the actual transportation costs incurred. Any such deduction also must be made by the handler not later than the date on which the producer is required to be paid for such milk. If authorization for such deduction is cancelled by the producer or by the cooperative by notifying the handler in writing, such cancellation shall be effective on the first day of the month following its receipt by the handler; and

* * * * *

§ 1002.82 [Amended]

5. In § 1002.82 paragraph (b) is removed.

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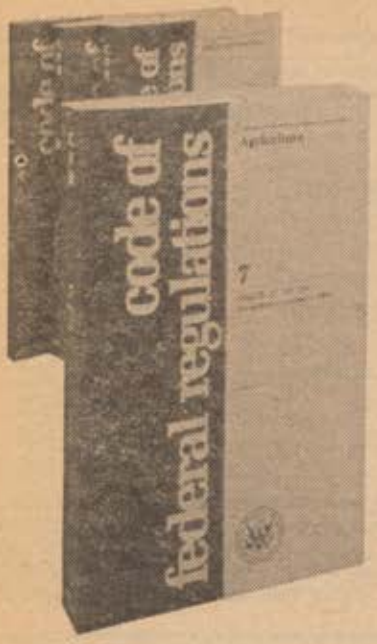

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