7-9-81
Vol. 46 No. 131
Pages 35475-35628

federal register

Thursday
July 9, 1981

Highlights

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Highlights

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

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Rules and Regulations

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GENERAL ACCOUNTING OFFICE

4 CFR Parts 27 and 28

General Accounting Office Personnel Appeals Board; Organization and Procedures

AGENCY: General Accounting Office Personnel Appeals Board.

ACTION: Final rules.

SUMMARY: On March 10, 1981, for the purpose of implementing its adjudicatory responsibilities under the General Accounting Office Personnel Act of 1980 (Pub. L. 96–191), the Personnel Appeals Board ("the Board") published both as proposed and interim regulations, regulations relating to organization and general procedures of the Board and also published as proposed regulations, regulations relating to labor relations (46 FR 15857 and 46 FR 15884).

The formal period for comment having closed, the Board publishes these final regulations which supersede the interim regulations, to inform the agency, employees and other interested parties as to the procedures for processing appeals and cases of original jurisdiction before the Board.

EFFECTIVE DATE: July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Carl D. Moore, General Counsel, Personnel Appeals Board (202) 275–6137.

SUPPLEMENTARY INFORMATION: On February 15, 1980, Congress passed the General Accounting Office Personnel Act (the Act) of 1980 (Pub. L. 96–191). The Act establishes an independent personnel system for employees of the General Accounting Office. The legislation was intended to address a congressional concern regarding the potential for conflict of interest between GAO and various executive branch agencies such as the Office of Personnel Management, the Merit Systems Protection Board, and the Equal Employment Opportunity Commission.

On the one hand, GAO has responsibility for evaluating personnel programs across agency lines, concentrating on policy and control agencies, such as the three agencies recited above. On the other hand, these agencies regulated personnel management in GAO. To minimize these conflicts of interest, the legislation exempts GAO from executive branch administered laws and regulations relating to matters such as appointments, promotions, reassignments, details, classifying and downgrading positions, compensation, adverse actions, reductions-in-force, and appeals.

Congress was also concerned, however, that the legislation provide adequate safeguards for the rights of employees and applicants. Under the provisions of the legislation, GAO must establish a personnel management system which adheres to principles of merit and existing provisions of law relating to personnel management as set forth in the GAO Personnel Act. Employee appeals and complaints are to be adjudicated fairly and impartially by an independent personnel appeals board established by the legislation. These rules establish the procedures to be followed by the General Accounting Office Personnel Appeals Board.

In general, the Personnel Appeals Board is designed to perform at GAO the same functions performed in the executive branch by the Equal Employment Opportunity Commission (EEOC), the Merit Systems Protection Board (MSPB), the Special Counsel of the Merit Systems Protection Board (Special Counsel) and the Federal Labor Relations Authority (FLRA). Under the statute and these rules, the Board has appellate authority over personnel actions that allegedly violate merit system principles or that allegedly constitute prohibited personnel practices and over a wide range of labor relations matters. The General Counsel for the Board, under the statute and under these rules, has broad investigative responsibilities in matters dealing with equal employment opportunity, prohibited political activities, prohibited personnel practices, and unfair labor practices. The Board is authorized to take corrective action in this broad spectrum of personnel jurisdiction as well as disciplinary action against employees who violate the provisions of the statute.

Section-by-Section Analysis of Comments and Changes

The following constitutes an analysis of the main comments received on a section-by-section basis, and a discussion of the regulations. Where the changes made to the section are minor or technical in nature, they have not been discussed.

Subpart B—Procedures

§ 28.11 Filing a Petition.

A provision that received considerable comment was the adoption of a 45-day rule for EEO complaints in the GAO administrative process. The Board generally requires that any appeal alleging prohibited discrimination first be processed through the agency EEO complaints procedure. However, in the interim rules, the Board established that the employee could, at his/her election, appeal to the Board 45 days after filing a formal complaint if the Comptroller General had not issued a final decision on the complaint. Although there were comments supporting this rule, the weight of the comments from employees, management and the EEOC suggested that 45 days would not allow adequate time for a conscientious effort to resolve the complaint in the EEO complaint process. In response to such comment, the Board has amended subsection (b)(4) and § 28.47(b)(2). A petition may be filed with the Board 80 days after a formal complaint has been filed with GAO if the Comptroller General has not issued a final agency decision.

It was also noted that there was no provision for class actions in the interim rules, except under Subpart D, Equal Employment Opportunity cases. Therefore, the Board added subsection (f) to provide for class actions under the general procedures for non-EEO type cases.

§ 28.17 General Counsel Procedures.

In the formal comments received by the Board and in the public hearings held by the Board, numerous questions were raised regarding the General Counsel's investigation and representation functions. Some questioned the propriety of this

approach since the General Counsels at the Equal Employment Opportunity Commission and the Merit Systems Protection Board do not perform such functions. To respond to this comment, some background information is required. The Personnel Appeals Board has jurisdiction over subjects that are shared by four separate third-party bodies in the executive branch with four separate and distinct procedures. These bodies are the EEOC, the MSPB, the FLRA, and the Special Counsel.

One of the first policy decisions faced by the members of the Personnel Appeals Board was whether to adopt four separate procedures paralleling those of the executive branch or whether to combine some or all of the jurisdictional subjects into one procedure. The Board elected to create, to the maximum extent possible, one procedure. One result of this decision is that the role of the Board's General Counsel is more reflective of the role of the General Counsel at the FLRA and of the Special Counsel. Both of these authorities investigate allegations within their jurisdiction and, where appropriate, prosecute the appeal. The General Counsel at the National Labor Relations Board (NLRB) operates in a similar fashion.

Some commentators questioned whether the presence or absence of the General Counsel in a proceeding before the Board might influence the Board in its decision. Some commentators also questioned whether petitioners would be free to select their own counsel. In response to both of these concerns, this procedure has been clarified. The petitioner does not have to accept representation by the General Counsel. The petitioner may elect to represent himself/herself or to retain outside counsel. This means, together with the fact that the Board never has access to the Report and Recommendations of the General Counsel while an appeal is pending, that the Board will not know whether the General Counsel's absence from a case is due to the election of the petitioner or of the General Counsel.

On the other hand, the General Counsel's decision to represent a petitioner is based upon a simple finding that there is reasonable evidence to believe that the petitioner's rights have been violated. This is a much lower standard than that which the Board must use in rendering decisions. Therefore, it is possible on the same evidence for the General Counsel to properly elect to represent a petitioner and for the Board to properly rule against the petitioner.

Nevertheless, the primary safeguard against such prejudice either for or against a party, is the professional caliber and integrity of the Board members. As professional arbitrators, they are expected to render decisions based solely on the record before them. To do otherwise would damage their professional reputations and credibility. The experience at the NLRB, the FLRA and the MSPB affirms this conclusion.

§ 28.27 Board Procedures, Judicial Review.

Another concern with the General Counsel's role was a perceived potential for conflict of interest. The General Counsel might represent a petitioner who receives an adverse decision from the Board. The petitioner could then appeal to the Federal Courts. Some commentators read § 28.27(b) of the interim rules as allowing the Board to designate the General Counsel to represent the Board's position in such a case in court. This potential for conflict of interest had been anticipated and the provision in § 28.27(c) of the final rules allowing the Board to designate the General Counsel or "any other qualified individual" to represent it in court is intended to avoid any such potential for conflict of interest on the part of the General Counsel.

§ 28.21 Board Procedures, Attorney's Fees.

There were comments that the Board's provision regarding the awarding of attorney's fees at subsection (p) of the interim rules was overly broad. The language of that subsection, now subsection (m) of the final rules, has been amended to reflect that decisions on attorney's fees will be consistent with 5 U.S.C. 7701(g). This complies with the GAO Personnel Act which requires the Board to issue regulations providing for employee appeals "consistent with the principles" of 5 U.S.C. 7701 and 7702. Therefore, when an employee or applicant for employment elects to obtain outside counsel, attorney's fees may be awarded if the petitioner prevails in the case and if payment of the attorney's fees is "in the interest of justice". This latter phrase means that the employee must demonstrate that the agency engaged in a prohibited personnel practice or that the agency's action was clearly without merit or other similar circumstance.

§ 28.23 Burden and Degree of Proof.

In establishing the burden of proof, subsection (a) defines "appealable actions" as they are defined by 5 U.S.C. 7701(a). Some comments suggested that the Civil Service Reform Act (Reform Act) does not apply strictly to the GAO. Therefore, the comment continued, reliance on a specific provision of the Reform Act by the Board is inappropriate. As noted above, the GAO Personnel Act requires the Board to "promulgate regulations providing for employee appeals consistent with the principles of sections 7701 of title 5, United States Code." Act, § 4(m). The provisions regarding burden of proof found at 5 U.S.C. 7701 represented very major changes from the previous practices. The reference to 5 U.S.C. 7701(a) in this section of the Board's rules simply insures that the Board will adhere to those new principles.

On the other hand, subsection (b) of the interim rules defined prohibited personnel practices by reference to 5 U.S.C. 2302(b). The same comment was made regarding this reference to a provision of the Reform Act. The GAO Personnel Act requires that the Comptroller General establish a personnel system that prohibits "the personnel practices prohibited in" 5 U.S.C. 2302(b). The Comptroller General has complied with this provision by reprinting prohibited personnel practices as part of his personnel system at 4 CFR 2.5. Since the GAO Personnel Act does not appear to allow any variance between the definition of a prohibited personnel practice under the Reform Act or under the GAO personnel system, the reference in the Board rules would appear to be immaterial. However, since the regulations of the GAO personnel system are more accessible to GAO employees, the reference in subsection (b) has been changed to 4 CFR 2.5.

§ 28.25 Board Procedures, Decisions and Orders.

Concern was expressed in some comments regarding the role of hearing officers who are not Board members. Although the Board does not expect to use this provision often, it is conceivable that circumstances could arise in which a Board member was not reasonably available to expeditiously hear a case. The provision for a non-Board member hearing officer was merely intended to respond to this very unique circumstance. The final rules clarify the role of this non-Board member hearing officer. This person's function is merely to conduct a hearing in order to develop a record and then transmit to the Board a Report of Findings of Fact and Recommendations. Based upon this Report, a member or panel of members will issue a Board decision. Unless there is a motion for the full Board to reopen and reconsider, the decision will become final.

§ 28.45 Class Action Appeals, EEO Cases.

Comments were made indicating that the class action procedures for EEO cases were not explicit enough. Of particular concern were the issues of what is appealable to the Board and what is the relationship between the Board's procedures and the GAO class complaint procedures. The final rules now clearly state what issues in the class complaint process are appealable to the Board.

As to the relationship between the Board's procedures and the GAO class complaint procedures, some background information is useful. In creating its procedures for individual EEO complaints, the Board indicated to GAO management that it intended to guarantee employees a right to a hearing before the Board. The Board suggested that in order to expedite complaint processing, the GAO complaint procedure should forego a hearing. GAO agreed to limit its complaint resolution procedure to a formal investigation. However, due to the complexity of class actions, GAO insisted that it would have to conduct a hearing in order to properly develop the case prior to making an agency determination in the matter. The Board concludes that it would be unduly burdensome and time consuming for the Board to subsequently conduct another hearing on the same issue. However, it is possible that the complaining party, in particular, or the Board, in a given class action, might desire additional evidence. Therefore, the Board has provided in these rules that there is no right to a hearing before the Board in a petition regarding an EEO class complaint. However, when circumstances warrant, the Board may order a hearing on its own motion or on the motion of a party. Otherwise, the Board's decision will be based upon the administrative record developed in the GAO EEO class complaint process.

§ 28.47 Petitions to the Board.

The Board interim rules had stated in this section that the Board and the General Counsel "encourage" full utilization of the agency EEO complaint process. The rules went on to say that, as a result, if an employee alleged EEO violations, the employee had to "generally" pursue the agency EEO complaint process before petitioning the Board. Comments received by the Board pointed out that the quoted terms were somewhat ambivalent regarding the requirement to exhaust the agency EEO complaint process. The reason for this ambivalence is that there is one circumstance in which the Board could hear a petition alleging EEO violations without the agency EEO complaint process having been exhausted. Pursuant to the provisions of § 28.107, the General Counsel might determine that circumstances warranted a stay of the personnel action in order to avoid undue or irreparable harm to the petitioner. For example, if evidence suggested that an employee was being reassigned from one region to another; that the motivation for the reassignment was prohibited discrimination; and that the petitioner's family would be dislocated during the weeks or months of the EEO complaint processing, the General Counel might seek a stay of the reassignment. Such stay actions will probably be infrequent, but when a stay is sought in connection with a personnel action that is allegedly motivated by discrimination, the stay request would probably occur at about the time the informal or formal EEO complaint was being filed with GAO. Therefore, in limited circumstances such as this, the agency EEO complaint process would not be exhausted. The final rules have been amended to reflect this possibility.

Subparts E and F Labor Relations

In proposed rules published on March 10, 1981 in the **Federal Register**, the Board suggested a labor relations system for GAO in Subparts E and F. The Supplementary Information accompanying those proposed rules pointed out that there was disagreement as to whether the rules governing the GAO labor relations system should be promulgated by GAO management or by the Board.

Comments on the Board's proposed rules were received from management, employee organizations and individuals. Initially the Board adopted a position parallel to that of the FLRA in the executive branch by proposing rules for establishment of a labor relations system at GAO. Some commentators urged the Board to assume this responsibility for defining through its rules the parameters of the GAO labor relations program. However, other commentators argued that the Board has no general regulatory authority in the development of the GAO labor relations program and that the Board should recognize the responsibility of GAO to establish a labor relations system. This argument relies on the language of the GAO Personnel Act that gives the Board authority to decide cases arising from the "labor-management system established [by the Comptroller General] under section 3(e)" of the Act.

Beyond that it was also urged that the Board in its rules adopt or approve major portions of the labor relations system as defined by the GAO Order. For example, it was urged that the Board adopt the definitions for "Supervisor," "Management Official," "Confidential Employee," "Professional Employee," "Labor Organization", and "Appropriate Unit" that are set forth in the GAO Order on labor relations. This argument apparently would have the Board decide through its rules that certain provisions of the GAO Order were consistent with Chapter 71 of title 5, United States Code, without further hearings or proceedings on the issue.

Despite these differing opinions, there was no dispute among the commentators as to the Board's role as the ultimate and final arbitor in GAO regarding labor relations matters within the Board's jurisdiction. The issue was whether this authority should be exerted through rules and regulations or through resolution of actual cases before the Board.

The Board concludes that Congress intended that GAO management create a labor relations system "consistent with chapter 71 of title 5, United States Code," and that the Board establish an adjudicatory process that guarantees such consistency. Therefore, in these final rules, Subparts E and F neither create a system nor do they approve any portion of the system already created by GAO. Subparts E and F provide for an appeals system through which cases and controversies may arise and through which the GAO system can be properly tested by management, employees and employee groups.

Subpart H—Appeals by Members of the Senior Executive Service

Comments were received regarding this Subpart emphasizing that members of the GAO SES are not covered by the SES provisions of the Reform Act. The Comptroller General is given authority under § 5(a) of the GAO Personnel Act to establish a GAO Senior Executive Service. Under GAO Order 2920.1, promulgated pursuant to the authority contained in § 5(a) of the Act, members of the GAO SES have no right of appeal in cases of adverse actions taken for unsatisfactory performance. Although the commentators agreed that members of the GAO SES, like other employees, have a right to appeal cases of adverse action relating to misconduct, malfeasance or similar action, it was urged that the Board not expand its jurisdiction to hear cases from SES members who are the object of an action based upon less than fully satisfactory performance.

The Board acknowledges that the Act gives the Comptroller General

responsibility for establishing a Senior Executive Service at GAO. Furthermore, the Comptroller General has elected not to provide GAO SES members access to the Board in performance-based removal actions. However, as with so many provisions of the Act, the Comptroller General's SES program must be "consistent with" certain provisions of the Reform Act that relate to the SES. Among those provisions, the Comptroller General's SES regulations must provide "for removal consistent with section 3592" of title 5, United States Code.

A key aspect of 5 U.S.C. 3592 is the provision for an informal hearing for the executive, who is removed for performance reasons, before an official of the MSPB. Congress clearly intended that the executive being removed for less than fully satisfactory service should have an opportunity in a fair and open forum to place his/her case on the record and Congress clearly intended that GAO executives have an opportunity consistent with that concept.

The Board in these final rules allows a career executive to have a prompt, informal hearing with a Board member as soon as possible after the executive receives notice of his/her performance-based removal. It was suggested that GAO had provided under GAO Order 2920.1 for peer review of all performance appraisals that are not acceptable to an executive. It is not clear that this peer review is demonstrably different from the process provided in the Reform Act for executive branch executives. Furthermore, such a peer review does not appear to attain the objective of providing the executive with an unfettered, fair and open forum in which to state his/her position in the matter.

Therefore, the Board concludes that the Comptroller General's Order forbidding the Board from considering appeals from executives regarding performance-based removals is not consistent with 5 U.S.C. 3592 as required by 31 U.S.C. 52-4(a)(1)(F). In accordance with the provisions of Subpart H, the Board will conduct an informal hearing in such cases.

Subpart I—Public Information, Privacy and Disclosures

In the interim rules, the Board acknowledged that it would carry out the general purposes of the Freedom of Information Act and the Privacy Act. It was suggested in some comments that although the Board, as a part of GAO, is not subject to these statutes, the procedures suggested by the Board were not in sufficient detail to adequately advise the public regarding the policy and procedure the Board intended to follow. Rather than expand the Board's rules substantially with detailed procedures, the Board has elected to follow the procedures established by GAO for responding to requests for information from the public and employees of GAO.

Accordingly, Parts 27 and 28 of Title 4 of the Code of Federal Regulations, as added by FR Doc. 81-7408, appearing on page 15857 of the issue for March 10, 1981, are revised as follows:

PART 27—GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD—ORGANIZATION

Sec.
27.1 The board.
27.2 The chair.
27.3 The general counsel.

Authority: Sec. 4, Pub. L. 96-191, 94 Stat. 29 (31 U.S.C. 52-3).

§ 27.1 The board.

The General Accounting Office Personnel Appeals Board, hereinafter the Board, is composed of five members appointed by the Comptroller General, in accordance with the provisions of Section 4 of Public Law No. 96-191, 94 Stat. 29, the General Accounting Office Personnel Act of 1980. The Board may designate a panel of its members or an individual Board member to take any action within the scope of the Board's authority, subject to later reconsideration by the Board.

§ 27.2 The chair.

The members of the Board shall select from among its membership a chairperson, hereinafter the Chair, who shall serve as the chief executive and administrative officer of the Board.

§ 27.3 The general counsel.

The Comptroller General shall appoint the individual selected by the Chair to serve as the General Counsel of the Board. The General Counsel, at the request of the Board or of any member of the Board, shall investigate matters under the jurisdiction of the Board, and otherwise assist the Board in carrying out its functions, unless to do so would create a conflict of interest for the General Counsel.

PART 28—GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD—PROCEDURES

Subpart A—Purpose and General Definitions

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28.3 General definitions.

Subpart B—Procedures

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Subpart H—Appeals by Members of the Senior Executive Service

28.111 Personnel actions involving SES members.
28.113 Performance-based actions.

Authority: Sec. 4, Pub. L. 96-191, 94 Stat. 29 (31 U.S.C. 52-3).

Subpart A—Purpose and General Definitions

§ 28.1 Purpose and scope.

(a) The purpose of these rules is to establish the procedures to be followed:

(1) by the GAO, in its dealings with the Board;

(2) by employees of the GAO or applicants for employment by the GAO,

or by groups or organizations claiming to be affected adversely by the operations of the GAO personnel system;

(3) by employees or organizations petitioning for protection of rights or extension of benefits granted to them under the Act; and

(4) by the Board, in carrying out its responsibilities under the Act.

(b) The scope of the Board's operations encompasses the investigation and, where necessary, adjudication of cases arising under section 4(h) of the Act. In addition, the Board has authority for oversight of the equal employment opportunity program at GAO. This includes the review of policies and evaluation of operations as they relate to EEO objectives and, where necessary, the ordering of corrective action for violations of or inconsistencies with equal opportunity laws in GAO.

(c) The intent of the Act is to provide the GAO independence in administering its labor and employee relations function intended by the Act, while ensuring that "GAO employees are entitled to the same rights and protections as employees in the executive branch." H.R. Rep. No. 96–494, 15 (1980). Such a broad scope of authority would normally require the promulgation of rules and regulations, in respect to the GAO, as extensive as those of all the agencies covering the relevant activities of the entire executive branch. To do so for but one agency, however, seems to the Board to be unnecessarily burdensome to all concerned. Instead, these regulations are designed to establish general guidelines which meet the immediate purpose of providing to all parties early and clear access to the Board.

§ 28.3 General definitions.

In this part—

(a) "Act" means the General Accounting Office Personnel Act of 1980.

(b) "Board" means the General Accounting Office Personnel Appeals Board as established by Section 4 of the Act.

(c) "Comptroller General" means the Comptroller General of the United States.

(d) "Days" means calendar days.

(e) "GAO" means the General Accounting Office.

(f) "General Counsel" means the General Counsel of the General Accounting Office Personnel Appeals Board, as provided for under Sections 4 (f) and (g) of the Act.

(g) "Hearing Officer" means any individual designated by the Board to preside over a hearing conducted on matters within its jurisdiction. A Hearing Officer may be a member of the Board, an employee of the Board, or any individual qualified by experience or training to conduct a hearing.

(h) "Person" means an employee or applicant for employment, a labor organization or the GAO.

(i) "Petition" means any request filed with the Board for action to be taken on matters within the jurisdiction of the Board, under the provisions of the Act.

(j) "Petitioner" means any person filing a petition for Board consideration.

Subpart B—Procedures

§ 28.5 Informal procedural advice.

(a) Petitioners or prospective petitioners may seek informal advice on all aspects of the Board's procedures by contacting the General Counsel.

(b) Informal procedural advice will be supplied within the limits of available time and staff.

§ 28.7 Procedures—general.

The procedures described in this Subpart are generally applicable to the processing of all matters presented for consideration by the Board. Where special procedures are to be followed, they will be prescribed in those subsequent Subparts to which they are particularly applicable.

§ 28.9 Notice of appeal rights.

The GAO shall be responsible for insuring that employees are regularly advised of their appeal rights to the Board and that employees, who are the object of an adverse action, are, at the time of the action, adequately advised of their appeal rights to the Board.

§ 28.11 Filing a petition.

(a) Who may file. Any GAO employee or applicant for employment claiming to be affected adversely by GAO action or inaction which is within the Board's jurisdiction under the Act.

(b) When to file. (1) Petitions for review of adverse actions based on conduct or performance must be filed within 20 days after the effective date of the action.

(2) Petitions for review of other personnel actions must be filed within 20 calendar days after the effective date of the action or 20 calendar days after the petitioner knew or should have known of the action.

(3) Petitions for review of adverse actions (subsection (1) above) or other personnel actions (subsection (2) above) that also raise an allegation of prohibited discrimination must be filed in accordance with paragraph (b)(4) of this section.

(4) Petitions for review of discrimination complaints may be filed any time after 80 days have passed since the filing of a formal complaint of discrimination with GAO, except that, when GAO has issued a final agency decision, the petition for review must be filed within 20 calendar days from receipt by the petitioner of the final agency decision.

(5) Petitions for review of continuing violations may be filed at any time.

(6) The Board may waive the time limits in these rules for good cause shown.

(c) How to file. Petitions may be filed with the Board in person at the Office of the Board (GAO Building, Room 4057, Washington, D.C.) or by certified mail addressed to the General Counsel, GAO Personnel Appeals Board, Room 4057, Washington, D.C. 20548, or to the General Counsel, Personnel Appeals Board, P.O. Box 2496, Washington, D.C. 20013. When filed by mail, the post-mark shall be the date of filing for all submissions to the Board.

(d) What to file. The petitioner should include in any petition for Board action the following information:

(1) Name of the petitioner or a clear description of the group or class of persons on whose behalf the petition is being filed;

(2) The names and titles of persons, if any, responsible for actions the petitioner wishes to have the Board review;

(3) The actions being complained about, including dates, reasons given, and internal appeals taken;

(4) Petitioner's reasons for believing the actions to be improper;

(5) Remedies sought by the petitioner;

(6) Name and address of the representative, if any, who will act for the petitioner in any further stages of the matter;

(7) Copies of all relevant documentation;

(8) Signature of the petitioner or petitioner's representative.

(e) Service on respondent. Upon receipt of a petition for review, the General Counsel shall serve a copy on the respondent. The respondent shall have 20 days in which to reply.

(f) Class actions. One or more employees may file an appeal as representatives of a class of employees in any matter within the Board's jurisdiction other than prohibited discrimination (see § 28.45 for EEO class actions). The hearing officer shall hear the case as a class action if he/she finds a class action will be the most efficient and fair way to adjudicate the appeal and will adequately protect the interests

of all the parties. For the purpose of determining whether it is appropriate to treat an appeal as a class action, the hearing officer will be guided, but not controlled by, the applicable provisions of the Federal Rules of Civil Procedure.

§ 28.13 Amendments to petitions.

The Board at its discretion may allow amendments to a petition as long as all persons who are parties to the proceeding have adequate notice to prepare for the new allegations.

§ 28.15 GAO response.

Within 20 days after receiving a copy of a petition filed in accordance with § 28.11, where GAO is a party from whom the petitioner seeks relief, the GAO shall file a response containing at least the following:

(a) A complete statement of the GAO position with respect to each of the issues raised by the petitioner, including admissions, denials or explanations of each allegation made in the petition.

(b) All documents or true copies thereof contained on the GAO records regarding the matter.

(c) Designation of, and signature by, the GAO representative authorized to act for GAO in the matter.

§ 28.17 General Counsel procedures.

(a) All petitions filed in accordance with § 28.11 will be received by the General Counsel for the Board. The General Counsel will investigate the matter, refine the issues where appropriate, and attempt settlement of all matters at issue.

(b) The General Counsel may issue subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence and order the taking of depositions and order responses to written interrogatories in connection with an investigation under these Rules by the General Counsel. Employees of GAO who are required by the General Counsel to participate in any investigation under these Rules shall be on official time.

(c) Following the investigation, the General Counsel shall provide the petitioner with a Right to Appeal Letter. Accompanying this letter will be a Report and Recommendations of the General Counsel advising the petitioner of the results of the investigation. This Report and Recommendations of the General Counsel is not subject to discovery and may not be introduced into evidence before the Board.

(d) If, following the investigation, the General Counsel determines that there is not reasonable evidence to believe that the petitioner's rights under the Act have been violated, then the General Counsel shall not represent petitioner. If the General Counsel determines that there is reasonable evidence to believe that the petitioner's rights under the Act have been violated, then the General Counsel shall represent petitioner unless the petitioner elects not to be represented by the General Counsel. Such petitioner may represent himself/herself or obtain other legal counsel.

§ 28.19 Board procedures—pre-hearing.

(a) Where the procedures for the General Counsel's investigation have been completed and the petitioner petitions the Board for relief, the Board shall order a hearing on its own motion or at the request of either party. Absent a request for a hearing, the Board may issue a Decision and Order based upon the written submissions of the parties and, where it deems necessary, on oral argument called for the purpose of eliciting further views.

(b) Motions for discovery may be made to the hearing officer once the petition is referred to the Board under this section.

(c) Where the General Counsel under § 28.17(a) transmits a settlement, which has been agreed to by the parties, the settlement agreement shall be the final disposition of the case.

§ 28.21 Board procedures—formal hearings.

(a) Where two or more parties have filed petitions containing identical or similar issues, the Board may, following appropriate notice to the parties and opportunity for comment by the parties, consolidate such petitions for hearing purposes.

(b) Where a petitioner has filed two or more petitions, the Board may, following appropriate notice to the parties and opportunity for comment by the parties, join these petitions for purposes of conducting the hearing.

(c) A formal hearing on a petition may be conducted:

(1) Before the Board as a whole, in which case the Chair shall preside;

(2) Before one of its members chosen by the Board to be the Hearing Officer;

(3) Before a panel of two or more Board members chosen by the Board, one of whom shall preside;

(4) Before a qualified Hearing Officer chosen by the Board for that purpose.

(d) The Board shall issue a notice to all parties specifying the date, time and place of the scheduled hearing. In no case shall the hearing be held earlier than 15 days after the notice is issued, unless all parties agree to an earlier date.

(e) Upon request by the Board, the GAO shall provide appropriate space to hold the hearing.

(f) The Hearing Record shall be prepared and maintained under the supervision of the Hearing Officer. It shall include exhibits, motions, and other material submitted by the parties and accepted by the Hearing Officer. It may also, at the election of the Hearing Officer, include a transcript of the hearing. This Record shall constitute the sole official record of the proceeding. Copies of all or portions of the Record shall be provided to the petitioner and the respondent upon request; other parties may be furnished a copy, at their request and at their own expense, or they may examine a copy at a time and place set by the Board.

(g) Generally, hearings shall be closed to the public unless the petitioner requests the Hearing Officer to order the hearing or part of the hearing to be open. However, the Hearing Officer may, for good cause shown, close any or all portions of the hearing, over the petitioner's objections, stating the reason therefor on the record.

(h) Although the rules of evidence shall not apply, the Hearing Officer shall conduct the hearing so as to ensure that all relevant and material facts are placed into the record and all parties are given full opportunity to present their evidence on the issues.

(i) The Hearing Officer shall conduct the hearing in a manner designed best to achieve a balance of fairness, justice and equity in terms of the objectives of the Act and the proper interests of the parties; he/she shall have the authority needed to function effectively, including, but not restricted to authorizing the taking of depositions, ruling on admissibility of evidence, issuing subpoenas, requiring briefs, and administering oaths.

(j) The Hearing Officer shall rule on all questions of procedure and conduct raised at the hearing following appropriate administrative procedures consistent with 5 U.S.C. 7701 and 7702. Objections to rulings of the Hearing Officer, with reasons therefor, shall be part of the record; however, the hearing shall proceed as ordered by the Hearing Officer.

(k) Upon application to the Hearing Officer, any party affected by matters at issue in any petition may be given, at the discretion of the Hearing Officer, the status of an intervenor in all formal proceedings relating to the petition. As such, any intervenor shall have the right to participate in the hearing and to be notified, as is the petitioner, of all Board actions respecting the processing of the

case. However, intervenors shall pay any costs related to their participation in the processing of the petition.

(l) The costs involved in the appearance of witnesses in any Board hearing shall be allocated as follows:

(1) Persons employed by the GAO shall, upon request by the Hearing Officer to GAO, be made available to participate in the hearing and shall be in official duty status for this purpose. They shall not receive witness fees.

(2) Employees of other Federal agencies called to testify at a Board hearing shall, at the request of the Hearing Officer and with the approval of the employing agency, be in official duty status during any period of absence from normal duties caused by their testimony, and shall not receive witness fees. In the event that the employing agency refuses the request to release the employee-witness in an official duty status, the employee-witness may be paid a witness fee in accordance with paragraphs (l)(3) and (m) of this section.

(3) The fees and expenses of other persons called to testify at a Board hearing shall, in the first instance, be paid by the party requesting their appearance, subject to a subsequent decision otherwise in accordance with paragraph (m) of this section.

(m) Within 20 days after a decision of the Board becomes final, the employee-petitioner may submit a request for reasonable attorney's fees and costs. After providing GAO with 20 days in which to respond, the Board or a member of the Board shall rule on the request. Rulings on attorney's fees shall be consistent with the standards set forth at 5 U.S.C. 7701(g). This decision on attorney's fees shall be a final decision which is appealable in accordance with §28.27.

§ 28.23 Burden and degree of proof.

(a) In appealable actions, as defined by 5 U.S.C. 7701(a), agency action must be sustained by the Board if:

(1) It is a performance-based action and is supported by substantial evidence; or

(2) It is brought under any other provision of law, rule or regulation as defined by 5 U.S.C. § 7701(a) and is supported by a preponderance of evidence.

(b) Notwithstanding paragraph (a) of this section, the agency's decision may not be sustained if the petitioner—

(1) Shows harmful error in the application of the agency's procedures in arriving at such decision;

(2) Shows that the decision was based on any prohibited personnel practice described in 4 CFR 2.5; or

(3) Shows that the decision was not in accordance with law.

(c) In any other appeal to the Board, the petitioner shall have the responsibility of presenting the evidence in support of the appeal and shall have the burden of proving the allegations of the appeal by a preponderance of the evidence.

§ 28.25 Board procedures—decisions and orders.

(a) Where a Hearing Officer who is not a Board member conducts a hearing, the Hearing Officer shall transmit to the parties and the Board a Report of Findings of Fact and Recommendations. Based upon this Report, a member or panel of members of the Board shall issue a decision. The decision shall contain the date upon which the decision will become final, which will be at least 30 days from issuance. The decision shall become final on that date unless, prior to that date, a party files a motion to reopen and reconsider or unless the Board reopens on its own motion.

(b) Where a Board member or panel of Board members hears a case, a decision shall be issued to the Board and to the parties. The decision shall contain the date upon which the decision will become final, which will be at least 30 days from issuance. The decision shall be final on that date unless, prior to that date, a party files a motion to reopen and reconsider or unless the Board reopens on its own motion.

(c) A motion to reopen and reconsider a decision may be filed with the Board in person at the Office of the Board (GAO building, Room 4057, Washington, D.C.) or by certified mail addressed to the Personnel Appeals Board, GAO, Room 4057, Washington, D.C. 20548, or by certified mail addressed to the Personnel Appeals Board, P.O. Box 2496, Washington, D.C. 20013. The motion to reopen and reconsider shall set forth objections to the decision, with references to applicable laws or regulations, and with specific reference to the Record. The Board shall serve a copy of the motion to reopen and reconsider on the other parties and allow 20 days for response to the motion. The Board may grant a motion to reopen and reconsider when it is established that:

(1) New and material evidence is available that, despite due diligence, was not available when the record was closed; or

(2) The decision of the Hearing Officer is based on an erroneous interpretation of statute or regulation.

(d) If the Board reopens a case, the subsequent decision of the Board shall be final.

(e) Where the full Board initially hears a case, the subsequent decision shall be final and appealable under § 28.27.

(f) A person required to take any action under the terms of a Board Order shall carry out its terms promptly, and shall, within 30 days after the decision becomes final, provide the Board with a compliance report specifying:

(1) The manner in which the provisions of the Order have been complied with;

(2) The reasons any provisions have not yet been fully complied with; and

(3) The steps being taken to ensure full compliance.

(f) Where the Board's Decision and Order is being appealed to the United States Court of Appeals in accordance with section 4(l)(1) of the Act, the person so appealing shall be afforded a delay in filing the compliance report required under paragraph (e) of this section; however, such a delay shall apply only to those matters which are the subject of the appeal.

§ 28.27 Board procedures—judicial review.

(a) Appeals other than discrimination complaints. A final decision by the Board under subsections 4(h) (1), (2), (3), (6), and (7) of the Act may be appealed to the United States Court of Appeals in which the petitioner resides or to the United States Court of Appeals for the District of Columbia.

(b) Discrimination complaint appeals. A final decision by the Board on a complaint of discrimination may be appealed to the appropriate United States District Court as provided in § 28.51.

(c) The Board may designate the General Counsel or any other qualified individual to represent it in any judicial appeals from its Decisions taken in accordance with Section 4(l) of the Act.

Subpart C—Oversight Procedures

§ 28.31 General.

Section 3(g) of the Act provides that, with respect to employees and applicants for employment in the GAO, the authority granted in the legislation under section 3(g)(3) of the Act, which involves oversight of the EEO program and appeals relating to EEO matters, shall be exercised by the Board. The EEO appeals procedures are delineated in Subpart D of these regulations. This Subpart specifies the oversight procedures required to ensure that the goals of the legislation will be attained

through the development and administration of personnel procedures as well as by dealing with specific cases involving allegations of illegal practices.

§ 28.33 Oversight of GAO EEO program.

(a) In order to carry out the purpose of this Subpart, the Board may require from GAO the following:

(1) Such plans, procedures and regulations as GAO may develop in order to carry out the purposes enumerated in § 28.41;

(2) Reports regarding its efforts to publicize to its employees the procedures to be followed for receiving advice and for filing complaints regarding the enforcement of laws prohibiting discrimination in employment;

(3) Quarterly statistical reports of pre-complaint counseling and of pending complaints, in a manner prescribed by the Board;

(4) An annual report on its equal employment opportunity affirmative action program and its Federal Equal Employment Opportunity Recruitment Program; and

(5) Any other information requested by the Board regarding equal employment opportunity within the GAO that may be required by the Board in the time frame and format established by the Board after consultation with the Comptroller General or his/her designee.

(b) The Board shall review and evaluate the regulations, procedures and practices of the GAO, including the information filed with it in accordance with § 28.33(a), and shall:

(1) Require the GAO to make any changes the Board determines are needed due to violations of or inconsistencies with the Act or equal employment opportunity laws, and

(2) Report to the Congress on the overall progress being made in effectuating the purposes of the Act.

(c) The Board delegates to the General Counsel responsibility for conducting investigations, in the absence of a formal allegation, for the purpose of determining whether there are reasonable grounds to believe that a violation of 3(g)(3) of the Act exists. For these purposes the provisions of § 28.17(b) shall apply.

(d) If the General Counsel determines that disciplinary action should be taken against an employee after any investigation under this section, the General Counsel shall prepare a written complaint against the employee containing his/her determination, together with a statement of the supporting facts, and present the complaint and the statement to the employee and the Board for processing in accordance with Subpart G.

Subpart D—Special Procedures—Equal Employment Opportunity Cases

§ 28.41 Purpose and scope.

The procedures in this Subpart relate to complaints filed against any GAO policies or specific actions which petitioners claim are in violation of:

(a) Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16), prohibiting discrimination based on race, color, religion, sex or national origin;

(b) Sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a) prohibiting discrimination on account of age;

(c) Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)), prohibiting discrimination in wages on the basis of sex;

(d) Sections 501 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794a) prohibiting discrimination on the basis of handicap; or

(e) "[A]ny other law prohibiting discrimination in Federal employment on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status or handicapping condition. . . ." Act, Section 3(g)(3).

§ 28.43 Applicability of general procedures.

Except where a different procedure is provided for in this Subpart, the procedures to be followed by all parties in cases arising under this subpart shall be the General Procedures as prescribed in Subpart B of these regulations.

§ 28.45 Class action appeals.

(a) A petition alleging prohibited discrimination on behalf of a class of GAO employees or applicants for employment must first be filed with GAO in accordance with GAO Order 2713.2.

(b) A Petition for Review of GAO's disposition of any EEO class complaint may be submitted for consideration when:

(1) GAO issues a determination rejecting or cancelling the class complaint;

(2) GAO issues a determination accepting the class action, but with modifications that are not satisfactory to the agent of the Class;

(3) A period of more than 180 days has elapsed since the formal class complaint was filed and the GAO has not issued a final decision; or

(4) The complaint has been resolved by a GAO decision that, in whole or in part, has not satisfied the agent for the class.

(c) The parties shall not have a right to a hearing in class actions under this section. Upon a showing of good cause as to why an evidentiary hearing is necessary, the Board may order such a hearing. Alternatively, the Board may, after a review of the administrative record and on its own motion, order a hearing for the purpose of gathering additional evidence. If no hearing is ordered, the Board's decision shall be based upon a review of the administrative record developed in the GAO class complaint process.

(d) In determining whether it is appropriate to treat an appeal as a class action, the Board will be guided, but not controlled by, the applicable provisions of the Federal Rules of Civil Procedure.

§ 28.47 Petitions to the Board.

(a) The purposes and policies of the various statutes that prohibit discrimination can best be achieved through conscientious use by employees and management of the agency complaint process. To this end, the Board and the General Counsel will require full utilization by the parties of the EEO complaint process within GAO, except when the General Counsel elects to proceed in accordance with § 28.107. Therefore, if an employee is alleging EEO related improprieties, the employee must generally pursue the agency EEO complaint process before petitioning the Board.

(b) A petition for review of GAO's disposition of any EEO complaint may be submitted for consideration of the Board when:

(1) The complaint or a portion thereof has been rejected by the GAO;

(2) A period of more than 80 days has elapsed since the complaint was filed, and the GAO has not issued a final decision; or

(3) The complaint has been resolved by a GAO decision which, in whole or in part, has not satisfied the complainant.

(c) Where a petitioner wishes to file a combination of claims, only a portion of which involve discrimination, the petitioner must first file a complaint in the agency EEO complaint process. Where a complaint filed in the agency EEO complaint process relates to non-EEO issues that are within the Board's jurisidcation in addition to EEO-related allegations, the subsequent petition to the Board under subparagraph (b) of this section shall be considered a timely appeal of the non-EEO issues.

(d) A petition filed with the General Counsel under the provisions of this subpart shall state the issue briefly, and shall spell out clearly the reason the

petitioner believes the action of the GAO to be contrary to the law.

(e) The petitioner shall file the petition with the General Counsel in accordance with § 28.11. The General Counsel shall serve the GAO with a copy of the petition and request that the GAO provide within 10 days of receipt any file or portion thereof that may exist.

§ 28.49 Processing petitions.

(a) In addition to submitting the complaint file under § 28.47(e), GAO may file a response to the petition in accordance with § 28.15.

(b) The provisions of §§ 28.17 through 28.25, inclusive, shall govern the Boards's procedures in processing petitions filed under this subpart.

(c) Remedial action provided in Board orders in these cases may include:

(1) Provision for offers of employment, re-employment or promotion, with or without back-pay, when the Board decides such action is required to make whole the individual found to have been discriminated against.

(2) Notification to all GAO employees of the action ordered to be taken to expunge the effect of the discrimination;

(3) Correction of GAO personnel records, as necessary, to reflect the purpose of the Board order; and,

(4) Any other action the Board believes is proper to correct the effect of the discrimination found to have occurred.

§ 28.51 Civil action—discrimination complaints.

(a) An employee alleging violations of 42 U.S.C. § 2000e–16 (Title VII of the Civil Rights Act of 1964, as amended) may file suit in Federal District Court after 120 days from filing a complaint with GAO if there is no final decision on that complaint or within 30 days of receipt of notice of final action taken by GAO.

(b) An employee alleging violations of 42 U.S.C. 2000e–16 (Title VII of the Civil Rights Act of 1964, as amended) may file suit in Federal District Court after 120 days from filing an appeal with the Board if there is no final decision on that discrimination appeal or within 30 days of receipt of notice of final action by the Board.

(c) Employees or applicants for employment alleging discrimination based upon a handicapping condition (29 U.S.C. 791, 794a—Rehabilitation Act), or age discrimination (29 U.S.C. 631, 633a—Age Discrimination in Employment Act), or salary inequity due to sex (29 U.S.C. 206d—Equal Pay Act provisions of the Fair Labor Standards Act) need not exhaust administrative appeals to GAO or to the Board before filing suit in the Federal District Court.

Subpart E—Special Procedures—Representation Proceedings

§ 28.61 Purpose.

The procedures in this Subpart relate to the Board's duty under § 4(h) (4) and (5) of the Act to determine appropriate units of GAO employees for collective bargaining, to conduct elections in order to determine whether the employees in any such units wish to select a labor organization to represent them in collective bargaining, and, thereafter, to certify labor organizations so selected as the designated exclusive bargaining representative. They are referred to in these regulations as "representation proceedings".

§ 28.63 Scope.

The Board shall consider, decide and order corrective action (as appropriate) in cases arising from determinations of appropriate units of employees for collective bargaining and cases arising from elections and certifications of collective bargaining representatives. Board decisions in these matters will be made with due regard for relevant provisions of GAO Orders and with the objective of insuring that the GAO labor relations program is consistent with Chapter 71 of title 5, United States Code, which prescribes the standards for the labor relations program in the executive branch.

§ 28.65 Who may file petitions.

(a) Representation petitions may be filed by:

(1) A labor organization which wishes to be designated as the exclusive representative for collective bargaining by the GAO employees in an appropriate unit, or by a labor organization which desires to replace another currently having that status;

(2) An employee or a group of employees (or an individual on his/her/their behalf) desiring a new election to determine whether a labor organization has ceased to represent a majority of employees in a unit;

(3) The GAO if it has a good faith reason to doubt the continued desire of a group of its employees to be represented by a labor organization which is currently the exclusive representative of the employees in an appropriate unit;

(4) The GAO or a labor organization currently recognized as an exclusive representative, desiring the Board to clarify an earlier unit determination or certification;

(5) Any person seeking clarification of, or an amendment to, a certification then in effect or any other matter relating to representation.

(b) Notwithstanding the provisions of paragraph (a) of this section, no petition may be filed which seeks representation rights for employees in a unit where an existing collective bargaining contract is in effect, or where an election has been held within the preceding 12 months, except that such a petition may be filed not more than 105 days and not less than 60 days prior to the expiration of an existing contract or at any time after the expiration of an existing contract.

§ 28.67 Contents of representation petitions.

(a) The contents of representation petitions filed under § 28.65(a)(1) above shall consist of:

(1) A detailed identification of the unit of employees to which the petition applies, and their geographical location within the GAO, the classifications of employees to be included and excluded, and the number of employees involved.

(2) Names, addresses and officers of any other labor organizations known by the petitioner to be interested in representing employees covered by the petition, including a labor organization which is party to a current collective bargaining agreement covering any employees in the unit;

(3) Name, address, affiliation, if any, and telephone number of the petitioning organization;

(4) A copy of the constitution and bylaws of the organization, together with a statement that these documents, as well as a roster of the organization's officers and representatives and a statement of the objectives, have also been supplied to the GAO.

(5) A declaration by the signer of the petition, under penalties of the Criminal Code (18 U.S.C. § 1101), that the petition's contents are true and correct, to the best of his/her knowledge and belief;

(6) The signature of the representative of the petitioner, including title and telephone number; and

(7) Membership cards, dues records, or signed statements by employees indicating their desire to be represented by the labor organization, or similar evidence acceptable to the Board, showing that at least 30 percent of the employees in the proposed unit wish to be represented by the petitioner.

(b) The contents of petitions filed under § 28.65(a)(2) shall conform to those provided for in paragraph (a) of this section, except that the information required by paragraphs (a)(4) and (a)(7)

need not be supplied. Additionally, a petition under § 28.65(a)(2) shall include evidence satisfactory to the Board that at least 30 percent of the employees in the unit no longer wish to be represented by the labor organization currently having bargaining rights.

(c) The contents of petitions filed under § 28.65(a)(3) shall conform to those provided in petitions under paragraph (a) of this section, except that the information required by paragraph (a) (4) and (7) need not be supplied, but shall include a detailed statement giving the objective considerations which support the GAO's good faith reason for doubting the labor organization's continued status as the exclusive representative.

(d) The contents of petitions filed under § 28.65(a)(4) shall include the information required under paragraph (a) of this section, with the exception of the information required by paragraph (a) (4) and (7). Also, instead of the information required in paragraph (a)(1) of this section, the petition shall identify the existing unit and the date the organization was recognized by the GAO or certified as the exclusive representative, and shall explain the changes desired in the unit and the reasons therefor.

(e) Petitions under § 28.65(a)(5) shall be filed on forms to be supplied by the Board, upon request.

§ 28.69 Pre-investigation proceedings.

(a) Upon the filing of a valid petition, the General Counsel may request GAO to notify employees as to the existence of the petition by posting a notice for at least 10 days in locations appropriately selected to reach all employees in the unit covered by the petition. The notice shall include a request that the Board's General Counsel be notified of the existence of any other interested parties.

(b) GAO shall supply the General Counsel with any information in its possession concerning other potentially interested labor organizations, copies of relevant correspondence, and copies of existing or recently expired agreements covering any employees in the unit. The GAO shall also provide a list of employees it believes should be included in the unit together with their classifications and the names and classifications of those employees it proposes to exclude from the unit.

(c) All interested parties shall meet as soon as possible after the expiration of the ten-day posting period and shall attempt to resolve any issues in controversy.

(d) A labor organization may become an intervenor in any representation proceeding by satisfying the General Counsel within the ten-day posting period that it represents at least ten percent of the employees in the proposed unit or submits other evidence that it is the exclusive representative of the employees involved.

§ 28.71 Processing petitions.

(a) Upon the expiration of the ten-day posting period, and after the General Counsel considers an appropriate period has elapsed for consultation among the parties to resolve or identify issues, the General Counsel shall prepare a report to the Board which may recommend:

(1) Approval of any agreement entered into by the parties during their consultations including an agreement on the appropriate units, on the withdrawal of the petition, or on a joint request to conduct an election to determine which labor organization, if any, the employees select to be their exclusive bargaining representative;

(2) Dismissal of the petition as being without merit; or

(3) Issuance of a notice of hearing for the purpose of disposing of the remaining issues raised in the petition.

(b) The General Counsel's report shall be supplied to all interested parties, and, unless all parties agree to a shorter period, they shall have 15 days during which to file any response with the Board.

(c) The Board, as expeditiously as feasible after the expiration of the period specified in paragraph (b) of this section, but no later than 30 days thereafter, shall either approve the report and order appropriate steps to carry out its recommendations, or remand it to the General Counsel with further instructions.

(d) Where a hearing is ordered, a Hearing Officer shall be designated by the Board. The report of the Hearing Officer shall include Findings of Fact and Recommendations.

(e) After receiving the report from the Hearing Officer, and after providing the parties with an opportunity for comment, the Board shall issue a Decision and Order determining the appropriate unit, directing an election, dismissing the petition or making some other appropriate disposition of the matter.

(f) Final Decisions and Orders issued by the Board based on hearings held in accordance with subparagraphs (d) and (e) of this section shall not be considered final decisions subject to appeal before the Circuit Courts of Appeal.

§ 28.73 Conduct of elections.

(a) The Board shall supervise any election it orders to be conducted, but may delegate ministerial functions relating to an election to any qualified independent organization; to members of the Board's full-time staff; or to temporary employees hired for this purpose.

(b) Appropriate notices setting forth details of the election shall be posted by GAO as directed by the Board.

(c) The Board shall, through its agents chosen to conduct the election:

(1) provide the opportunity for all qualified voters to indicate their choices in secrecy;

(2) offer qualified voters the opportunity to vote for any labor organization on the ballot, or to reject all labor organizations;

(3) permit all parties to observe all aspects of the election procedure other than any which would interfere with the secrecy of the ballot;

(4) provide for all parties to challenge the eligibility of any voters, and to impound the ballots of such voters, subject to later determination of eligibility should the number of challenges potentially affect the results;

(5) certify to all parties the results of the election.

(d) Upon receiving a report of the results of the election, the Board shall:

(1) If necessary rule on the challenges and adjust the results accordingly;

(2) Formally announce the results and, where appropriate, designate a labor organization as the exclusive collective bargaining agent, or withdraw such a designation;

(3) Where one or more of the labor organizations on the ballot has received the vote of 30% of the employees eligible to vote, but none has gained a majority of the votes cast, order a runoff election between the two choices receiving the largest number of votes in the original election, unless, because of a tie vote or for some other reason, the result is inconclusive; and,

(4) Where the result is inconclusive, conduct no more than one additional election on that petition to clarify the result.

Subpart F—Special Procedures—Unfair Labor Practices

§ 28.81 Authority of the Board.

(a) The procedures in this subpart relate, in part, to the Board's functions "to consider, decide, and order corrective or disciplinary action (as appropriate) in cases arising from . . . any labor practice prohibited under the labor management system established . . ." by the Comptroller General pursuant to § 3(e) of the Act. (Act, Sec 4(h)(6)).

(b) The system so established by the Comptroller General is required "to ensure that each employee of the GAO has the right, freely and without penalty or reprisal, to form, join and assist an employee organization, or to refrain from such activity, and shall provide for a labor-management relations program, consistent with Chapter 71 of Title 5, U.S. Code." (*Act*, Sec 3(3)).

§ 28.83 Unfair labor practices—Board procedures.

(a) Unfair labor practices are defined at GAO Order 2711.1 dated October 1, 1980. An allegation that a provision of GAO Order 2711.1 is inconsistent with chapter 71 of title 5, United States Code, and thereby denies to an employee or labor organization rights comparable to those granted by chapter 71 of title 5, U.S. Code, may also be raised under the unfair labor practice procedure.

(b) An allegation that unfair labor practices have been committed shall be subject to the procedures appearing in Subpart B for the filing of petitions, response by the GAO, investigation by the General Counsel, and the Board's disposition, except as set forth in paragraph (c) of this section.

(c) No complaint will be issued based on any alleged unfair labor practice which occurred or was discovered more than 6 months before the filing of an unfair labor practice charge with the charged party, as provided in paragraph 14b of GAO Order 2711.1, or more than 9 months before the filing of a complaint/petition with the General Counsel.

§ 28.85 Negotiability issues—compelling need.

Where the GAO and an exclusive bargaining representative disagree on whether a matter is subject to negotiation as part of the requirement to bargain in good faith, the matter shall be appealable to the Board under the following procedures:

(a) When, in connection with negotiations, a proposal is declared nonnegotiable, the party submitting the proposal shall, prior to the close of negotiations, submit to the other party a Request for Formal Negotiability Determination reciting the proposal in question. The party declaring the proposal nonnegotiable shall, within ten (10) days, deliver to the other party a Formal Negotiability Determination stating the basis for the Determination.

(b) A Formal Negotiability Determination may be appealed to the Board within 20 days from receipt by filing a Petition for Review with the Board. A complete statement of argument from the petitioner should accompany the Petition for Review.

(c) The Board shall serve the Respondent with a copy of the Petition for Review and accompanying argument. Respondent shall have 20 days in which to reply to the Petition for Review.

(d) One or more members of the Board shall review the arguments, hold a hearing if the Hearing Officer deems it necessary, and issue a decision.

(e) The decision shall become final in accordance with § 28.25.

§ 28.87 Standards of Conduct for Labor Organizations.

(a) The GAO shall only accord recognition to labor organizations that are free from corrupt influences and from influences opposed to basic democratic principles. An organization is not required to prove it is free from such influence if it is subject to governing requirements calling for the maintenance of:

(1) Democratic procedures;

(2) Freedom from totalitarian influence;

(3) Independence on the part of its agents and officers from any business or financial interests which represent conflicts of interest or potential conflicts of interest; and

(4) Fiscal integrity, including provision for the dissemination of regular financial reports to its members.

(b) A labor organization which has or seeks recognition as a representative of employees under this chapter shall file financial and other reports with the Board and comply with trusteeship and election standards.

(c) A labor organization which has or seeks recognition under these Rules, shall adhere to principles enunciated in the Regulations issued by the Assistant Secretary of Labor for Labor/Management Relations regarding standards of conduct for labor organizations in the public sector. Complaints of violations of this section shall be filed with the Board. In any matter arising under this section, the Board may require a labor organization to cease and desist from violations of this section and require it to take such actions as it considers appropriate to carry out the policies of this section.

(d) This chapter does not authorize participation in the management of a labor organization or acting as a representative of a labor organization by a management official, a supervisor, or a confidential employee, or by any employee if the participation or activity would result in a conflict or apparent conflict of interest or would otherwise be incompatible with law or with the official duties of the employee.

(e) In the case of any labor organization which by omission or commission has willfully and intentionally called or participated in a strike, work stoppage or slowdown, or picketed in a manner which interfered with the operations of a government agency, or has condoned such activity, the Board shall, upon an appropriate finding it has made of such a violation—

(1) revoke the recognition status of the labor organization; or

(2) take any other appropriate disciplinary action.

(f) The General Counsel may charge a labor organization with violations of this section. The Board shall conduct proceedings with regard to such charge and may require a labor organization to take such actions as it deems necessary to carry out the policies of this section.

§ 28.89 Review of arbitration awards.

(a) Either party to an arbitration proceeding conducted pursuant to a grievance procedure under a collective bargaining agreement may file an exception to the arbitrator's award within 30 days of its receipt, and shall serve such to all other parties.

(b) An opposition to the exception may be filed with the Board, and shall be served on all other parties, within 30 days after receipt of the exception.

(c) An exception shall be carefully documented as to the reasons therefor.

(d) The Board's decision regarding an exception shall be based on:

(1) a finding that the award is contrary to any law, rule, regulation, or Order; or

(2) other grounds similar to those applied by federal courts in private sector labor-management relations.

(e) If no exception to an arbitrator's award is filed within 30 days after it is issued, the award shall be final and binding.

Subpart G—Disciplinary and Stay Proceedings

§ 28.101 General authority.

The procedures in this Subpart relate to the Board's functions "to consider, decide and order corrective or disciplinary action (as appropriate) in cases arising" from any area within the Board's jurisdiction.

§ 28.103 Investigative authority.

In addition to the authority vested by the Act in the General Counsel to investigate allegations of prohibited personnel practices and prohibited political activities, the Board may request the General Counsel to investigate any personnel matter in a case under the Board's jurisdiction to

determine whether reasonable grounds exist upon which to initiate disciplinary action against an employee of GAO.

§ 28.105 Disciplinary proceedings.

(a) If the General Counsel determines after any investigation under § 28.103 or § 4(g) of the Act that disciplinary action should be initiated against an employee, the General Counsel shall prepare a written complaint against the employee containing his/her determination, together with a statement of the supporting facts, and present the complaint and the statement to the employee and the Board in accordance with paragraphs (b) and (c) of this section.

(b) In the case of an employee in a confidential, policy making, policy-determining, or policy-advocating position appointed by the President, by and with the advice and consent of the Senate, the complaint and statement referred to in paragraph (a) of this section, with any response by the employee, shall be presented to the Congress for appropriate action in lieu of being presented under paragraph (d) of this section.

(c) Any employee against whom a complaint has been presented to the Board under paragraph (a) of this section is entitled to:

(1) A reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer;

(2) Be represented by an attorney or other representative;

(3) A hearing before the Board or a member designated by the Board;

(4) Have a transcript kept of any hearing under paragraph (c)(3) of this section; and

(5) A written decision and reasons therefor at the earliest practicable date, including a copy of a final decision ordering disciplinary action.

(d) A final order of the Board may order disciplinary action consisting of removal, reduction in grade, debarment from GAO employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of civil penalty not to exceed $1,000.

(e) There may be no administrative appeal from an order of the Board under subparagraph (d). An employee subject to a final decision ordering disciplinary action under this section may obtain judicial review of the order in the United States Court of Appeals for the judicial circuit in which the employee resides or to the United States Court of Appeals for the District of Columbia in accordance with § 4(1) of the Act.

§ 28.107 Stay proceedings.

(a) If the General Counsel determines after an investigation under these rules that there are reasonable grounds to believe that a personnel action was taken, or is to be taken, as a result of a prohibited personnel practice, the General Counsel may request any member of the Board to order a temporary stay of the personnel action for a period of not more than 60 days.

(b) A Board member shall order a temporary stay under paragraph (a) of this section unless the member determines that such a stay would not be appropriate. Unless denied, any temporary stay requested shall be granted within 3 working days after the date of request.

(c) The Board may grant a further temporary stay or a permanent stay if the Board concurs in the determination of the General Counsel and after an opportunity for oral or written comment by the General Counsel and GAO. A permanent stay by the Board is final and appealable in accordance with § 28.27.

Subpart H—Appeals by Members of the Senior Executive Service

§ 28.111 Personnel actions involving SES members.

Members of the GAO Senior Executive Service (SES) may appeal adverse actions relating to misconduct, malfeasance or similar action to the Board in accordance with Subpart B. Members of the GAO SES who allege that they have been subjected to a personnel action that constitutes a prohibited personnel practice or prohibited discrimination may appeal to the Board in accordance with Subpart B or Subpart D respectively.

§ 28.113 Performance based actions.

A career appointee removed from SES to a GAO position outside the SES for less than fully successful executive performance shall, upon notice of such removal, be entitled, upon request, to an informal hearing before a member of the Board designated by the Chairman of the Board. At the hearing the career appointee may appear and present arguments, but such hearing shall not give the career appointee the right to initiate an action with the Board under another provision of these rules, nor need the removal action be delayed as a result of the granting of such hearing.

Edward C. Gallas,

Chairman.

[FR Doc. 81-20166 Filed 7-8-81; 8:45 am]

BILLING CODE 1610-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Expedited Procedure for Handling Certain Petitions for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its rules of practices for processing petitions for rulemaking to include provisions for handling certain petitions for rulemaking with an expedited procedure that begins with publication of a notice of proposed rulemaking. This procedure will reduce the time required to respond to selected petitions and eliminate the need to publish in every case a notice of receipt of petition for rulemaking.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone 301-492-7211.

SUPPLEMENTARY INFORMATION: The Commission's current practice, as codified in 10 CFR 2.802(e), is to notice in the **Federal Register** the receipt of all petitions for rulemaking that meet the criteria of 10 CFR 2.802(c) and to invite public comment at that time. The NRC staff then reviews the merits of the petition in light of the public comments received.

This is an appropriate procedure for most petitions for rulemaking. The public is given an early opportunity to support or oppose the petitioner's proposals, and the staff is given some indication of the extent of public interest in the petition. This comment period is particularly important when rulemaking is denied, since no further comment period will be available. If all or part of the petition is granted, further public comment may be sought if a proposed rule is developed in response to the petition.

In certain cases, however, this initial comment period is unnecessary. The Commission receives, with some frequency, petitions which request minor rule amendments and which are obviously meritorious. An example might be a petition to establish a definite period for licensee retention of certain records that need not be retained indefinitely. Another example might be a petition to clarify an apparent ambiguity created by reading various parts of NRC's regulations in tandem

and the resolution requires no substantial change in policy. In such cases it may be clear that the amendment is necessary and desirable and should be accomplished with a minimum of delay and expenditure of staff resources. This can be done by providing for preliminary staff review of all petitions for rulemaking to separate those which meet appropriate criteria for early action.

Use of the expedited procedure in any particular case is a matter of Commission and staff discretion. However, in general, petitions which are likely to be considered for expedited treatment, in addition to the examples described above, include those which: propose amendments involving interpretive rules, rules of agency organization, procedure or practice; propose amendments to substantive Commission regulations which are corrective or of a minor or nonpolicy nature and do not substantially modify existing regulations; propose amendments which grant or recognize exemptions or relieve restrictions from Commission regulations; or, propose amendments already under consideration in ongoing rulemaking proceedings. Petitions which are not likely to be suitable for expedited consideration include those which would: require preparation of an Environmental Impact Statement or otherwise have a significant impact on NRC staff and resource commitments; impose new or increased reporting or recordkeeping requirements subject to clearance by the Office of Management and Budget under the Paperwork Reduction Act, Pub. L. 96-511; or, have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354.

For petitions considered for expedited treatment, the staff would proceed immediately to develop a proposed rule rather than await public comment on the petition itself. (For petitions of this kind, it is often the case that little or no public comment is received in any event.) All other petitions, of course, would continue to be published for early comment.

One minor change in the Commission's rules is necessary to implement this "fast-track" procedure. Paragraph (e) of 10 CFR 2.802 currently provides that, by means of a notice of docketing published in the **Federal Register**, public comment will be invited upon all petitions for rulemaking. The amendment provides that public comment may be invited upon the petition itself, or, in appropriate cases, may be requested for the first time upon publication of a proposed rule developed in response to the petition. Each petitioner will be notified directly as to which procedure is being followed in his or her case.

Because this amendment is not substantive and relates only to matters of agency procedure, notice of proposed rulemaking and public procedure thereon is unnecessary, and the amendment is effective without the customary 30 days notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 2 is published as a document subject to codification.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for 10 CFR Part 2 reads as follows:

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201); Pub. L. 90-23, 81 Stat. 54 (5 U.S.C. 552), unless otherwise noted. Section 2.200-2.206 also issued under sec. 186, Pub. L. 83-703, 68 Stat. 955 (42 U.S.C 2236), and sec. 206, Pub. L. 93-438, 88 Stat. 1246 (42 (U.S.C. 5846), and §§ 2.800-2.807 also issued under Pub. L. 89-554, 80 Stat. 883 (42 U.S.C. 533), unless otherwise noted.

2. In § 2.802, paragraph (e) is revised to read as follows:

§ 2.802 Petition for rulemaking.

* * * * *

(e) If it is determined that the petition includes the information required by paragraph (c) of this section and is complete, the Director, Division of Rules and Records, or designee, will assign a docket number to the petition, will cause the petition to be formally docketed, and will deposit a copy of the docketed petition in the Commission's Public Document Room. Public comment may be requested by publication of a notice of the docketing of the petition in the **Federal Register**, or, in appropriate cases, may be invited for the first time upon publication in the **Federal Register** of a proposed rule developed in response to the petition. Publication will be limited by the requirements of section 181 of the Atomic Energy Act of 1954, as amended, and may be limited by order of the Commission.

* * * * *

Dated at Bethesda, MD this 1st day of July 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-20188 Filed 7-8-81; 8:45 am]

BILLING CODE 1590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-11-AD; Amdt. 39-4158]

Airworthiness Directives; Cessna Model 172RG Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD), applicable to the Cessna Model 172RG airplanes. This AD requires removal of Part Number 2467003-1 rudder trim/nose gear steering bungee and replacement by Part Number 2467003-6 rudder trim/nose gear steering bungee. This action is necessary to preclude the possible jamming or other movement limitation of the elevator control system. This condition is caused by failure of the jack screw shaft of the rudder trim/nose gear steering bungee. This jamming or limiting of the movement of the elevator control system may result in an aircraft accident.

EFFECTIVE DATE: July 13, 1981.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Cessna Single Engine Service Information Letter SE80-99, Rev. 1, dated June 8, 1981, pertaining to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. Copies of the service letter are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Douglas W. Haig, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: Twelve Malfunction or Defect (M or D) Reports, FAA Form 8010-4, describe failures of the jack screw shaft of Part Number 2467003-1 rudder trim/nose gear steering bungee. In addition to losing the

rudder trim/nose gear steering functions, elevator control jamming can occur after failure of the jack screw shaft with the progressive application of the right rudder. The failed shaft forms an angle with the body of the rudder trim/nose gear steering bungee and pushes against the elevator control column. This action prevents forward movement of the control column. The condition can be relieved by centering the rudder pedals. Repetitions of this condition are not predictable. Four of the twelve M or D Reports mention elevator control problems in the landing, taxi, and takeoff situations. It was determined that the ¼-inch diameter jack screw shaft was subjected to an eccentric load which induced a bending load and led to a fatigue failure. The diameter of the jack screw shaft has been increased to ⅝-inch. This improved rudder trim/nose gear steering bungee is identified by Part Number 2467003–6. The availability of the improved part and the decision by the manufacturer to require replacement is detailed in Cessna Service Letter SE80–99, Rev. 1, dated June 8, 1981.

Part Number 2467003–6 bungee was introduced on airplane Serial Number 172RG0770. Cessna Model 172RG airplanes susceptible to the jack screw shaft failure were produced prior to this serial number.

The FAA considers this to be an unsafe condition. Accordingly, since this condition is likely to exist in the rudder trim/nose gear steering bungee on other airplanes of the same type design, an AD is being issued applicable to Cessna Model 172RG airplanes requiring replacement of Part Number 2467003–1 rudder trim/nose gear steering bungee with Part Number 2467003–6 rudder trim/nose gear steering bungee in accordance with the compliance listed in the body of the AD.

To assure that the operator is advised of the unsafe condition, resulting from a jamming or other movement limitation of the elevator control system, the AD requires the immediate installation of, and operation in accordance with, a temporary placard upon receipt of the AD. The placard is to state: "ELEVATOR MOVEMENT MAY BE LIMITED WHEN RIGHT RUDDER IS APPLIED. IF THIS CONDITION IS ENCOUNTERED, CENTER THE RUDDER PEDALS. LAND AS SOON AS PRACTICAL AND COMPLY WITH AD 81–14–06 PRIOR TO FURTHER FLIGHT."

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

Adoption of the Amendment

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

Cessna: Applies to Model 172RG (S/Ns 172RG0001 through 172RG0769) airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished. To ensure the integrity of the rudder trim/nose steering bungee, accomplish the following:

(A) Prior to further flight, install a locally fabricated placard in clear view of the pilot, using letters at least 3/32 inch high, which reads:

"ELEVATOR MOVEMENT MAY BE LIMITED WHEN RIGHT RUDDER IS APPLIED. IF THIS CONDITION IS ENCOUNTERED, CENTER THE RUDDER PEDALS. LAND AS SOON AS PRACTICAL AND COMPLY WITH AD 81–14–06 PRIOR TO FURTHER FLIGHT."

(B) The fabrication and installation of the required placard of this AD may be accomplished by the holder of a pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person. That individual must take an entry in the airplane maintenance records showing compliance with paragraph (A) of this AD.

(C) On airplanes with over 150 hours time-in-service on the effective date of this AD, within the next 50 hours time-in-service, replace Part Number 2467003–1 rudder trim/nose gear steering bungee with Part Number 2467003–6 rudder trim/nose gear steering bungee.

(D) On airplanes with less than 150 hours time-in-service on the effective date of this AD, replace Part Number 2467003–1 rudder trim/nose gear steering bungee with Part Number 2467003–6 rudder trim/nose gear steering bungee prior to the accumulation of 200 hours time-in-service.

(E) Compliance with Paragraphs (C) or (D), as appropriate, allows removal of the placard installed in Paragraph (A).

(F) Record compliance with this AD by an appropriate entry in the airplane maintenance records. This should include those airplanes where the provisions of this AD have already been accomplished.

Note.—Cessna Single Engine Service Letter SE80–99, Rev. 1, dated June 8, 1981, pertains to this subject.

This amendment becomes effective July 13, 1981.

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

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

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

Issued in Kansas City, Missouri, on June 25, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–19926 Filed 7–8–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–NW–12–AD; Amendment 39–4156]

Airworthiness Directives; Fokker B. V. Model F27 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD) which requires inspections, replacements, and modifications, as necessary, of certain components on Fokker Model F27 airplanes. This AD is needed to detect and correct certain unsafe conditions which were found earlier but for which no FAA mandatory action was taken at the time because U.S. registered Fokker Model F27 airplanes were not affected since they were being operated outside the U.S. However, the entry onto the U.S. Registry of additional Fokker Model F27 airplanes, which are intended for operation in the United States, necessitates AD action at this time to ensure that such aircraft maintain an acceptable level of safety.

DATES: Effective date August 10, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: Federal Aviation Administration, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108. The applicable service bulletins may be obtained from: Manager, Maintenance and Engineering, Fokker B. V. Product Support, P.O. Box 7600, 1117 ZJ Schiphol, Oost, The Netherlands.

FOR FURTHER INFORMATION CONTACT: Dick Nelson, Foreign Certification Branch, ANW-150S, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, Telephone 206-767-2717.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) to require inspections, replacements, and modifications, as necessary, of certain components on Fokker B. V. Model F27 airplanes was published in the **Federal Register** on March 30, 1981 (46 FR 19246). This proposal was prompted by the possible entry of additional F27s (previously there were two) on the U.S. Aircraft Registry that may not have been inspected or modified in accordance with The Netherlands Civil Aviation Department (RLD) requirements that were established by the finding of unsafe conditions. The FAA agrees with those RLD requirements and unsafe conditions and thus issued the proposed AD under Docket No. 81-NW-12-AD. The unsafe conditions were itemized therein as follows:

A. Inadvertent unlocking of the Ipeco seat can lead to spurious pilot input or loss of flight control input during maneuvers which require precise flight control for safe flight. (Reference Fokker Service Bulletin (SB) 25-47 dated January 1, 1979.)

B. Hook latch failure of the cargo door latch mechanism could lead to explosive decompression and associated structural damage hazard. (Reference SB 52-60 dated May 1, 1979.)

C. Broken elevator center hinge fitting may necessitate drastic trim changes to maintain flight control which is unsafe and may lead to stall if the changes are required in critical flight regimes such as takeoff and landing. (Reference SB 55-52 dated May 1, 1979.)

D. Insufficient clearance may prevent the main entrance door from being opened when the emergency release is being used during an emergency evacuation, thus trapping occupants in the aircraft when quick egress may be required. (Reference SB 52-61 dated January 2, 1980.)

E. Failure of the retaining ring on the main landing gear retraction ram may lead to unlocked partial extension and subsequent collapse of the main gear on landing. (Reference SB 32-136 dated February 18, 1980.)

F. Water collecting in the pitot static tubes can lead to erroneous airspeed, altitude, and vertical speed information being presented to the flight crew. (Reference SB 34-41 dated March 13, 1979.)

G. Chafing of the cable loom between two deicing relay panels may lead to the loss of RH engine deicing, windshield antiicing and cockpit heating. (Reference SB 30-34 dated April 17, 1978.)

H. A wiring error may lead to isolation of both batteries from the main DC tie bus when one reverse current circuit breaker trips. This may lead to critical instrumentation and lighting loss when DC emergency power is required. (Reference Special Instructions 76 dated November 20, 1978.)

Interested persons have been afforded an opportunity to participate in the making of this Amendment, and due consideration has been given to all comments received in response to the Notice of Proposed Rulemaking (NPRM). Fokker B. V., the manufacturer, provided the only comments, and these comments are discussed as follows:

A. Since the merger between Fokker B. V. and V. F. W. has ended, changes have to be made to the name and address.

FAA Position: The name, address, and model designation have been changed herein to agree with this item.

B. Comments on "unsafe conditions:"

1. NPRM Item B: The unsafe condition is failure of more than one hook latch driving lever, preventing full engagement of the corresponding hook latch. Unwanted opening of the doors may occur if more than one hook latch has failed to reach the locked position.

FAA Position: The correction is noted. The failure of more than one hook latch driving lever could lead to explosive decompression. The corrective action will be required as proposed.

2. NPRM Item E: The inspection for the unsafe condition is already covered by the mandatory inspections prescribed in the F27 Structural Integrity Program under item 32-30-01, revision 1, subitem d. Therefore, this item should not be included in this rule. Discussion is taking place with RLD to cancel the Dutch Airworthiness Directive (BLA).

FAA Position: Mandatory inspections established by a foreign airworthiness authority are not automatically incorporated into the maintenance programs of the U.S. operators. The FAA will include this item but provide an optional inspection requirement in accordance with the above Structural Integrity Program in the event the RLD requirement is cancelled.

3. NPRM Item G: Instead of RN engine deicing, the RH propeller deicing is affected.

FAA Position: The correction is noted. Chafing of the cable loom between two deicing relay panels may lead to the loss of RH propeller deicing, windshield antiicing and cockpit heating.

4. NPRM Item H: The unsafe condition is correct. However, the corrective action has been witnessed/performed on all applicable aircraft by manufacturer's representatives. Consequently this item should not be included in the NPRM. Discussions are taking place with RLD to cancel the BLA.

FAA Reply: The FAA will include this requirement to insure that the operators are aware of it and that subsequent changes will not negate the intent of the special instructions. In addition the first sentence of the FAA comments to E above apply with the exception that a modification rather than an inspection applies.

C. Comments on "proposed amendment:"

1. NPRM Item A: Since not the seat track but the seat track lock stop block has to be modified, the last sentence of this paragraph should read: "Within the next 500 hours time in service modify the seat track lock stop block in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No. 25-47 dated January 1, 1979."

FAA Position: The last sentence of item A has been so modified.

2. NPRM Item C: As already a mandatory inspection is prescribed in the F27 Structural Integrity Program, this paragraph should read: "Applies to airplanes S/N 10547 and below, 10558 and 10560. To prevent failure of the right elevator center hinge fitting, inspect for cracks in accordance with the F27 Structural Integrity Program, item 55-50-01, Revision 1. Within the next 500 hours time in service, replace hinge fitting in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No. 55-52, dated May 1, 1979."

FAA Position: The correction has been noted and incorporated into this AD.

Since the conditions described in A through H above, as modified by the manufacturers comments, are likely to exist or develop in other arplanes of the same type design, this AD will require inspections, replacements, and modifications as specidfied herein.

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: *Fokker B. V.* Applies to Model F27 airplanes, all series, certificated in all categories as indicated below.

Unless already accomplished, accomplish the following within the time specified in each paragraph below after the effective date of this AD.

A. Applies to airplanes S/N 10479, 10492, 10499, 10500, 10502, 10529, 10534, 10536 through 10577, 10559, 10561 through 10585. To prevent inadvertent unlocking of the Ipeco seats, inspect and modify the bolt and tracklock stop block in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No. 25–47 dated January 1, 1979, or later FAA approved revisions. Perform this inspection within the next 100 hours time in service and every 50 hours thereafter until the bolt and tracklock stop block have been modified. The bolt and tracklock stop block are to be modified within the next 500 hours time in service.

B. Applies to airplanes S/N 10572 and below equipped with a large cargo door identified by Fokker F27 Service Bulletin No. 52–60. To ensure the functional and structural integrity of the cargo door latch mechanism, within the next 100 hours time in service, inspect the latch mechanism and rework, as necessary, in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No 52–60 dated May 1, 1979, or later FAA approved revisions.

C. Applies to airplanes S/N 10547 and below, 10558 and 10560. To prevent failure of the right elevator center hinge fitting, within 100 hours and every 100 hours thereafter until replaced, inspect for cracks in accordance with the F27 Structural Integrity Program, item 55–50–01, Revision 1. Within the next 500 hours time in service, replace hinge fittings in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No. 55–52, dated May 1, 1979, or later FAA approved revisions.

D. Applies to airplane S/N 10102 through 10462 incorporating Fokker F27 Service Bulletin No. 52–47, 10464 through 10468, 10470 through 10477, 10484, 10486, 10498, 10501, 10503 through 10506, 10508, 10511 through 10515, 10519, 10521 through 10525, 10527, 10528, 10530 through 10535, 10539, 10545, 10550, 10551, 10552, 10554, 10557 through 10560, 10562, 10563, 10566, 10567, 10569, 10572, 10573, 10574, 10576, 10579, 10581, 10585 through 10589 and 10591. To ensure the operation of the main passenger door during an emergency evacuation, within the next 100 hours time in service after the effective date of this AD, modify the emergency release mechanism of the main passenger door in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No. 52–61, dated January 2, 1980.

E. Applies to all Fokker F27 airplanes having accumulated more than 7,000 landings. To ensure main landing gear system operation, prior to 7,500 landings or within 500 landings after the effective date of this AD, whichever comes later, replace main gear actuating ram retaining ring P/N ACM18254 with a serviceable retaining ring having less than 7,500 landings in accordance with the F27 Structural Integrity Program under item 32–30–01, Revision 1, subitem d or in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No. 32–136, dated February 18, 1980, or later FAA approved revisions. (Note: Established life limits are not to be exceeded.)

F. Applies to airplanes S/N 10505 to 10547 inclusive and 10550. To ensure proper function of the pitot static system, within the next 100 hours time in service, modify the pitot static system in accordance with the Fokker F27 Service Bulletin No. 34–41, dated March 13, 1978, or later FAA approved revisions.

G. Applies to airplanes S/N 10299 to 10547 inclusive. To prevent damage to the cable loom, within the next 200 hours time in service, inspect and modify as necessary the cable loom in accordance with Fokker F27 Service Bulletin No. 30–34 dated April 17, 1978, or later FAA approved revisions.

H. Applies to airplanes S/N 10526, 10527, 10529, 10543, 10547, 10533, 10555, 10556, 10563, 10564, 10565, 10570, 10582 and 10583. To ensure airplane battery power to the main DC tie bus, within 100 hours time in service, inspect and modify as necessary the battery wiring to the battery reverse current circuit breakers in accordance with the Fokker F27 Special Instructions No. 76 dated November 20, 1978, or later FAA approved revisions.

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

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

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).

This amendment become effective August 10, 1981.

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

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

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

Issued in Seattle, Washington on June 25, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-19012 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-CE-12-AD; Amendment 39-4157; (Formerly Docket No. 80-WE-34-AD)]

Airworthiness Directives; Rockwell International Models NA-265-40 and NA-265-60 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Rockwell International Model NA-265-40 and NA-265-60 airplanes. The AD requires inspection of the cabin entrance door stop (beam) to detect cracks and to require its replacement when cracks are found. This action is necessary to prevent loss of cabin pressure which may require the aircraft to descend to a lower altitude where fuel consumption increases significantly and this could lead to fuel exhaustion.

EFFECTIVE DATE: July 13, 1981.

COMPLIANCE: Required as indicated unless already accomplished.

ADDRESSES: Sabreliner Service Bulletin Numbers 3 and 55 applicable to this AD may be obtained from Rockwell International, Sabreliner Division, Route 3, Perryville, MO 63775, Attn.: Technical Publications. Copies of the Service Bulletins are contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591, and Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Marvin D. Beene, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942–4219.

SUPPLEMENTARY INFORMATION: On June 25, 1980, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to certain Rockwell International Models NA–265–40 and NA–265–60 airplanes and published it in the **Federal Register** on July 10, 1980 (45 FR 46434, 46435). The proposal would require inspection of the cabin entrance door stop (beam) to detect cracks and to require its replacement when cracks are found. The action was prompted by reports of cracks in the cabin entrance door stop (beam) which could result in cabin depressurization.

Interested persons were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA. Comments were received from nine operators, all of whom concurred in the need for the AD and recommended adoption.

After careful review of all available data, including the comments submitted by owners/operators, the FAA has determined that sufficient evidence exists in the public interest of aviation safety to adopt the proposed rule. Accordingly, the proposal is adopted with minor changes. These changes consist of calling out the June 16, 1980, revision to Sabreliner Service Bulletin No. 55. This change allows use of a Dy-Chek, Spotcheck, or Zyglo Dye Penetrant inspection in lieu of a fluorescent dye penetrant inspection. Additionally, the individual under the "FOR FURTHER INFORMATION CONTACT" caption has been changed to Marvin D. Beene of the Aircraft Certification Program Office in Wichita, Kansas. Subsequent to the issuance of the NPRM, the Type Certificate for the NA–265 Series airplanes was transferred to the Central Region. Since these changes are clarifying and relaxatory in nature, additional notice and public procedure hereon under 5 U.S.C. 553(b) is unnecessary and impracticable.

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.

Rockwell International: Applies to Models NA–265–40, Serial Numbers 282–1 through 282–97, and NA–265–60, Serial Numbers 306–1 through 306–63, airplanes certificated in any category not modified in accordance with life extension modifications per North American Rockwell Drawing No. 306–053010.

Compliance: Required as indicated unless already accomplished. To prevent inadvertent cabin depressurization, accomplish the following:

(A) On aircraft with 2,000 or more hours total time-in-service as of the effective date of this AD, within the next 600 hours additional time-in-service or within the next 12 months, whichever occurs first:

1. Conduct a dye penetrant inspection of the door stop (beam) in accordance with the Inspection Instructions of Sabreliner Service Bulletin No. 55 dated March 31, 1980, as revised June 16, 1980.

2. If no cracks are detected, repeat the inspection at intervals not to exceed 600 hours time-in-service or 1 year, whichever occurs first.

3. If cracks are detected, replace the cracked part with a new part and after an additional 2,000 hours aircraft time-in-service, resume inspections at 600 hour time-in-service intervals, or modify the aircraft in accordance with Sabreliner Service Bulletin No. 3, dated December 19, 1975, as revised August 4, 1978. Installation of the applicable kit in accordance with Sabreliner Service Bulletin No. 3 eliminates the inspection requirement of this AD.

(B) On aircraft with less than 2,000 hours total time-in-service as of the effective date of this AD, prior to accumulating 2,600 hours time-in-service or within the next 12 months from the time the aircraft has accumulated 2,000 hours time-in-service, whichever occurs first, accomplish the inspection and corrective action specified in Paragraph (A) as applicable.

(C) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942–4285.

(E) Record compliance with this AD by an appropriate entry in the airplane maintenance records. This should include those airplanes where the provisions of this AD have already been accomplished.

This Amendment becomes effective July 13, 1981.

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

Note.—The FAA has determined that this document involves a final regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact". This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by only the Court of Appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on June 25, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-19938 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 47

Effective Date of Reporting Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of the effective date of § 47.9.(f) of the Federal Aviation Regulations reporting requirements.

SUMMARY: Section 47.9 of the Federal Aviation Regulations pertaining to the registration of aircraft by corporations which are not United States citizens contains a reporting requirement in paragraph (f). The preamble to the final rule in the case of § 47.9 provides that § 47.9(f) would become effective 30 days after notice has been published in the **Federal Register** of approval by the Office of Management and Budget (OMB) of the requirements of the paragraph.

DATE: Section 47.9(f) of the Federal Aviation Regulations becomes effective August 10, 1981 and the first reporting period will end February 10, 1982.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Flinta, Technical Section, Aircraft Registration Branch (AAC–250), Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, Oklahoma 73125, Telephone: (405) 686–2284.

SUPPLEMENTARY INFORMATION: Section 501(b)(1)(A)(ii) of the Federal Aviation Act of 1958, as amended, as

implemented by § 47.9 of the Federal Aviation Regulations, provides that an aircraft owned by a corporation (other than a corporation which is a citizen of the United States) lawfully organized and doing business under the laws of the United States or any State thereof is eligible for registration if it is based and primarily used in the United States. It is considered to be based and primarily used in the United States if it complies with the requirements of § 47.9(b) of the Federal Aviation Regulations. To provide assistance in insuring compliance, a reporting requirement was established. It appears in subsection (f) of § 47.9 of the Federal Aviation Regulations. This reporting requirement becomes effective 30 days after notice of approval by OMB is published in the **Federal Register.** The OMB has now approved the collection of such information and the use of AC Form 8050-117, "Flight Hours for Corporations Not U.S. Citizens." The approval is effective through October 31, 1984, and bears OMB No. 2120-0029.

Issued in Oklahoma City, Oklahoma, on June 25, 1981.

Benjamin Demps, Jr.,

Director, Aeronautical Center.

[FR Doc. 81-19910 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-29]

Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of VOR Federal Airway V-177 by revising the altitudes available when the Snoopy Military Operations Area (MOA) is not operational. Currently, the use of altitudes 10,000 feet MSL and above is prohibited regardless of the status of Snoopy MOA. This action permits use of additional altitudes between Duluth, Minn., and Ely, Minn., when Snoopy MOA is not operational.

DATES: Effective date—October 1, 1981. Comments must be received on or before August 10, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 81-AGL-29, 2300 East Devon, Des Plaines, Ill. 60018.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

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

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to increase the vertical extent of V-177 above 10,000 feet MSL between Duluth, Minn., and Ely, Minn., when the Snoopy MOA is not activated. § 71.123 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 409). Under the current description, the use of altitude 10,000 feet and above is not permitted regardless of the status of Snoopy MOA. This action permits the maximum use of altitudes between Duluth and Ely when the MOA is not activated.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to permit the use of altitudes above 10,000 feet MSL on V-177 when the airspace is not being utilized by the military, thereby saving fuel and reducing delays. Therefore, I find that notice or public procedure under 5 U.S.C. § 553(b) is impracticable and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, V-177 under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 G.m.t., October 1, 1981, as follows:

§ 71.123 [Amended]

By deleting the words "Minn., excluding the airspace 10,000 feet MSL and above Duluth to Ely." and substituting for them the words "Minn. The airspace 10,000 feet MSL and above between Duluth and Ely is excluded during the times Snoopy MOA is activated by NOTAM."

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

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

Issued in Washington, D.C., on July 1, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-20110 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 95

[Docket No. 21816, Amdt. No. 95-299]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR

altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT:

Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t., August 6, 1981.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348 and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C., on June 30, 1981.

John S. Kern,

Chief, Aircraft Programs Division.

BILLING CODE 4910-13-M

§95.1001 DIRECT ROUTES–U.S.

is added to read:

FROM	TO	MEA
Gopher, MN VORTAC	Moline, IL VORTAC	*13000
*3600-MOCA		MAA-35000

§95.1001 DIRECT ROUTES–U.S.

is added to read:

FROM	TO	MEA
Lamposas, TX VOR	College Station, TX VOR	*4000
*3000-MOCA		

§95.1001 DIRECT ROUTES–U.S.

is amended to read in part:

FROM	TO	MEA
64V		
Lonni INT, FL	Honce INT, FL	*2000
*1200-MOCA		
Honce INT, FL	Basil INT, FL	*5000
*1200-MOCA		
Basil INT, FL	Munro INT, BH	*4000
*1200-MOCA		

§95.1001 DIRECT ROUTES - U.S.

is added to read:

FROM	TO	MEA
Panama Routes		
A1/UPPER A1		
Tumaco, Bogota NDB	Milat INT, RP	*3000
*1200-MOCA		
Milat INT, RP	Tobago Island, RP NDB	*3000
*2100-MOCA		
Tobago Island, RP NDB	Bitar INT, RP	5000
Bitar INT, RP	Bufeo INT, RP	*5000
*1200-MOCA		
A2/UPPER A2		
Takut INT, RP	Punba INT, RP	9000
Punba INT, RP	Tobago Island, RP NDB	*7000
*6000-MOCA		
Tobago Island, RP NDB	*Rio Hato INT, RP	**5000
*7500-MCA Rio Hato INT, NE SW-Bound		
**2700-MOCA		
Rio Hato INT, RP	Santiago, RP VOR	*11000
*4400-MOCA		
Santiago, RP VOR	Cantu INT, RP	*11000
*5800-MOCA		
Cantu INT, RP	David, RP NDB	*11000
*2800-MOCA		
David, RP NDB	Paxon INT, RP	*15000
*2100-MOCA		
A9/UPPER A9		
Rakas INT, RP	Tobago Island, RP NDB	*3000
*2100-MOCA		
Tobago Island, RP NDB	Marli INT, RP	*5000
*3900-MOCA		
Marli INT, RP	Vasax INT, Col.	*3000
*1200-MOCA		
Vasax INT, Col.	San Andres, Col. NDB/VOR/DME	1500
San Andres, Col. NDB/VOR/DME	Mupal INT, Col.	1500
Mupal INT, Col.	Petra INT, RP	*3000
*1200-MOCA		

A11/UPPER A11		
Etada INT, RP	Pulga INT, RP	3000
A12/UPPER A12		
Alban INT, RP	Korpu INT, RP	*3000
*1200-MOCA		
Korpu INT, RP	Taboga Island, RP NDB	*3000
*2100-MOCA		
Taboga Island, RP NDB	Morli INT, RP	*5000
*3900-MOCA		
Morli INT, RP	Vasox INT, Col.	*3000
*1200-MOCA		
Vasox INT, Col.	San Andres, Col. NDB/VOR/DME	1500
San Andres, Col. NDB/VOR/DME	Vulen INT, Col.	1500
Vulen INT, Col.	Levor INT, RP	*3000
*1400-MOCA		
B3/UPPER B3		
Falla INT, RP	Ilser INT, Col.	3000
Ilser INT, Col.	San Andres, Col. VOR/NDB	1500
San Andres, Col. VOR/NDB	Tobra INT, Col.	1500
Tobra INT, Col.	Ponpo INT, RP	3000
Ponpo INT, RP	Kokol INT, RP	9000
B8/UPPER B8		
Taboga Island, RP NDB	Marma INT, RP	5000
Marma INT, RP	Duxun INT, RP	*3000
*1200-MOCA		
B10/UPPER B10		
Kubek INT, RP	La Palma, RP VOR	9000
La Palma, RP VOR	Taboga Island, RP NDB	3000
Taboga Island, RP NDB	Mikus INT, RP	5000
Mikus INT, RP	Colby INT, RP	*3000
*1200-MOCA		
B11/UPPER B11		
Taboga Island, RP NDB	Timro INT, RP	5000
Timro INT, RP	Kasor INT, RP	*5000
*1200-MOCA		
B19/UPPER B19		
Anson INT, RP	Panat INT, Col.	3000
Panat INT, Col.	San Andres, Col. VOR/NDB	1500
B25/UPPER B25		
Cazon INT, RP	Porso INT, Col.	3000
Porso INT, Col.	San Andres, Col. VOR/DME	1500
G4/UPPER G4		
Taboga Island, RP NDB	Ponpo INT, RP	4000
Ponpo INT, RP	Bogal INT, RP	*4000
*1200-MOCA		
R5/UPPER R5		
Sanso INT, RP	Kados INT, Col.	5000
Kados INT, Col.	San Andres, Col. VOR/NDB	1500
San Andres, Col. VOR/NDB	Gavon INT, RP	1500
Gavon INT, RP	Alpon INT, RP	3000
R6/UPPER R6		
San Andres, Col. VOR/NDB	Nemil INT, Col.	1500
Nemil INT, Col.	Erisa INT, RP	3000
R7/UPPER R7		
Taboga Island, RP NDB	Aguja INT, RP	6000

V3		
Taboga Island, RP VOR/DME	Chorrera INT, RP	2700
Chorrera INT, RP	France, RP VOR	2500
V-4		
Taboga Island, RP VOR/DME	Tocumen, RP VOR	2100
Tocumen, RP VOR	Madden INT, RP	3600
Madden INT, RP	France, RP VOR	2800
V11		
David, RP VOR/DME	*Lorenzo INT, RP	3000
*4000-MCA Lorenzo INT E-Bound		
Lorenzo INT, RP	Santiago, RP VOR	4000
Santiago, RP VOR	*Bejuco INT, RP	5000
*3800—MCA Bejuco INT, SW-Bound		
Bejuco INT, RP	Taboga Island, RP VOR/DME	2100
Taboga Island, RP VOR/DME	*Mandinga INT, RP	10000
*10000-MRA		
V11A		
David, RP VOR/DME	*Corchita INT, RP	2000
*6000-MCA Corchita INT, E-Bound		
Corchita INT, RP	*Madera INT, RP	6000
*10500-MCA Madera INT, E-Bound		
Madera INT, RP	Ciri INT, RP	10500
Ciri INT, RP	*La Mitra INT, RP	6000
*3800-MCA La Mitra INT, SW-Bound		
La Mitra INT, RP	Taboga Island, RP VOR/DME	2100
V12		
Bocas Del Toro, RP VOR	Santa Cruz INT, RP	6000
Santa Cruz INT, RP	Taboga Island, RP VOR/DME	2100
V13		
Santiago, RP VOR	*Chitre INT, RP	2500
*3000-MRA		
Chitre INT, RP	Taboga Island, RP VOR/DME	4500
V14		
Taboga Island, RP VOR/DME	Diego INT, RP	2100
Diego INT, RP	La Palma, RP VOR	3000
V15		
David, RP VOR/DME	*Dos Rios INT, RP	2500
*5000-MCA Dos Rios INT, NE-Bound		
Dos Rios INT, RP	*Sombrero INT, RP	5000
*9000-MCA Sombrero INT, NE-Bound		
Sombrero INT, RP	Bocas Del Toro, RP VOR	9000
V16		
Bocas Del Toro, RP VOR	Arenosa INT, RP	7000
Arenosa INT, RP	Tocumen, RP VOR	3000
Tocumen, RP VOR	*Mulatupo INT, RP	**9500
*9500-MRA		
**5400-MOCA		
Mulatupo, INT	La Palma, RP VOR	6000
V17		
David, RP VOR/DME	*Rincon INT, RP	2500
*6000-MCA Rincon INT, N-Bound		
Rincon INT, RP	*Nance INT, RP	6000
*9600-MCA Nance INT, N-Bound		
Nance INT, RP	Bocas Del Toro, RP VOR	9600
V18		
*Jaque INT, RP	La Palma, RP VOR	8000
*10000-MRA		
La Palma, RP VOR	Tocumen, RP VOR	4000

V19

David, RP VOR/DME	Coiba INT, RP	3000
Coiba INT, RP	Santiago, RP VOR	3500
Santiago, RP VOR	*Chame INT, RP	4500
*3200-MCA Chame INT, SW-Bound		
Chame INT, RP	Taboga Island, RP VOR/DME	2100

V20

Taboga Island, RP VOR/DME	*Punta Cocos INT, RP	2100
*10000-MRA		
Punta Cocos INT, RP	*Joque INT, RP	10000
*10000-MRA		

V23

Puerto Armuelles INT, RP	David, RP VOR	3000

V24

*Punta Cocos INT, RP	La Palma, RP VOR	3000
*10000-MRA		

V29

Bocas Del Toro, RP VOR	France, RP VOR	5000
France, RP VOR	*Mandinga INT, RP	8000
*10000-MRA		

§95.1001 DIRECT ROUTES—U.S.
is amended to delete:

FROM	TO	MEA
Minneapolis, Minn. VORTAC	Moline, Ill. VORTAC	*13000
*3600-MOCA		MAA-30000

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

FROM	TO	MEA
Pains INT, MO	Kansas City, MO VOR	
Via S alter.	Via S alter.	2800

§95.6018 VOR FEDERAL AIRWAY 18
is amended to read in part:

FROM	TO	MEA
Jackson, MS VOR	*Baett INT, MS	*2300
*3500-MRA		
**1900-MOCA		
Baett INT, MS	*Conee INT, MS	*2300
*3000-MRA		
**1900-MOCA		
Conee INT, MS	Meridian, MS VOR	*2300
*1900-MOCA		

§95.6022 VOR FEDERAL AIRWAY 22
is amended to read in part:

FROM	TO	MEA
Hoile INT, CA	Poggi, CA VOR	
	NW-Bound	5000
	SE-Bound Unusable	

§95.6029 VOR FEDERAL AIRWAY 29
is amended to read in part:

FROM	TO	MEA
Salisbury, MD VOR	Kenton, MD VOR	1800
Kenton, MD VOR	Fatima, DE VOR	1800

§95.6063 VOR FEDERAL AIRWAY 63
is amended to read in part:

FROM	TO	MEA
Burlington, IA VOR	Moline, IL VOR	2600

§95.6067 VOR FEDERAL AIRWAY 67
is amended to read in part:

FROM	TO	MEA
Graham, TN VOR	Lanky INT, TN	*4000
*2200-MOCA		
Lanky INT, TN	Cunningham, KY VOR	*3000
*2200-MOCA		

§95.6071 VOR FEDERAL AIRWAY 71
is amended to read in part:

FROM	TO	MEA
Hot Springs, AR VOR	Sawil INT, AR	2600

§95.6077 VOR FEDERAL AIRWAY 77

Topeka, KS VOR	St. Joseph, MO VOR	*2900
*2400-MOCA		

§95.6170 VOR FEDERAL AIRWAY 170
is amended to read in part:

FROM	TO	MEA
Modena, PA VOR	Fatima, DE VOR	2000
Fatima, DE VOR	Kerno INT, MD	2000
Kerno INT, MD	Paleo INT, MD	2500

§95.6182 VOR FEDERAL AIRWAY 182
is amended by adding:

FROM	TO	MEA
Baker, OR VOR	*Ibeam INT, OR	9000
*12000-MCA Ibeam INT, NE-Bound		
Ibeam INT, OR	Lewiston, ID VOR	*12000
*8100-MOCA		

§95.6213 VOR FEDERAL AIRWAY 213
is amended by adding:

FROM	TO	MEA
Robbinsville, NJ VOR	Solberg, NJ VOR	2000
		MAA-8000
Solberg, NJ VOR	Sparta, NJ VOR	3000
		MAA-8000

§95.6295 VOR FEDERAL AIRWAY 295
is amended to read in part:

FROM	TO	MEA
Lonni INT, FL	Honoe INT, FL	*2000
*1200-MOCA		
Honoe INT, FL	Bluff INT, FL	*5000
*1200-MOCA		

§95.6350 VOR FEDERAL AIRWAY 350
is amended to read in part:

FROM	TO	MEA
Wichita, KS VOR	Chanute, KS VOR	*3500
*2900-MOCA		

§95.6350 VOR FEDERAL AIRWAY 350
is amended by adding:

FROM	TO	MEA
Liberal, Kans. VOR	Wichita, Kans. VOR	*8000
*4500-MOCA		

§95.6391 VOR FEDERAL AIRWAY 391
is added to read:

FROM	TO	MEA
Hermosillo, Mex. VOR	Nogales, AZ VOR/DME	*a13000
aFor that Airspace over U.S. Territory.		
*8300-MOCA		
Nogales, AZ VOR/DME	Tucson, AZ VOR	11500

§95.6395 VOR FEDERAL AIRWAY 395
is added to read:

FROM	TO	MEA
Hermosillo, Mex. VOR	El Claro INT, Mex.	
El Claro INT, Mex.	U.S. Mexican Border	
U.S. Mexican Border	Nogales, AZ VOR/DME	*10000
*6500-MOCA		
Nogales, AZ VOR DME	Tucson, AZ VOR	10000

§95.6416 HAWAII VOR FEDERAL AIRWAY 16
is amended to read in part:

FROM	TO	MEA
Makua INT, HI	*Okala DME FIX, HI	**8000
*6500-MCA Okala DME FIX, W-Bound		
**5500-MOCA		
Okala DME FIX, HI	*Arbor INT, HI	**8000
*8000-MRA		
**5500-MOCA		

§95.6422 HAWAII VOR FEDERAL AIRWAY 22
is amended to read:

FROM	TO	MEA
Maui, HI VOR	*Barby INT, HI	7000
*9500-MCA Barby INT, SE-Bound		
Barby INT, HI	Sards INT, HI	*11000
*1700-MOCA		
Sards INT, HI	Bonus INT, HI	*8000
*1700-MOCA		
Bonus INT, HI	Okala DME FIX, HI	*6000
*4500-MOCA		
Okala DME FIX, HI	*Hilo, HI VOR	6000
*3200-MCA Hilo, HI VOR, NW-Bound		
Hilo, HI VOR	Sesaw DME FIX, HI	2000
Sesaw DME FIX, HI	Bates DME FIX, HI	*8000
*1700-MOCA		
Bates DME FIX, HI	Oster DME FIX, HI	*10000
*1700-MOCA		
Oster DME FIX, HI	Scoon DME FIX, HI	*22000
1700-MOCA		

95.6442 VOR FEDERAL AIRWAY 442
is amended to read in part:

FROM	TO	MEA
Paradise, CA VOR	Aples INT, CA	*9000
*7700-MOCA		

§95.6485 VOR FEDERAL AIRWAY 485
is amended to delete:

FROM	TO	MEA
Priest, Calif. VOR	Hollister INT, Calif.	*7000
*6500-MOCA		
Hollister INT, Calif.	Gilro INT, Calif.	*6000
*4000-MOCA		
Gilro INT, Calif.	Licke INT, Calif.	*5000
*4000-MOCA		
Licke INT, Calif.	San Jose, Calif. VOR	4000

§95.6485 VOR FEDERAL AIRWAY 485
is amended by adding:

FROM	TO	MEA
Priest, CA VOR	*Panos INT, CA	7000
*9000-MCA Panos INT, N-Bound		
Panos INT, CA	Hence INT, CA	*9500
*5500-MOCA		
Hence INT, CA	Licke INT, CA	*9500
*4500-MOCA		
Licke INT, CA	San Jose, CA VOR	9500

§95.7044 JET ROUTE NO. 44 is amended to read in part:

FROM	TO	MEA	MAA
Shrew INT, CO	Denver, CO VORTAC	18000	45000

§95.7130 JET ROUTE NO. 130 is amended to read in part:

FROM	TO	MEA	MAA
Catel INT, CO	Denver, CO VORTAC	18000	45000

§95.7132 JET ROUTE NO. 132 is amended to delete:

FROM	TO	MEA	MAA
Fort Dodge, Iowa VORTAC	Mason City, Iowa VORTAC	18000	45000

§95.7136 JET ROUTE NO. 136 is amended by adding:

FROM	TO	MEA	MAA
Billings, MT VORTAC	Medicine Bow, WY VORTAC	28000	45000

2 By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
V-393 is added to read:			
Hermosillo, Mex. VOR	Nogales, AZ VOR/DME	75	Hermosillo

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
J-136 is amended by adding:			
Billings, MT VORTAC	Medicine Bow, WY VORTAC	115	Medicine Bow

[FR Doc. 81-20106 Filed 7-8-81; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 97

[Docket No. 21902, Amdt. No. 1194]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occuring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on July 8, 1981, and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs in unnecessary, impracticable, or contrary to the public interest and, where applicable, the good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective October 1, 1981:*

Delaware, OH—Delaware Muni, VOR Rwy 28, Original

* * * *Effective August 20, 1981:*

Orlando, FL—Orlando International, VOR/DME Rwy 18L, Amdt. 2
Orlando, FL—Orlando International, VOR/DME Rwy 18R, Amdt. 2
Indianapolis, IN—Indianapolis Metropolitan, VOR Rwy 32, Amdt. 4
Wabash, IN—Wabash Muni, VOR-A, Amdt. 6
Bethpage, NY—Grumman Bethpage, VOR or TACAN-A, Amdt. 8
Bradford, PA—Bradford Regional, VOR/DME Rwy 14, Amdt. 7
Coatesville, PA—Chester County GO Carlson, VOR Rwy 29, Amdt. 4
Paris, TX—Cox Fld, VOR Rwy 35, Amdt. 6

* * * *Effective August 6, 1981:*

Keene, NH—Dillant-Hopkins, VOR Rwy 2, Amdt. 7

* * * *Effective June 26, 1981:*

Los Banos, CA—Los Banos Muni, VOR/DME Rwy 14, Amdt. 2
Los Banos, CA—Los Banos Muni, VOR/DME Rwy 32, Amdt. 4

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *Effective August 20, 1981:*

Louisville, KY—Standiford Field; LOC BC Rwy 11, Amdt. 4
Springfield, VT—Springfield State-Hartness, LOC-A, Amdt. 3
Springfield, VT—Springfield State-Hartness, LOC/DME Rwy 5, Amdt. 1

* * * *Effective August 6, 1981:*

Juneau, AK—Juneau Intl, LDA-1 Rwy 8, Amdt. 5
Flint, MI—Bishop, LOC BC Rwy 27, Amdt. 13, cancelled.

* * * *Effective June 19, 1981:*

Nantucket, MA—Nantucket Memorial, LOC BC Rwy 6, Amdt. 5

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective October 1, 1981:*

Delaware, OH—Delaware Muni, NDB Rwy 10, Original

* * * *Effective August 20, 1981:*

Wabash, IN—Wabash Muni, NDB Rwy 27, Amdt. 6
Coatesville, PA—Chester County GO Carlson, NDB Rwy 11, Amdt. 7
Bethpage, NY—Grumman Bethpage, NDB Rwy 33, Amdt. 6
Springfield, VT—Springfield State-Hartness, NDB-A, Amdt. 3

* * * *Effective August 6, 1981:*

Juneau, AK—Juneau Intl, NDB-1 Rwy 8, Amdt. 7
Wahpeton, ND—Breckenridge-Wahpeton Interstate, NDB Rwy 33, Original

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *Effective August 20, 1981:*

Titusville, FL—Titusville-Cocoa, ILS Rwy 36, Amdt. 7
Bradford, PA—Bradford Regional, ILS Rwy 32, Amdt. 8
Coatesville, PA—Chester county GO Carlson, ILS Rwy 29, Amdt. 2

* * * *Effective August 6, 1981:*

Flint, MI—Bishop, ILS Rwy 27, Original
Keene, NH—Dillant-Hopkins, ILS Rwy 2, Amdt. 9

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective August 20, 1981:*

Savannah, GA—Savannah Muni, RADAR-1, Amdt. 3
Asheville, NC—Asheville Regional, RADAR-1, Amdt. 3

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective August 20, 1981:*

LaGrange, GA—Callaway, RNAV Rwy 31, Original
Savannah, GA—Savannah Muni, RNAV Rwy 27, Amdt. 2
Connersville, IN—Mettel Field, RNAV Rwy 18, Amdt. 3

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C. on July 2, 1981.

John S. Kern,

Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

[FR Doc. 81-20105 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 202

[Reg. ER-1231; Amdt. No. 3 to Part 202]

Certificates Authorizing Scheduled Route Service: Terms, Conditions, and Limitations; Notice of Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that on June 17, 1981, the Office of Management and Budget (OMB) approved the reporting requirements contained in Part 202 concerning the terms, conditions, and limitations of a certificate held by a route air carrier under Section 401 of the Federal Aviation Act of 1958, as amended. OMB approval is required under the Paperwork Reduction Act of 1980.

DATES: Adopted: July 6, 1981. Effective: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

Accordingly, the Civil Aeronautics Board amends Part 202 of its Economic Regulations (14 CFR Part 202) by revising the note at the end of Part 202 to read:

Note.—The application requirements contained in §§ 202.13(a), 202.13(b), 202.14(b) and 202.15 and the reporting requirements contained in §§ 202.13(c), 202.13(d) and 202.16(a)(b) have been approved by the Office of Management and Budget under number 3024-0019.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20181 Filed 7-8-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 249

[Reg. ER-1232; Amdt. No. 1 to Part 249]

Preservation of Air Carrier Accounts, Records and Memoranda; Notice of Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that on June 17, 1981, the Office of Management and Budget (OMB) has approved the revised recordkeeping requirements in Part 249 of the Board's Economic Regulations (ER-1214, 46 FR 25414) May 6, 1981. OMB approval is required under the Paperwork Reduction Act of 1980.

DATES: Adopted: July 6, 1981. Effective: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

Accordingly, the Civil Aeronautics Board amends Part 249 of its Economic Regulations (14 CFR Part 249) by revising the note at the end of Part 249 to read:

Note.—The recordkeeping requirements contained herein have been approved by the Office of Management and Budget under number 3024-0006.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20180 Filed 7-8-81; 8:45 am]

BILLING CODE 6320-01-M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1300

Ethical and Other Conduct Standards and Responsibilities of Employees and Special Government Employees; Statements of Employment and Financial Interests; Amendment and Annual Revision of Appendix

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of annual revision.

SUMMARY: TVA regulations require employees in certain positions to submit

annual Statements of Employment and Financial Interests. Employees at TVA pay grades M–5, M–6, and M–7 who must file Statements of Employment and Financial Interests are identified and listed in an appendix to this regulation. A revised appendix is published annually in the **Federal Register**. This notice announces that annual revision.

EFFECTIVE DATE: The appendix is updated for the purpose of inclusion in the Code of Federal Regulations, and for that purpose is effective on July 9, 1981. The revisions became effective for individual employees upon receipt of actual notice.

ADDRESS: Relevant comments may be sent to the Office of the General Counsel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Herbert S. Sanger, Jr., General Counsel, Tennessee Valley Authority, Knoxville, Tennessee 37902, telephone 615–632–2241.

SUPPLEMENTARY INFORMATION: TVA's Code of Ethical Standards, in accordance with 16 U.S.C. §§ 831–831dd (1976; Supp. III, 1979), implements the requirements of E.O. No. 11222 and has been previously published or referenced in the **Federal Register** as follows:

33 FR 19,168, December 24, 1968
38 FR 15,075, June 8, 1973
42 FR 2668, January 13, 1977
42 FR 65,143, December 30, 1977

The list of positions at grades M–5, M–6, and M–7 for which Statements of Employment and Financial Interests are required to be filed is being revised. Those positions, described generally in paragraphs (2) and (3) of that section, are specifically identified by organization, title, and pay grade in the appendix to the section. Changes in duties and responsibilities of specific positions, changes in organizational structures, or addition of new positions may create or remove the need for incumbents to submit statements under the general description contained in the section. Accordingly, subsection (b) provides for annual republication of the updated, revised appendix.

PART 1300—ETHICAL AND OTHER CONDUCT STANDARDS AND RESPONSIBILITIES OF EMPLOYEES AND SPECIAL GOVERNMENT EMPLOYEES

The appendix to section 1300.735–41 is revised to read as follows:

§ 1300.735–41 Employees required to submit statements.

* * * * *

Appendix

As provided in section 1300.735–41(b), employees in the following positions, which are described in section 1300.735–41(a) (2) and (3), must submit Statements of Employment and Financial Interests:

Office of the General Manager

District Administrator, Grade M–7
Staff Assistant, Grade M–6
Staff Assistant, Grade M–5
Supervisor, Federal Assistance Programs, Grade M–5

Office of the General Counsel

Attorney (Community, Industrial, and Chemical Development), Grade M–7
Attorney (Natural Resources Development), Grade M–7
Attorney (Nuclear Regulatory and Environmental Laws and Regulations), Grade M–7
Attorney (Procurement and Business), Grade M–7
Attorney (Reservoir Properties, Permits), Grade M–7
Attorney (Patents), Grade M–6

Office of Agricultural and Chemical Development

Manager's Office:
- Administrative Officer, Grade M–6
- Administrator, International Fertilizer Program, Grade M–6
- Personnel Officer, Grade M–6
- Personnel Officer, Grade M–5
- Supervisor, Services, Safety Engineering Services, Grade M–5

Division of Agricultural Development:
- Chief, Branch, Grade M–7
- Senior Scientist, Grade M–7
- Agricultural Economist, Test and Demonstration Branch, Grade M–6
- Assistant Chief, Branch, Grade M–6
- Assistant to Director of Agricultural Development, Grade M–6
- Supervisor, Section, Agricultural Energy Applications Section, Grade M–6
- Supervisor, Section, Fertilizer Introduction Section, Grade M–6
- Supervisor, Section, Management and Data Systems Section, Grade M–6
- Superisor, Services, Grade M–5

Division of Chemical Development:
- Chief, Branch, Grade M–7
- Projects Manager, Grade M–7
- Assistant Chief, Branch, Design Branch, Grade M–6
- Chief, Services, Grade M–6
- Electrical Engineer, Grade M–6
- Mechanical Engineer, Grade M–6
- Project Engineer, Grade M–6
- Civil Engineer, Design Branch, Grade M–5
- Mechanical Engineer, Grade M–5

Division of Chemical Operations:
- Chief, Branch, Grade M–7
- Supervisor, Section, Central Services Section, Grade M–5

Office of Community Development

Manager's Office:
- Chief, Staff, Budget, Management, and Evaluation Staff, Grade M–6
- District Manager, Grade M–6
- Program Manager, Grade M–6
- District Manager, Grade M–5
- Program Manager, Grade M–5

Division of Commerce:
- Assistant to Director of Commerce, Grade M–6
- Chief, Branch, Economic Development Branch, Grade M–6
- Chief, Branch, Minority Economic Development Branch, Grade M–6
- Program Manager, Grade M–6
- Project Manager, Grade M–6
- Coordinator, Director's Office, Grade M–5
- Economist, Grade M–5

Division of Community Services:
- Chief, Branch, Grade M–6
- Chief, Staff, Grade M–6
- Education Resource Planner, Grade M–5
- Manpower Development Specialist, Grade M–5
- Program Coordinator, Grade M–5
- Project Manager, Grade M–5
- Regional Planner, Grade M–5
- Supervisor, Section, Grade M–5
- Supervisor, Unit, Program Planning and Support, Grade M–5

Office of Engineering Design and Construction

Manager's Office:
- Assistant to the Manager of Engineering Design and Construction, Grade M–7
- Chief, Staff, Cost Planning and Control Staff, Grade M–7
- Chief, Staff, Management Systems Staff, Grade M–7
- Quality Assurance Manager, Grade M–7
- Assistant Project Manager (Chattanooga Office Complex), Grade M–5
- Supervisor, Staff, Grade M–5

Division of Engineering Design:
- Assistant Design Project Manager, Grade M–7
- Chief, Branch, Grade M–7
- Civil Design Project Engineer, Grade M–7
- Civil Engineer, Grade M–7
- Electrical Design Project Engineer, Grade M–7
- Electrical Engineer, Electrical Engineering and Design Branch, Grade M–7
- Electrical Engineer, Equipment Contract Engineering, Grade M–7
- Electrical Engineer, Nuclear Staff, Grade M–7
- Electrical Engineer, Systems Engineering Layout, Grade M–7
- Geologist, Grade M–7
- Mechanical Design Project Engineer, Grade M–7
- Mechanical Engineer, Fossil Steam Generation and Equipment, Grade M–7
- Mechanical Engineer, Heat Cycle Engineering and Equipment, Grade M–7
- Mechanical Engineer, Mechanical Engineering and Design Branch, Grade M–7
- Mechanical Engineer, Mechanical Equipment Contract Engineering, Grade M–7
- Mechanical Engineer, Nuclear Steam Supply and Radiation Control, Grade M–7
- Nuclear Engineer, Branch Staff, Nuclear Engineering Branch, Grade M–7
- Project Manager, Environmental Design Project, Grade M–7
- Architect, Grade M–6

Assistant to Chief, Branch, Grade M-6
Assistant to Project Manager, Grade M-6
Chief, Staff, Engineering Services Staff, Grade M-6
Chief, Staff, Project Control Staff, Grade M-6
Civil Design Project Engineer, Grade M-6
Civil Engineer, Branch Staff, Civil Engineering Branch, Grade M-6
Civil Engineer, Contract Engineering Section, Civil Engineering Branch, Grade M-6
Electrical Design Project Engineer, Grade M-6
Fossil Design Project Engineer, Grade M-6
Materials Engineer, Quality Control, Grade M-6
Mechanical Design Project Engineer, Grade M-6
Mechanical Engineer, Hydro Staff Specialist, Grade M-6
Mechanical Engineer, Staff Specialists, Mechanical Engineering Branch (possible conflict of interest situation), Grade M-6
Mechanical Engineer, Yellow Creek Design Project, Grade M-6
Nuclear Design Project Engineer, Grade M-6
Project Engineer, Grade M-6
Quality Assurance Engineer, Grade M-6
Assistant Chief, Staff, Engineering Services Staff, Grade M-5
Project Staff Engineer, Engineering Support Services Section, Grade M-5
Supervisor, Section, Budget, Design Contracts, and Cost Analysis, Grade M-5
Supervisor, Section, Contract Engineering Section, Grade M-5

Division of Construction:
Assistant to the Manager of Construction (Industrial Relations), Grade M-7
Construction Engineer, Grade M-7
General Construction Superintendent, Grade M-7
Chief, Staff, Grade M-6
Supervisor, Services, Warehouse Services, Grade M-5
Supervisor, Unit, Warehouse Services, Grade M-5
Welding Engineer, Grade M-5

Office of Management Services

Labor Relations Staff:
Chief, Salary Policy Contract Administration, Grade M-7
Chief, Trades and Labor Contract Administration, Grade M-7

Division of Finance:
Chief, Branch, Auditing Branch, Grade M-7
Chief, Branch, Central Accounting Branch, Grade M-7
Treasurer, Grade M-7
Assistant Chief, Auditing Branch, Grade M-6
Assistant Chief, Central Accounting Branch, Grade M-6
Assistant Chief, Chemical Accounting Branch, Grade M-6
Audit Supervisor, Grade M-6
Chief, Staff, Management Services Staff, Grade M-6
Supervisor, Services, Grade M-6
Accounting Staff Officer, Retirement Services Branch, Grade M-5
Supervisor, Section, Accounts Payable Section, Grade M-5
Supervisor, Section, Auditing Branch, Grade M-5
Supervisor, Section, Benefits Section, Grade M-5
Supervisor, Section, Chemical Accounting Branch, Grade M-5
Supervisor, Section, Payroll Section, Grade M-5
Supervisor, Section, Property and Services Accounting Section, Grade M-5
Supervisor, Section, Voucher Section, Grade M-5

Division of Management Systems:
Chief, Branch, Grade M-7
Assistant Chief, Branch, Grade M-6
Assistant to Chief, Branch, Grade M-6
Chief, Staff, Administrative Services Staff, Grade M-6
Supervisor, Section, Technical and Administrative Services Section, Grade M-5

Division of Personnel:
Chief, Branch, Grade M-7
Chief, Branch, Research and Analysis Staff, Grade M-7
Chief, Staff, Grade M-6

Division of Property and Services:
Chief, Branch, Grade M-7
Assistant Chief, Branch, Grade M-6
Assistant to Chief, Branch, Grade M-6
Chief, Services, Grade M-6
Manager, Development, Grade M-6
Real Estate Appraiser, Grade M-6
Supervisor, Section, Grade M-6
Title Attorney, Grade M-6
Airplane Pilot, Grade M-5
Assistant to Director of Property and Services, Grade M-5
Coordinator, Grade M-5
District Manager, Grade M-5
Specialist in Property Management, Grade M-5
Supervisor, Section, Management Services Section, Grade M-5
Supervisor, Section, Nuclear Operating Section, Grade M-5
Supervisor, Services, Grade M-5
Supervisor, Unit, Facilities Evaluation and Acquisition Unit, Grade M-5
Supervisor, Unit, Land Branch, Grade M-5
Supervisor, Unit, Office Service Branch, Grade M-5
Supervisor, Unit, Transportation Services Branch, Grade M-5

Division of Purchasing:
Assistant to Director of Purchasing, Grade M-7
Chief, Branch, Grade M-7
Chief, Staff, Grade M-7
Chief, Staff, Grade M-6
Assistant Chief, Staff, Grade M-5
Assistant to Director of Purchasing, Grade M-5
Purchasing Agent, Grade M-5
Supervisor, Section, Grade M-5

Office of Health and Safety

Division of Medical Services:
Chief, Area Medical Service, Grade P-2
Chief, Staff, Grade P-2
Medical Administrator, Grade M-7
Assistant Medical Administrator, Grade M-6
Chief, Staff, Grade M-6
Assistant Chief, Staff, Grade M-5
Personnel Officer, Grade M-5
Physicians Associate, Grade M-5
Supervisor, Section, Grade M-5

Division of Occupational Health and Safety:
Assistant to Director of Occupational Health and Safety, Grade M-7
Chief, Branch, Grade M-7
Chief, Branch, Grade M-6
Health Physicist, Grade M-6
Supervisor, Section, Grade M-6
Supervisor, Unit, Grade M-6
Chief, Staff, Grade M-5
Hazard Control Engineer, Standards and Compliance Branch, Grade M-5
Health Physicist, Director's Office, Grade M-5
Health Physicist, Radiological Emergency Planning and Preparedness Group, Grade M-5
Health Physicist, Technical Assistant Staff, Grade M-5
Project Manager, Grade M-5
Safety Engineer, Grade M-5
Supervisor, Section, Grade M-5
Supervisor, Unit, Eastern Unit, Grade M-5
Supervisor, Unit, Information Office, Grade M-5
Supervisor, Unit, Program Evaluation and Reporting, Grade M-5
Supervisor, Unit, Western Unit, Grade M-5

Office of Natural Resources

Resource Services:
Assistant Manager, Services, Grade M-7
Chief, Branch, Grade M-7
Chief, Staff, Grade M-7
Assistant Chief, Branch, Grade M-6
Chief, Branch, Grade M-6
Program Manager, Grade M-6
Supervisor, Section, Grade M-6
Chief, Services, Grade M-5
Personnel Officer, Grade M-5
Research Chemist, Grade M-5
Supervisor, Section, Cartographic Section, Grade M-5
Supervisor, Section, Central Region, Grade M-5
Supervisor, Section, Chattanooga/Muscle Shoals, Grade M-5
Supervisor, Section, Data Management, Grade M-5
Supervisor, Section, Eastern Region, Grade M-5
Supervisor, Section, Laboratory Branch, Grade M-5
Supervisor, Section, Norris, Grade M-5
Supervisor, Section, Office Engineering, Grade M-5
Supervisor, Section, Photogrammetry and Remote Sensing Section, Grade M-5
Supervisor, Section, Western Region, Grade M-5

Air Resources Program:
Chief, Air Resources Program, Grade M-7
Supervisor, Section, Grade M-6
Biologist, Grade M-5
Environmental Engineer, Grade M-5
Projects Manager, Grade M-5
Research Manager, Grade M-5
Supervisor, Section, Grade M-5

Division of Land and Forest Resources:
Assistant to Director, Land and Forest Resources, Grade M-7
Chief, Management Services, Grade M-7
Chief, Special Projects Coordination, Grade M-7

Manager of Properties, Grade M-7
Manager, Resource Programs, Grade M-7
Chief, Branch, Property Administration Staff, Grade M-6
Chief, Services, Program Evaluation, Budget and Adminsitration, Grade M-6
Coordinator, Grade M-6
Program Manager (Recreation Resources), Grade M-6
Projects Manager (Biomass Resources Development), Grade M-6
Projects Manager (Forest Resources Development), Grade M-6
Personnel Officer, Grade M-5
Projects Manager, Streams, Trails, and Natural Areas Recreation, Grade M-5
Staff Forester, Land Reclamation (contracting and procurement), Grade M-5
Supervisor, Section, Land Management Section, Eastern District, Grade M-5
Supervisor, Section, Land Management Section, Southern District, Grade M-5
Supervisor, Section, Land Management Section, Western District, Grade M-5
Supervisor, Section, Land Use Section, Grade M-5
Supervisor, Section, Operation and Maintenance Section, Grade M-5
Supervisor, Section, Tributary Area Section, Grade M-5
Division of Water Resources:
Chief, Fisheries Resources Branch, Grade M-7
Chief, Water Quality and Ecology Branch, Grade M-7
Chief, Water Systems Development Branch, Grade M-7
Manager, Field Operations, Grade M-7
Assistant to Director of Water Resources, Grade M-6
Manager, Area, Field Operations, Grade M-6
Land Between the Lakes:
Chief, Facilities and Administrative Services, Grade M-6
Chief, Natural Resources Management, Grade M-5
Chief, Recreation, Interpretation, and Environmental/Energy Education, Grade M-5

Office of Power

Power Manager's Office and Staffs:
Assistant Chief, Staff, Grade M-7
Head, Group, Grade M-7
Power Planning Advisor, Grade M-7
Quality Assurance Manager, Grade M-7
Assistant Chief, Staff, Grade M-6
Assistant Quality Assurance Manager, Grade M-6
Chief, Staff, Grade M-6
Nuclear Engineer, Grade M-6
Power Planning Advisor, Grade M-6
Supervisor, Section, Grade M-6
Assistant Supervisor, Section, Grade M-5
Supervisor, Section, Nuclear Staffs, Grade M-5
Supervisor, Services, Grade M-5
Supervisor, Unit, Management Services Staff, Grade M-5
Division of Energy Conservation and Rates:
Chief, Branch, Grade M-7
Chief, Staff, Grade M-7
Assistant to Chief, Branch, Grade M-6
Chief, Branch (Acting), Grade M-6
Supervisor, Section, Grade M-6
Economist, Grade M-5
Staff Rate Assistant, Grade M-5
Supervisor, Section, Data Services Section, Grade M-5
Supervisor, Section, Financial Assistance Unit, Grade M-5
Supervisor, Section, Planning and Communications Staff (supervises contractors), Grade M-5
Supervisor, Section, Rate Design Section, Grade M-5
Supervisor, Section, Research Section, Grade M-5
Supervisor, Staff, Grade M-5
Supervisor, Unit, Energy Audits and Engineering Unit, Grade M-5
Supervisor, Unit, Heat Pump Applications Unit, Grade M-5
Supervisor, Unit, Home Insulation Unit, Grade M-5
Supervisor, Unit, Load Management Branch, Grade M-5
Supervisor, Unit, Solar Applications Branch, Grade M-5
Division of Energy Demonstrations and Technology:
Chief, Branch, Grade M-7
Chief, Services, Energy Services, Grade M-7
Chief, Staff, Grade M-7
Projects Manager, Grade M-7
Chief, Branch, Grade M-6
Chief, Staff, Grade M-6
Program Manager, Grade M-6
Project Manager, Grade M-6
Projects Manager, Grade M-6
Research Analyst, Grade M-6
Research Manager, Grade M-6
Assistant to Program Manager, Grade M-5
Chemical Engineer, Grade M-5
Facilities Manager, Grade M-5
Materials Engineer, Grade M-5
Project Coordinator, Grade M-5
Project Engineer, Grade M-5
Project Manager, Grade M-5
Projects Manager, Grade M-5
Supervisor, Section, Grade M-5
Supervisor, Services, Grade M-5
Division of Energy Use and Distributor Relations:
Chief, Branch, Grade M-7
Chief, Staff, Grade M-7
Coordinator (contract and rate interpretation), Grade M-7
District Manager, Grade M-7
Senior District Advisor, Grade M-7
Assistant Chief, Branch, Grade M-6
Assistant District Manager, Grade M-6
Power Engineering:
Assistant Chief, Staff, Grade M-7
Environmental Engineer, Grade M-6
Head Group, Grade M-6
Environmental Engineer, Grade M-5
Power Supply Engineer, Grade M-5
Supervisor, Section, Cost Analysis and Reporting Section, Grade M-5
Supervisor, Section, Engineering and Analysis Section, Grade M-5
Supervisor, Section, Engineering and Economics Evaluation Section, Grade M-5
Supervisor, Section, Project Planning Section, Grade M-5
Supervisor, Section, Schedule Control Section, Grade M-5
Division of Fuels:
Chief, Branch, Grade M-7
Chief, Staff, Grade M-7
Manager, Operations, Grade M-7
Assistant Chief, Branch, Grade M-6
Head, Group, Engineering Group, Grade M-6
Nuclear Engineer, Grade M-6
Project Engineer, Grade M-6
Supervisor of Projects, Grade M-6
Fuels Engineer, Grade M-5
Nuclear Engineer, Grade M-5
Project Manager, Grade M-5
Supervisor, Section, BWR Core Design Section, Grade M-5
Supervisor, Section, Engineering Analysis Section, Grade M-5
Supervisor, Section, Fuels Economics Section, Grade M-5
Supervisor, Section, Fuels Engineering Section, Grade M-5
Supervisor, Section, Fuels Planning Section, Grade M-5
Supervisor, Section, Fuel Supply Management Section, Grade M-5
Supervisor, Section, Fuel Utilization Section, Grade M-5
Supervisor, Section, Nuclear Fuel Economics Section, Grade M-5
Supervisor, Section, Nuclear Raw Materials Branch, Grade M-5
Supervisor, Section PWR Core Design Section, Grade M-5
Supervisor, Section, Quality Control Section, Grade M-5
Supervisor, Section, Systems Development Staff, Grade M-5
Supervisor, Services, Grade M-5
Supervisor, Staff, Grade M-5
Division of Power Construction:
Area Construction Manager, Grade M-7
Area Construction Manager (Acting), Grade M-6
General Construction Superintendent, Grade M-5
Supervisor, Section, Grade M-5
Division of Transmission Planning and Engineering:
Assistant to the Director of Transmission Planning and Engineering, Grade M-7
Chief, Branch, Grade M-7
Assistant Chief, Branch, Civil Engineering and Design Branch, Grade M-6
Assistant Chief, Branch, Communication Engineering and Design Branch, Grade M-6
Assistant Chief, Branch, Electrical Engineering and Design Branch, Grade M-6
Civil Engineer, Civil Engineering and Design Branch, Grade M-6
Electrical Engineer, Electrical Engineering and Design Branch, Grade M-6
Supervisor, Section, Estimating, Specifications, and Procurement Section, Grade M-5
Supervisor, Section, Protection and Control Section, Grade M-5
Supervisor, Section, Substation Projects Section, Grade M-5
Power Operations:
Superintendent, Service Shops, Power Service Shops, Grade M-7
Supervisor, Section, Grade M-6
Division of Fossil and Hydro Power:

Assistant Chief, Branch, Grade M-7
Chief, Branch, Grade M-7
Power Plant Superintendent, Watts Bar, Grade M-7
Project Manager, Grade M-7
Superintendent, Operations, Grade M-7
Assistant Chief, Branch, Grade M-6
Electrical Engineer, Grade M-6
Mechanical Engineer, Plant Equipment Branch, Grade M-6
Personnel Officer, Grade M-6
Power Plant Superintendent, Grade M-6
Supervisor, Services, Grade M-6
Supervisor, Staff, Grade M-6
Division of Nuclear Power:
Chief, Branch, Grade M-7
Coordinator, Grade M-7
Assistant Chief, Branch, Grade M-6
Chemical Engineer, Grade M-6
Chief, Staff, Grade M-6
Electrical Engineer, Grade M-6
Mechanical Engineer, Grade M-6
Metallurgical Engineer, Grade M-6
Nuclear Engineer, Low-Level Radwaste Management Group, Grade M-6
Nuclear Engineer, Reactor Analysis Group, Grade M-6
Outage Director, Grade M-6
Personnel Officer, Grade M-6
Supervisor, Group, Reactor Systems Group, Grade M-6
Supervisor, Staff, Industrial Safety and Fire Protection Engineering Staff, Grade M-6
Supervisor, Staff, Management Services Staff, Grade M-6
Supervisor, Staff, New Plants Review Staff, Grade M-6
Supervisor, Staff, Outage Planning and Scheduling Group, Grade M-6
Supervisor, Staff, Preoperational Test Staff, Grade M-6
Outage Director, Grade M-5
Supervisor, Section, Auxiliary Equipment Section, Grade M-5
Supervisor, Section, Computer Engineering Section, Grade M-5
Supervisor, Section, Controls Engineering Section, Grade M-5
Division of Power System Operations:
Chief, Branch, System Engineering Services Branch, Grade M-7
Chief, Branch, System Loading Branch, Grade M-7

(16 U.S.C. 831-831dd; E.O. 11222, 3 CFR, 1964-1965 Comp., p. 306, 5 CFR 735.104)

Dated: June 30, 1981.

W. F. Willis,

General Manager.

[FR Doc. 81-20169 Filed 7-8-81; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 665

Directional Signing for American Revolution Bicentennial Activities

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescission of regulation.

SUMMARY: The regulation on directional signing for Bicentennial activities established guidelines for the design, installation and funding of signs related to the American Revolution Bicentennial. Since the Bicentennial activities have been completed, there is no longer a necessity for regulating directional signs related to those activities. Therefore, the FHWA is rescinding the regulation.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. F. C. Vandenbroeder, Office of Traffic Operations (HTO-21), 202-426-0411, or Mr. Stanley H. Abramson, Office of the Chief Counsel (HCC-10), 202-426-0762, Federal Highway Administration, 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: No economic impacts are anticipated as a result of this action. It has also been determined that this action will not have a significant economic impact on a substantial number of small entities. Accordingly, neither a full regulatory evaluation nor a regulatory impact analysis is required.

Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation (DOT) because it is not anticipated that such action would result in the receipt of useful information. Because this rescission eliminates an obsolete regulation, the FHWA finds good cause to make this rescission effective in less than 30 days under DOT regulatory procedures. Accordingly, this amendment is effective upon publication.

Neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the Administrative Procedure Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2).

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures.

PART 665—DIRECTIONAL SIGNING FOR AMERICAN REVOLUTION BICENTENNIAL ACTIVITIES [REMOVED]

Accordingly, the Federal Highway Administration hereby removes 23 CFR Part 665, "Directional Signing for American Revolution Bicentennial Activities."

(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)

(23 U.S.C. §§ 109(d), 315, 402(a); 49 CFR 1.48(b))

Issued on: June 29, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81-19789 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USS JACK WILLIAMS (FFG 24) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval frigate, and (2) has found that USS JACK WILLIAMS (FFG 24) is a member of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN Admiralty Counsel, Office of the Judge Advocate General Navy Department, 200 Stovall Street, Alexandria, Virginia 22332 Telephone number (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS JACK WILLIAMS (FFG 24) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arc

of visibility of its forward masthead light; Annex I, Section 2(a)(i), regarding the height above the hull of its forward masthead light; and Annex I, Section 3(b), regarding the horizontal relationship of its sidelights to its forward masthead light, without interfering with its special function as a Navy frigate. The Secretary of the Navy has also certified that the above-mentioned light is located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS JACK WILLIAMS (FFG 24) is a member of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to this ship. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table One of § 706.2 is amended as follows to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I
* * * * *		
USS Jack Williams	FFG 24	1.6
* * * * *		

2. Table Four of § 706.2 is amended by revising the existing paragraph 8. to read:

On the following ships the arc of visibility of the forward masthead light required by Rule 23(a)(i) may be obstructed through 1.6° arc of visibility at the points 021° and 339° relative to the ship's head.

* * * * *

USS Jack Williams (FFG 24)

3. Table Four of § 706.2 is amended by revising the existing paragraph 9. to read:

9. Sidelights on the following ships do not comply with Annex 1, Section 3(b):

Vessel	Number	Distance of sidelights forward of masthead lights in meters
* * * * *		
USS Jack Williams	FFG 24	2.75
* * * * *		

Effective Date: June 23, 1981.

(E.O. 11964; 33 U.S.C. 1605)

Dated: June 23, 1981.

Robert J. Murray,

Acting Secretary of the Navy.

[FR Doc. 81-20091 Filed 7-8-81; 8:45 am]

BILLING CODE 3810-70-M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Amendments to the Postal Contracting Manual.

SUMMARY: The Postal Service hereby announces a revision of the regulations on consideration of late offers, modifications, and withdrawals when sent by Express Mail service.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene A. Keller, (202) 245-4818.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the Code of Federal Regulations (See 39 CFR 601.100) has been amended by the issuance of PCM Circular 81-4, dated June 23, 1981.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the **Federal Register** and the text of the changes is filed with the Director, Office of the **Federal Register**. Subscribers to the basic manual will receive these amendments from the Postal Service. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Explanation of these amendments to the Postal Contracting Manual follows:

Explanation:

Section 2-303.2 and 2-303.3 are amended to provide for the consideration of late offers sent by Express Mail service under certain conditions.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-20085 Filed 7-8-81; 8:45 am]

BILLING CODE 7710-12-M

39 CFR Part 310

Mail to Canada; Suspension of Private Express Statutes and Regulations

AGENCY: Postal Service.

ACTION: Temporary suspension of statutes and regulations.

SUMMARY: Canadian postal workers have gone on strike. The U.S. Postal Service has placed an enbargo on all mail addressed to Canada.

In view of the strike, the Postal Service has determined that it is in the public interest to suspend and hereby does suspend the operation of 39 U.S.C. 601(a) (1) through (6) and 39 CFR 310.2(b) (1) through (6) so as to permit the carriage of letters destined for delivery in Canada out of the mails without paying postage or meeting any of the other conditions in such provisions of law and regulations.

EFFECTIVE DATE: Effective July 9, 1981; this suspension shall remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Charles D. Hawley; Telephone 202-245-4584.

(39 U.S.C. 401, 404, 601)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-20236 Filed 7-7-81; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5963

[I-4040, I-8722]

Idaho; Partial Revocation of Reclamation Project Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes two Secretarial orders which withdrew public lands for the Minidoka and Gooding Reclamation Projects. This action will open the lands to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Larry R. Lievsay, Idaho State Office, 208–334–1735.

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

1. The Secretarial Orders of November 17, 1902, and October 22, 1925, which withdrew lands for the Minidoka and Gooding Projects, are hereby revoked insofar as they affect the following described lands:

Boise Meridian

T. 10 S., R. 24 E.,
Sec. 28, lot 3.
T. 6 S., R. 15 E.,
Sec. 20, N½SW¼, W½NW¼SE¼.

The areas described contain a total of 100.16 acres in Minidoka and Gooding Counties.

2. At 10 a.m. on August 5, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on August 5, 1981, the lands will be open to location under the United States mining laws. They have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Idaho State Office, Federal Building, Box 042, 550 W. Fort Street, Boise, Idaho 83724.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981.
[FR Doc. 81-20076 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5968

[I-15245]

Idaho; Partial Revocation of Stock Driveway Withdrawal No. 48

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: The order revokes 6,165.37 acres of national forest lands from a stock driveway withdrawal. The lands will be opened to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Larry Lievsay, Idaho State Office, 208–334–1735.

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

1. Secretarial Order No. 48 of December 9, 1918, as modified by the Secretarial Order of October 30, 1922, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

Sawtooth National Forest

T. 1 S., R. 11 E.,
Sec. 3, lot 4, SW¼NW¼, NW¼SW¼.
T. 1 N., R. 11 E.,
Sec. 21, E ½SE¼;
Sec. 22, S½;
Sec. 23, S½S½;
Sec. 24, S½SW¼, SW¼SE¼;
Sec. 25, lots 1, 2, W½NE¼, N½NW¼, SE¼NW¼;
Sec. 26, N½N½;
Sec. 27, N½NE¼, W½W½;
Sec. 34, W½W½.
T. 1 N., R. 12 E.,
Sec. 1, S½;
Sec. 2, All;
Sec. 3, S½;
Sec. 4, S½SW¼, SE¼;
Sec. 8, E½, E½SW¼;
Sec. 9, SW¼, N½SE¼, SW¼SE¼;
Sec. 10, NE¼NE¼, S½NE¼, S½;
Sec. 11, All;
Sec. 17, N½, N½S½;
Sec. 18, lot 4, S½NE¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 19, lots 1, 2, 3, 4, E½W½;
Sec. 30, lots 1, 2, E½NW¼.

The area described contains 6,165.37 acres in Camas and Elmore Counties.

2. At 10 a.m. on August 5, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981.
[FR Doc. 81-20077 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5970

[I-15133]

Idaho; Withdrawal for Pine Seed Orchard

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 19.31 acres of public lands and reserves them for protection of seed tree development on the Russell Bar Pine Seed Orchard for a period of 50 years.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT:
Larry Lievsay, Idaho State Office, 208–334–1735.

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

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from entry or location under the mining laws (30 U.S.C., Ch. 2), in order to protect them for use as a Pine Seed Orchard in aid of a cooperative Federal, State, and private program.

Boise Meridian

Russell Bar Pine Seed Orchard

T. 27 N., R. 1 E.
Sec. 23, Lot 3 (Portion west of U.S. Highway 95 right-of-way)

The area described contains 19.31 acres in Idaho County.

2. This withdrawal shall remain in effect for a period of 50 years from the date of this order.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981.
[FR Doc. 81-20078 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5976

[(Nev-051731) (A-13384)]

Nevada and Arizona; Revocation of Executive Order No. 5339

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order which withdrew lands in aid of legislation and restores 16,775 acres in Nevada, and 189,657 acres in Arizona to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws. The remaining lands are either patented or contained within other withdrawals.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Vienna Wolder, Nevada State Office, 702–784–5703, or Hap Thonhoff, Arizona State Office, 602–261–4774.

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

1. Executive Order No. 5339 of April 25, 1930, which withdrew lands in Nevada and Arizona in aid of legislation pending determination as to the advisability of including them in a national monument, is revoked in its entirety: This order affects 374,193 acres in Nevada, and 1,199,267 acres in Arizona in the following townships.

Nevada—Mount Diablo Base and Meridian

T. 16 S., Rs. 68 and 69 E.,
T. 17 S., Rs. 68, 69, 70, and 71 E.,
T. 18 S., Rs. 67, 68, 69, 70, and 71 E.,
T. 19 S., Rs. 67, 68, 69, 70, and 71 E.,
T. 20 S., Rs. 65, 66, 67, 68, 69, 70, and 71 E.,
T. 21 S., Rs. 64, 65, 66, 67, 68, 69, 70, and 71 E.,
T. 22 S., Rs. 64 and 65 E.,
T. 23 S., Rs. 64 and 65 E.,
T. 24 S., Rs. 64 and 65 E.,
T. 25 S., R. 65 E.

Arizona—Gila and Salt River Meridian

T. 27 N., Rs. 21, and 22 W.,
T. 28 N., Rs. 10, 11, 12, 13, 21, and 22 W.,
T. 29 N., Rs. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 W.,
T. 30 N., Rs. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 W.,
T. 31 N., Rs. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 W.,
T. 32 N., Rs. 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 W.,
T. 33 N., Rs. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 W.,
T. 34 N., Rs. 4, 5, 6, 7, 13, 14, 15, and 16 W.,
T. 35 N., Rs. 4, 5, 6, 7, 15, and 16 W.

2. At 10 a.m. on August 5, 1981, the following described lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on August 5, 1981, the following described lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Nevada—Mount Diablo Meridian

T. 19 S., R. 67 E.
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Sec. 30, N½.
T. 19 S., R. 69 E.
Secs. 25, 26, 35, 36.
T. 20 S., R. 69 E.
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26;
Sec. 29, east of the Colorado River Survey withdrawal (portions of NE¼, N½NW¼, N½SE¼, SE¼SE¼).
Containing approximately 16,775 acres.

Arizona—Gila and Salt River Meridian

T. 32 N., R. 11 W.
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 and 2, S½NE¼, and SE¼;
Sec. 7, NE¼;
Secs. 8 and 9;
Sec. 10, E½, N½NW¼, SE¼NW¼, and SW¼;
Secs. 11 to 16, inclusive;
Secs. 18, lots 3 and 4, E½SW¼, SE¼;
Sec. 19, lot 3;
Sec. 20;
Secs. 22 to 24, inclusive.
T. 31 N., R. 12 W.
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.
T. 32 N., R. 12 W.
Sec. 1, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, SW¼, and S½SE¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 and 2;
Secs. 8 to 16, inclusive;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 20, W½;
Sec. 21, E½;
Secs. 22 to 24, inclusive;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 32 and 34.
T. 33 N., R. 12 W.
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Secs. 11 to 14, inclusive;
Secs. 23 to 24, inclusive;
Sec. 25;
Sec. 26, NE¼, E½NW¼, NE¼SW¼, and SE¼;
Secs. 34 and 35.
T. 31 N., R. 13 W.
Sec. 2, lots 1 to 4, inclusive, S½N½, N½SW¼, SW¼SW¼, part SE¼SW¼, part SW¼;
Sec. 4, lots 1 and 2, part lots 3 and 4, SE¼NW¼, part W½, part SE¼;
Sec. 6, lots 1 to 7 inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, part W½;
Secs. 10, 12, and 13;
Sec. 14, part E½;
Sec. 16, E½;
Sec. 24;
Sec. 26, part E½SE¼;
Sec. 36, part E½.
T. 32 N., R. 13 W.
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 8, 10, 12, 14, and 16;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 19, N½;
Secs. 20, 22, 24, 26, and 28;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 31, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 32, part E½, W½;
Secs. 34, and 36;
T. 32 N., R. 14 W.
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E¼SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 8, and 15, inclusive;
Sec. 16, N½, N½S½, part S½S½;
Sec. 17, N½, N½S½, part S½S½;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 19, lot 1, and part Lot 2;
Sec. 22, part N½;
Sec. 23, N½, part SW¼, SE¼;
Sec. 24;
Sec. 25, part N½, and part SE¼;
Sec. 26, part E½.
T. 29 N., R. 15 W.
Sec. 4, lots 1 to 4, inclusive;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼
Sec. 20;
Sec. 28, lots 1 to 4, inclusive;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
T. 29 N., R. 16 W.
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive;
Secs. 8, 10, 12, 14, and 16;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 20, 22, 24, 26, and 28;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 32, 34, and 36.
T. 30 N., R. 16 W.
Sec. 2, part W½;
Secs. 3, 4, 10, 14, 16, 20, 22, 24, 26, and 28;
Sec. 30, lots 1 to 4, inclusive;
Secs. 32 and 34;
Sec. 32, S½NW¼, and S½.
T. 29 N., R. 17 W.
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;

Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 9, N½NW¼, SW¼NW¼, and W½SW¼;
Secs. 10, 12, and 14;
Sec. 16, W½;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 19, NE¼;
Secs. 20, 22, 24, 26, and 28;
Sec. 29, NE¼, W½SE¼, and NE¼SE¼;
Sec. 30, lots 1 to 4, inclusive;
Secs. 32 and 34.

T. 29 N., R. 18 W.
Secs. 14, 16, 17, 18, 20, 22, 24, 26, and 28;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 32, 34, and 36.

T. 29 N., R. 19 W.
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 8 to 10, inclusive, and secs. 13 to 16, inclusive;
Sec. 17, lots 1 to 4, inclusive, N½, and N½S½;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 20, 22, 24, 26, and 28;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 31, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 32 and 34.

T. 29 N., R. 20 W.
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Secs. 11 to 15, inclusive, secs. 22 to 27, inclusive, secs. 34 to 36, inclusive.

T. 30 N., R. 20 W.
Secs. 24, 25, 35, and 36.

T. 28 N., R. 21 W.
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 8 to 17, inclusive;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 20 to 29 inclusive;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 31, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 32 to 36, inclusive.

T. 29 N., R. 21 W.
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 8 to 17, inclusive;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 31, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 32 to 36, inclusive.

T. 30 N., R. 21 W. (unsurveyed),
Secs. 5 to 18 inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.

Containing approximately 189,657 acres.

3. The remaining lands (357,418 acres in Nevada, and 1,009,610 acres in Arizona) are either patented or contained within other withdrawals which continue to segregate the lands from all forms of appropriation.

Inquiries concerning the lands should be addressed to the appropriate State Director, Bureau of Land Management. In Nevada the address is P.O. Box 12000, 300 Booth Street, Reno, Nevada 89520, and in Arizona the address is 2400 Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81-20070 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5977

[NM 36235]

New Mexico; Powersite Restoration No. 754, Partial Revocation of Waterpower Designation No. 1, New Mexico No. 1; Affecting Waterpower Designation No. 1, New Mexico No. 1

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes Waterpower Designation No. 1, New Mexico No. 1; Powersite Reserve No. 546, and revokes Waterpower Designation No. 1, New Mexico No. 1, Interpretation No. 262, embracing approximately 9,190 acres of public and nonpublic lands in Otero County. It has been determined that these lands will not be developed for power purposes and will be restored to the operation of the public land laws. The State of New Mexico is afforded a 90-day preference right to select certain public lands for highway rights-of-way or material sites. The lands situated within the Mescalero Apache Indian Reservation remain withdrawn for those purposes.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT:

Stella V. Gonzales, New Mexico State Office 505-988-6211.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination of the Federal Energy Regulatory Commission in DA-87, New Mexico, it is ordered as follows:

1. Departmental Order of August 7, 1916; Executive Order of October 2, 1916; and Secretarial Order of October 23, 1937, are hereby revoked insofar as they affect the following described lands:

New Mexico Principal Meridian

T. 14 S., R. 10 E.,
Sec. 1, lots 1 and 2, (originally N½NE¼), S½NE¼, S½;
Sec. 2, SE¼SE¼;
Sec. 10, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 11, NE¼, S½NW¼, S½;
Sec. 12, N½, SW¼, NW¼SE¼;
Sec. 13, NW¼NW¼;
Sec. 14, N½, NW¼SW¼;
Sec. 15, all;
Sec. 16, SE¼NE¼, E½SW¼, SE¼;
Sec. 21, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 22, NW¼NE¼, NW¼.

T. 13 S., R. 11 E.,
Sec. 25, lot 1, NW¼NW¼;
Sec. 26, N½N½, SW¼NE¼, SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, NW¼SW¼, SE¼SW¼, W½SE¼;
Sec. 27, NE¼, W½NW¼, SE¼NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 28, NE¼NE¼, S½NE¼, S½;
Sec. 29, S½S½, NW¼SE¼;
Sec. 31, lots 7 and 12, NE¼NE¼, S½NE¼, SE¼;
Sec. 32, N½, SW¼, N½SE¼, SW¼SE¼.

T. 14 S., R. 11 E.,
Sec. 5, lots 3 and 4 (originally N½NW¼), SW¼NW¼;
Sec. 6, lots 1 to 14, inclusive, S½NE¼, N½SE¼, SW¼SE¼;
Sec. 7, lots 2 and 3.

T. 13 S., R. 12 E.,
Sec. 19, lots 12 to 16, inclusive, NE¼SW¼, N½SE¼;
Sec. 20, lots 20 and 21, W½SW¼, SE¼SW¼;
Sec. 21, SW¼SW¼;

Sec. 27, lots 25 to 29, inclusive, W½SE¼, Tr. 37;
Sec. 28, lots 15 to 23, inclusive, N½NE¼, NE¼NW¼;
Sec. 29, lots 12 to 15, inclusive, SW¼NE¼, NW¼, N½S½;
Sec. 30, lots 5 to 9, inclusive, S½NE¼, SE¼NW¼;
Sec. 27 and 28, Private Claim No. 485.

The areas described contain approximately 9,190 acres of public and nonpublic lands in Otero County.

2. The State of New Mexico has exercised its preferred right to select 710 acres of public land for highway easement or material site purposes as provided by Section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended 16 U.S.C. 818, and is afforded a 90-day preference right to select said lands under any applicable public land laws.

3. At 10 a.m. on September 28, 1981, the public lands shall be open to operation of public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, except preference right applications from the State of New Mexico, received at or prior to 10 a.m. on September 28, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The public lands have been open and continue to be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

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

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81-20071 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5967

[NM 23166]

New Mexico; Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes the remaining 213.86 acres in Secretarial Order of June 16, 1939, which withdrew lands for the Tucumcari Project, New Mexico. This action will restore 161.16 acres of land to operation of the public land laws. The remaining 52.70 acres remains withdrawn for the New Mexico Army National Guard.

EFFECTIVE DATE: August 5, 1981.

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

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

1. Secretarial Order of June 16, 1939, which withdrew the following described lands for use by the Bureau of Reclamation for the Tucumcari Irrigation Project, is hereby revoked:

New Mexico Principal Meridian

T. 11 N., R. 30 E.,
Sec. 5, lot 4 and SW¼NW¼.
T. 12 N., R. 30 E.,
Sec. 32, lots 1, 2 and E½SW¼.

The areas described aggregate 213.86 acres in Quay County.

2. At 10 a.m. on August 5, 1981, all the lands, except lots 1 and 2, sec. 32, T. 12 N., R. 30 E, which are withdrawn for the New Mexico Army National Guard, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 5, 1981, shall be considered as simultaneously filed at the time. Those received thereafter shall be considered in the order of filing.

The lands, except those described in paragraph 2, have been open to location under the United States mining laws. All the lands have been and continue to be open to applications and offers under the mineral leasing laws.

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

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81-20072 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5972

[M-42886 SD, M-42888 SD, and M-42945 SD]

South Dakota; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes Secretarial Orders of November 8, 1905, March 3, 1909, and September 27, 1909, which withdrew lands for reclamation purposes. The lands remain closed to the public land laws because they are embraced in an allowed homestead entry.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Edgar D. Stark, Montana State Office, 406-657-6291.

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

1. Secretarial Orders dated November 8, 1905, March 3, 1909, and September 27, 1909, which withdrew the lands for reclamation purposes in the Belle Fourche Reclamation Project, are hereby revoked insofar as they affect the following described lands:

Black Hills Meridian

T. 7 N., R. 7 E.,
Sec. 6, S½NE¼.

The area described contains 80 acres in Meade County.

2. The lands will not be opened to the operation of the public land laws generally, as they are embraced in an allowed homestead entry.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81-20073 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5966

[W-060218]

Wyoming; Correction and Revocation of Public Land Order No. 1778

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew lands for a Bureau of Land Management administrative site at Rock Springs. The site is used presently by the Fish and Wildlife Service as an Animal Damage Control center. This action restores the lands to operation of the public land laws generally.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

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

1. The first line of the legal description contained in Public Land Order No. 1778 of January 14, 1959, is corrected to read

Sixth Principal Meridian instead of "Fifth Principal Meridian."

2. Public Land Order No. 1778 of January 14, 1959, which withdrew the following described public lands for use as an administrative site by the Bureau of Land Management is hereby revoked in its entirety:

Sixth Principal Meridian

T. 19 N., R. 105 W.,
Sec. 22, lots 22, and 23.

The area described contains 11.21 acres in Sweetwater County.

The United States acquired the surface estate in the lands in 1945 by private exchange, serial number Evanston 022404, from the Union Pacific Coal Company, which reserved mineral rights in the lands of every kind and character known to exist on the date of exchange. The United States has no known mineral interest in the lands.

The above described lands are presently subject to use by the Fish and Wildlife Service for an administrative site by right-of-way grant W-60227, made pursuant to Section 507 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2781; 43 U.S.C. 1767.

3. At 10 a.m. on August 5, 1981, the public lands described above shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81-20074 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5971

[W-27637]

Wyoming; Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial Order which withdrew lands for reclamation purposes. This action restores the lands to operation of the public land laws, including the mining and mineral leasing laws.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

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

1. The Secretarial Order of July 8, 1941, withdrawing the following described public lands for the Bureau of Reclamation, Green River Project (Opal Project), is hereby revoked:

Six Principal Meridian, Wyoming

T. 21 N., R. 116 W.,
Sec. 1, lots 5, 11, 12, 15, 16, 17, and 18 (formerly SE¼NW¼), and 19 and 20 (formerly lot 14);
Sec. 2, lots 8 (part of Tract 76), and 9;
Sec. 3, lots 5, 6, 7, 8, SW¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 4, lots 5, 6, and S½NE¼.
T. 22 N., R. 116 W.,
Sec. 16, lots 3 and 6;
Sec. 17, lots 1, 5, W½NE¼, SE¼NE¼, N½NW¼, SE¼NW¼, and NE¼SE¼;
Sec. 18, lot 1;
Sec. 20, lots 3, 4, and 5;
Sec. 21, lots 1, 2, 3, 7, W½SW¼, and SE¼SW¼;
Sec. 22, lots 4, 5, NW¼NW¼, SE¼NW¼, and N½SE¼;
Sec. 23, SE¼NW¼ (now described as lot 2 of section 23 and lot 9 of Lot 55);
Sec. 26, lots 1, 2, 3, 4, W½NW¼, and SE¼SE¼;
Sec. 27, lots 1 and 2;
Sec. 28, SW¼NE¼, E½NW¼, N½SE¼, and SW¼SE¼;
Sec. 34, lots 1, 2, 3, 4, 5, 6, 7, NW¼, N½SW¼, and NW¼SE¼;
Sec. 35, lots 1, 2, 3, and 7.
T. 23 N., R. 117 W.,
Sec. 25, lots 1, 2, and W½SW¼;
Sec. 26, lot 4, SW¼NW¼, W½NE¼SW¼, W½SW¼, and SE¼SW¼;
Sec. 35, N½N½;
Sec. 36, lot 4.

The areas described aggregate 3,559.79 acres in Lincoln County, Wyoming.

2. At 10:00 a.m., on August 5, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to application and offers under the mineral leasing laws and to location under the United States mining laws at 10:00 a.m., on August 5, 1981.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81-20075 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5964

[M-41682]

Montana; Partial Revocation of Executive Order Dated June 13, 1925, Public Water Reserve No. 91

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive order affecting 156.17 acres of land withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous location under the mining laws.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406-657-6291.

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

1. Executive Order dated June 13, 1925, which withdrew lands for use as a public water reserve, is hereby revoked in part so far as it affects the following described lands:

Principal Meridian

T. 5 N., R. 3 W.,
Sec. 6, lots 3, 4, and 5, SE¼NW¼.

The area described contains 156.17 acres in Jefferson County.

2. At 8 a.m. on August 5, 1981, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to nonmetalliferous mineral location under the mining laws at 8 a.m. on August 5, 1981. The lands have been and continue to be open to metalliferous location under the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81-20119 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5965

[OR-19329]

Oregon; Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew 40 acres of land for reclamation purposes. The land will not be restored to operation of the public land laws because it remains withdrawn for the John Day Fossil Beds National Monument.

EFFECTIVE DATE: July, 9, 1981.

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

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

1. The Secretarial Order of may 10, 1930, which withdrew the following described land for use by the Bureau of Reclamation for reclamation purposes in connection with the Columbia South Side Project, is hereby revoked:

Willamette Meridian

T. 7 S., R. 19 E.,
Sec. 35, NW¼SW¼.

The area described contains 40 acres in Wheeler County.

2. The above described land is withdrawn for the John Day Fossil Beds National Monument and remains segregated from operation of the public land laws generally, including the United States mining laws and mineral leasing laws.

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

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81-20116 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5969

[OR 20224-B]

Oregon; Partial Revocation of Public Water Reserve No. 70

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 160.35 acres of public land withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: August 5, 1981.

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

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

1. The Executive Order of March 8, 1920, which withdrew certain lands for public water reserve purposes, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Public Water Reserve No. 70

T. 15 S., R. 21 E.,
Sec. 25, N½SE¼ and SE¼SE¼.
T. 17 S., R. 16 E.,
Sec. 5, lot 2.

The area described contains 160.35 acres in Crook County.

2. At 10 a.m. on August 5, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on August 5, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

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

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81-20115 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5973

[M-48729]

Montana; Powersite Restoration No. 764; Powersite Cancellation No. 353; Partial Revocation of Powersite Reserve Nos. 9, 141, and 449; and Powersite Classification Nos. 243 and 369

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes certain Executive and Departmental orders which withdrew lands to protect the Canyon Ferry Reservoir Site. All the lands, except 38 acres which will be open to operation of the public land laws, remain withdrawn for reclamation purposes.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Edgar D. Stark, Montana State Office, 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination of the Federal Energy Regulatory Commission in DA-203-Montana, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Powersite Reserve Nos. 9 and 141; Executive Order of September 5, 1914, creating Powersite Reserve No. 449; Departmental Orders of December 10, 1929, and October 24, 1944, creating Powersite Classification Nos. 243 and 369, are hereby revoked insofar as they affect the following described lands:

Principal Meridian

Powersite Reserve No. 9

T. 10 N., R. 1 W.,
Sec. 14, lots 1 to 5, inclusive;
Sec. 23, NE¼SW¼.

Area—153.77 acres.

Powersite Reserve No. 141

T. 9 N., R. 1 E.,
Sec. 8, lot 2.
T. 10 N., R. 1 E.,
Sec. 30, NE¼NW¼, NE¼SW¼.
T. 9 N., R. 1 W.,
Sec. 1, NE¼NE¼.
T. 10 N., R. 1 W.,
Sec. 3, lot 16;
Sec. 11, S½SW¼;

Sec. 24, W½NE¼;
Sec. 26, SE¼SE¼.
Area—373.22 acres.

Powersite Reserve No. 449

T. 9 N., R. 1 E.,
Sec. 6, lot 17;
Sec. 14, lot 1.
Area—18.32 acres.

Powersite Classification No. 243

T. 8 N., R. 1 E.,
Sec. 12, NE¼SW¼;
Sec. 14, lot 5;
Sec. 24, lots 1 and 2.
T. 9 N., R. 1 E.,
Sec. 7, lot 9;
Sec. 8, lot 5;
Sec. 14, lot 4 and E½SE¼;
Sec. 26, lots 6 and 7.
T. 9 N., R. 1 W.,
Sec. 1, lot 2 and S½NE¼.
T. 10 N., R. 1 W.,
Sec. 13, NW¼NE¼, E½NW¼;
Sec. 14, lot 4;
Sec. 26, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, and W½SE¼;
Sec. 35, N½NE¼, SE¼NE¼.
Area—949.21 acres.

Powersite Classification No. 369

T. 7 N., R. 1 E.,
Sec. 1, lots 5 and 10;
Sec. 12, lot 4.
T. 7 N., R. 2 E.,
Sec. 6, lot 3.
Area—82.86 acres.
The areas described aggregate approximately 1,577.38 acres in Broadwater and Lewis and Clark Counties.

2. All of the lands, except a 38 acre tract in the SW¼NE¼ section 1, T. 9 N., R. 1 W., remain withdrawn for reclamation purposes. Any use of these lands will be subject to the provisions of existing withdrawals.

3. At 10 a.m. on August 5, 1981, the 38 acre tract described in paragraph 2 shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the State Director, Montana State Office, Granite Tower, 222 N. 32nd Street, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81-20116 Filed 7-8-81; 8:45 a.m.]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5974

[M-40598]

Montana; Revocation of Public Water Reserve No. 38

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order which withdrew 240 acres of land for use as a public water reserve. Part of the lands are in private ownership and the balance will be restored to national forest status.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Roland F. Lee, Montana State Office, 406-657-6291.

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

1. Executive Order of October 17, 1916, which withdrew the following described lands within the Lewis and Clark National Forest for a public water reserve, is hereby revoked in its entirety.

Principal Meridian

T. 15 N., R. 4 E.,
Sec. 23, NE¼, N½SE¼.

The area described contains 240 acres in Cascade County.

2. At 8 a.m. on August 5, 1981, the following described lands, embraced within the Lewis and Clark National Forest, shall be open to such forms of disposition as may by law be made of national forest lands.

Principal Meridian

T. 15 N., R. 4 E.,
Sec. 23, N½NE¼, SW¼NE¼, and NW¼SE¼, less that part of HES 627 in private ownership.

3. The following described lands are privately owned and not subject to disposition under the public land laws.

Principal Meridian

T. 15 N., R. 4 E.,
Sec. 23, SE¼NE¼, NE¼SE¼, and that part of the NW¼SE¼ in HES 627 that is in private ownership.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981

[FR Doc. 81-20121 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5975

[M-48533]

Montana; Partial Revocation of Public Water Reserve No. 137

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive order affecting a total of 240 acres of public land. This action restores the lands to nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Roland F. Lee, Montana State Office, 406-657-6291.

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

1. The Executive Order No. 5534 of January 21, 1931, which withdrew the following described lands for use as a public water reserve, is hereby revoked insofar as it affects the following described lands:

Principal Meridian

T. 4 S., R. 16 E.,
Sec. 21, SE¼SW¼, SW¼SE¼;
Sec. 22, SE¼NW¼, NE¼SW¼;
Sec. 28, NW¼NE¼, NE¼NW¼.

The area described contains 240 acres of public and nonpublic lands in Stillwater County.

2. The surface estate of the SE¼NW¼, sec. 22, and the NW¼NE¼, S½NE¼NW¼, sec. 28, have been patented with all minerals reserved to the United States.

3. The SE¼SW¼, SW¼SE¼, sec. 21, and the N½NE¼NW¼, sec. 28, remain segregated from operation of the public land laws generally by Stock Driveway Withdrawal No. 217. The NE¼SW¼, sec. 22, is segregated from operation of the public land laws generally by Powersite Reserve Withdrawal No. 155.

4. At 10 a.m. on August 5, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. They have been and continue to be open to metalliferous mineral location under the United States mining laws. All the lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau

of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81-20120 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

ACTION

45 CFR Part 1210

VISTA Trainee Deselection and Volunteer Early Termination Procedures

AGENCY: Action.

ACTION: Final regulation.

SUMMARY: This document codifies and revises ACTION's procedure concerning the deselection of Trainees and early termination of Volunteers by the ACTION Agency, and the procedure for appealing such deselections and terminations. Also, this procedure has been revised to include a section dealing with VISTA Volunteers in ACTION's National Grant Program.

EFFECTIVE DATE: This regulation shall take effect on August 24, 1981.

FOR FURTHER INFORMATION CONTACT: Angelo Traficanti, Chief, VISTA Policy Unit, toll-free 800-424-8580 Extension 82.

SUPPLEMENTARY INFORMATION: ACTION's procedures for deselecting Trainees, terminating Volunteers and providing an opportunity to appeal such terminations are presently contained in ACTION Order 4002.6, entitled "Suspension, Early Termination and Appeal Procedures for VISTA and ACV Volunteers and Trainees", published in 1974, and also appear in the VISTA Volunteer Handbook distributed to all Volunteers. Five years experience has indicated a need for revision as well as codification in the Code of Federal Regulations. In August 1979, all Regional and State ACTION offices as well as the National VISTA Volunteers Form were asked for suggestions as to changes in the early termination procedures. A proposed rule incorporating these ideas and making editorial revisions in the existing procedrues was published in the **Federal Register** for comment on November 16, 1979 (44 FR 65999).

The Agency has considered the public comments received and has determined to adopt the proposed regulation with certain modifications. Discussed below are the provisions of the Final regulation and the major public comments the Agency received in response to its proposed rule.

I. Description of the Regulation

This regulation establishes the standards and procedures by which full-time Trainees and Volunteers enrolled in programs authorized by Part A or Part C of Title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 *et seq.*) may be terminated from volunteer service. Under the regulation, the Volunteer is first notified that consideration is being given to his or her termination and informal discussions between the Volunteer and an ACTION staff member will be scheduled. If, after such discussion, the staff member believes that grounds for termination exist, the Volunteer will be given an opportunity to resign. If the Volunteer does not resign, he or she will be notified in writing of ACTION's intent to terminate. The Volunteer, within 10 days of receipt of such notice, may respond to the appropriate State Director or designee. The State Director will then review the case and issue a Notice of Decision. A Volunteer who is dissatisfied with the decision of the State Director may appeal the early termination to the Regional Director who will review the file and any additional information submitted by the Volunteer in the appeal and render a written decision.

A Volunteer may appeal the decision of the Regional Director within five days of its receipt by requesting in writing that the Regional Director appoint a Hearing Examiner (hereafter referred to as Examiner). Upon receipt of such a request, the Regional Director must appoint an Examiner who, after reviewing the complaint, determines the appropriate scope of the investigation. In the investigation, the Examiner must provide the Volunteer an opportunity to present his or her position through a personal interview, group meeting, or any other manner which the Examiner determines to be conducive to a fair and impartial gathering of the facts. A hearing will be held only if the Examiner determines that the documentation reveals a disputed question of fact necessary to the resolution of an issue relevant to the early termination.

When the investigation by the Examiner has been completed, a report, including recommendations, which will constitute the official termination file is written and the file is made available to the Volunteer for review and comment. After the Volunteer has been given the opportunity to review and comment on the file, the file is forwarded to the Director of VISTA for decision. The Director's decision must be made within ten days after receipt of the file and must be communicated to the Volunteer in writing. The decision of the Director of VISTA is the final Agency decision.

II. Discussion of Comments Received

A. Nature of the Comments

The Agency received ten letters containing approximately twenty-five comments on the draft regulations published in the November 16, 1979, **Federal Register**. Analysis of the comments reflects concern with the following two categories: the role of the Examiner, and the change in the submission of an appeal to the Examiner after the Regional Director's decision rather than before as in the previous procedure. These two areas account for the majority of the comments received that were not of merely a technical nature.

Comments were received from Agency officials and both present and past VISTA Volunteers. The following is the Agency's response to the substantive comments received.

B. Response

Structural Position of the Investigation and Hearing. Two comments were received that protested the proposed change in the regulations from appointment of the Examiner prior to the Regional Director's decision to after the Regional Director's decision and prior to the final Agency decision by the Director of VISTA. One comment stated that such a change would place an undue burden on the Regional Director to determine the facts, and the other comments pointed out that such a change would harm the Volunteer who would be required to proceed through another step of Agency review prior to an independent review by an Examiner.

After consideration of both points, the Agency feels that the proposed provision requiring appointment of an Examiner after the Regional Director's decision is the most economical, practical, and equitable procedure. The Regional Directors are closely involved and familiar with the situation in their Regions and have access to sources of pertinent information regarding terminations. Although the loss of the Examiner's report prior to their decisions may place the burden of further investigation on the Regional Directors, it provides a formal decision on the termination appeal prior to the assignment of an Examiner. The Agency does not feel that altering the placement of the independent examination to after the Regional Director's decision seriously affects the rights of the Volunteer. The provision of an independent investigation is still

available to the Volunteer who is not satisfied with the State and Regional response.

Role of the Examiner: The other comments received concerning the Examiner involved a demand that all Volunteers, once referred to the Examiner, should be entitled to a full hearing. No previous Agency procedures ever gave the Volunteers such a right, nor does the Agency believe a full hearing to be necessary in all terminations. The regulation requires a hearing by the Examiner only in those terminations in which a disputed question of fact necessary to the resolution of an issue relevant to the termination is presented. If no hearing is required, an opportunity for presentation of relevant and material information to the Examiner is required. Furthermore, the Volunteer reviews, and may submit comments on the completed file prior to the issuance of the report by the Examiner.

Pursuant to Section 3(c)(3) of E.O. 12291, entitled, "Federal Regulation" the required review process has been completed by the Director of the Office of Management and Budget.

List of Subjects in 45 CFR Part 1210:

Volunteers: Grant Programs/Social Programs; Administrative Practice and Procedure.

Accordingly, 45 CFR Part 1210 is added to read as follows:

PART 1210—VISTA TRAINEE DESELECTION AND VOLUNTEER EARLY TERMINATION PROCEDURES

Subpart A—General

Sec.

Subpart B—VISTA Trainee Deselection

Subpart C—VISTA Volunteer Early Termination

Subpart D—National Grant Trainees and Volunteers

Appendix A—Standard for Examiners

Authority: Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407.

Subpart A—General

§ 1210.1–1 Purpose.

This part establishes procedures under which certain Trainees and Volunteers serving in ACTION programs under Pub. L. 93–113 will be deselected from training or termininated from service and how they may appeal their deselection or termination.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.1–2 Scope.

(a) This part applies to all Trainees and Volunteers enrolled under Part A of Title I of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, as amended, (42 U.S.C. 4951 *et seq.,)* (hereinafter the "Act") and full-time Volunteers serving under Part C of Title I of the Act.

(b) This part does not apply to the medical separation of any Trainee or Volunteer. Separate procedures, as detailed in the VISTA Handbook, are applicable for such separations.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.1–3 Definitions.

(a) "Trainee" means a person enrolled in a program under Part A of Title I of the Act or for full-time volunteer service under Part C of Title I of the Act who has reported to training but has not yet completed training and been assigned to a project.

(b) "Volunteer" means a person enrolled and currently assigned to a project as a full-time Volunteer under Part A of Title I of the Act, or under Part C of Title I of the Act.

(c) "Sponsor" means a public or private nonprofit agency to which ACTION has assigned Volunteers.

(d) "Hearing Examiner" or "Examiner" means a person having the qualifications described in Appendix A who has been appointed to conduct an inquiry with respect to a termination.

(e) "National Grant Program" means a program operated under Part A, Title I of the Act in which ACTION has awarded a grant to provide the direct costs of supporting VISTA Volunteers on a national or multi-regional basis. VISTA Volunteers may be assigned to local offices or project affiliates. The national grantee provides overall training, technical assistance and management support for project operations.

(f) "Local component" means a local office or project affiliate of a national grantee to which VISTA Volunteers are assigned under the VISTA National Grants Program.

(g) "Termination" means the removal of a Volunteer from VISTA service by ACTION, and does not refer to removal of a Volunteer from a particular project which has been requested by a sponsor or Governor under § 1210.3–2.

(h) "Deselection" means the removal of a Trainee from VISTA service by ACTION.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

Subpart B—VISTA Trainee Deselection

§ 1210.2–1 Grounds for deselection.

ACTION may deselect a Trainee out of a training program for any of the following reasons:

(a) Failure to meet training selection standards which includes, but is not limited to, the following conduct:

(1) inability or refusal to perform training assignments;

(2) disruptive conduct during training sessions;

(b) Conviction of any criminal offense under Federal, State or local statute or ordinance;

(c) Violation of any provision of the Domestic Volunteer Service Act of 1973, as amended, or any ACTION policy, regulation, or instruction;

(d) Intentional false statement, omission, fraud, or deception in obtaining selection as a Volunteer; or

(e) Refusal to accept Volunteer Placement.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.2–2 Procedure for deselection.

(a) The Regional Director or designee shall notify the Trainee in writing that ACTION intends to deselect the Trainee. The notice must contain the reasons for the deselection and indicate that the Trainee has 5 days to appeal.

(b) The Trainee is placed on Administrative Hold at the time of the notice of deselection.

(c) The Trainee has 5 days after receipt of the notice to appeal in writing to the Regional Director, or designee specified in the notice, furnishing any supportive documentation. In the appeal letter, the Trainee may request an opportunity to present his or her case in person.

(d) If the Trainee does not respond to the notice, deselection becomes effective at the expiration of the Trainee's time to appeal.

(e) Within 5 days after receiving the Trainee's appeal, if no personal presentation is requested, the Regional Director or designee must issue a

decision. If a personal presentation is requested, the Regional Director or designee must schedule it within 5 days, and must issue a decision 5 days after such presentation. In either case, the decision of the Regional Director or designee is final.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

Subpart C—VISTA Volunteer Early Termination

§ 1210.3-1 Grounds for termination.

ACTION may terminate or suspend a Volunteer based on the Volunteer's conduct for the following reasons:

(a) Conviction of any criminal offense under Federal, State, or local statute or ordinance;

(b) Violation of any provision of the Domestic Volunteer Service Act of 1973, as amended, or any ACTION policy, regulation, or instruction;

(c) Failure refusal or inability to perform prescribed project duties as outlined in the Project Narrative and/or volunteer assignment description and as directed by the sponsoring organization to which the Volunteer is assigned;

(d) Involvement in activities which substantially interfere with the Volunteer's performance of project duties;

(e) Intentional false statement, omission, fraud, or deception in obtaining selection as a Volunteer;

(f) Any conduct on the part of the Volunteer which substantially diminishes his or her effectiveness as a VISTA Volunteer; or

(g) Unsatisfactory performance of Volunteer assignment.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-2 Removal from project.

(a) Removal of a Volunteer from the project assignment may be requested and obtained by a written request supported by a statement of reason by: (1) The Governor or chief executive officer of the State or similar jurisdiction in which the Volunteer is assigned or, (2) the sponsoring organization. The sole responsibility for terminating or transferring a Volunteer rests with the ACTION Agency.

(b) A request for removal of a Volunteer must be submitted to the ACTION State Director, who will in turn notify the Volunteer of the request. The State Director, after discussions with the Volunteer and in consultation with the Regional Director, if necessary, has 15 days to attempt to resolve the situation with the sponsor or the Governor's office. If the situation is not resolved at the end of the 15 day period, the Volunteer will be removed from the project and placed on Administrative Hold, pending a decision as set forth in paragraph (c) of this section.

(c) The State office will take one of the following actions concerning a Volunteer who has been removed from a project assignment:

(1) Accept the Volunteer's resignation;

(2) If removal was requested for reasons other than those listed in § 1210.3-1, ACTION will attempt to place the Volunteer on another project. If reassignment is not possible, the Volunteer will be terminated for lack of suitable assignment, and he or she will be given special consideration for reinstatement; or

(3) If removal from the project is approved based on any of the grounds for early termination as set forth in § 1210.3-1, the Volunteer may appeal the termination grounds as detailed in Subpart C of this Part to establish whether such termination is supported by sufficient evidence. If ACTION determines that the removal based on grounds detailed in § 1210.3-1 is not established by adequate evidence, then the procedures outlined in § 1210.3-2(c)(2) will be followed.

(d) A Volunteer's removal during a term of service may also occur as a result of either the termination of, or refusal to renew, the Memorandum of Agreement between ACTION and the sponsoring organization, or the termination or completion of the initial Volunteer assignment. In such cases, the Volunteer will be placed in Administrative Hold status while the Regional Office attempts to reassign the Volunteer to another project. If no appropriate reassignment within the Region is found within the Administrative Hold period, the Volunteer will be terminated but will receive special consideration for reinstatement as soon as an appropriate assignment becomes available. If appropriate reassignment is offered the Volunteer and declined, ACTION has no obligation to offer additional or alternative assignments.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-3 Suspension.

(a) The ACTION State Director may suspend a Volunteer for up to 30 days in order to determine whether sufficient evidence exists to start termination proceedings against the Volunteer. Suspension is not warranted if the State Director determines that sufficient grounds already exist for the initiation of termination. In that event, the termination procedures contained in § 1210.3-4 will be followed.

(b) Notice of suspension may be written or verbal and is effective upon delivery to the Volunteer. Within 3 days after initiation of the suspension, the Volunteer will receive a written notice of suspension setting forth in specific detail the reason for the suspension. During the suspension period the Volunteer may not engage in project activities, but will continue to receive all allowances, including stipend.

(c) At the end of the suspension period, the Volunteer must either be reassigned to a project, or termination proceedings must be initiated.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-4 Initiation of termination.

(a) Opportunity for Resignation. In instances where ACTION has reason to believe that a Volunteer is subject to termination for any of the grounds cited in § 1210.3-1, an ACTION staff member will discuss the matter with the Volunteer. If, after the discussion, the staff member believes that grounds for termination exist, the Volunteer will be given an opportunity to resign. If the Volunteer chooses not to resign, the administrative procedures outlined below will be followed.

(b) Notification of Proposed Termination. The Volunteer will be notified, in writing by certified mail, of ACTION's intent to terminate him or her by the ACTION State Director at least 15 days in advance of the proposed termination date. The letter must give the reasons for termination, and notify the Volunteer that he or she has 10 days within which to answer in writing and to furnish any affidavits or written material. This answer must be submitted to the ACTION State Director or a designee identified in the notice of proposed termination.

(c) Review and Notice of Decision. (1) Within 5 working days after the date of receipt of the Volunteer's answer, the State Director or designee will send a written Notice of Decision to the Volunteer by certified mail. (If no answer is received from the Volunteer within the time specified, the State Director or designee will send such notice within 5 days after the expiration of the Volunteer's time to answer.)

(2) If the decision is to terminate the Volunteer, the Notice will set forth the reasons for the decision, the effective date of termination (which, if the Volunteer has filed an answer, may not be earlier than 10 days after the date of the Notice of Decision), and the fact that the Volunteer has 10 days in which to submit a written appeal to the Regional Director.

(3) A Volunteer who has not filed an answer pursuant to the procedures outlined above is not entitled to appeal the decision or request a hearing and may be terminated on the date of the Notice.

(d) Allowances and Project Activities. (1) A Volunteer who files an answer within the 10 days allowed by 1210.3–4(b) with the State Director or designee following receipt of the notice of proposed termination, will be placed in Administrative Hold status, and may continue to receive regular allowances, but no stipend, in accordance with ACTION policy, until the appeal is finally decided. The Volunteer may not engage in any project related activities during this time.

(2) If the proposed termination is reversed, the Volunteer's stipend and any other allowances lost during the period of review will be reinstated retroactively.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.3–5 Preparation for appeal.

(a) Entitlement to Representation. A Volunteer may be accompanied, represented and advised by a representative of the Volunteer's own choice at any stage of the appeal. A person chosen by the Volunteer must be willing to act as representative and not be disqualified because of conflict of position.

(b) Time for Preparation and Presentation. (1) A Volunteer's representative, if a Volunteer or an employee of ACTION, must be given a reasonable amount of time off from assignment to present the appeal.

(2) ACTION will not pay travel expenses or per diem travel allowances for either a Volunteer or the Volunteer's representative in connection with the preparation of the appeal, except to attend the hearing as provided in § 1210.3–7(c)(5).

(c) Access to Agency Records. (1) A Volunteer is entitled to review any material in his or her official Volunteer folder and any relevant Agency documents to the extent permitted by the Privacy Act and the Freedom of Information Act. (5 U.S.C. 552a; 5 U.S.C. 552). Examples of documents which may be withheld from Volunteers include references obtained under a pledge of confidentiality, official Volunteer folders of other Volunteers and privileged intra-Agency memoranda.

(2) A Volunteer may review relevant documents in the possession of a sponsor to the same extent ACTION would be entitled to review them.

(Secs. 103(c), 402(14) Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.3–6 Appeal of termination.

(a) Appeal to Regional Director. A Volunteer has 10 days from the Notice of Decision issued by the State Director or designee in which to appeal to the Regional Director. The appeal must be in writing and specify the reasons for the Volunteer's disagreement with the decision. The Regional Director has 10 days in which to render a written decision on the Volunteer's appeal, indicating the reason for the decision. In notifying the Volunteer of the decision, the Regional Director must also inform the Volunteer of his or her opportunity to request the appointment of a Hearing Examiner and the procedure to be followed.

(b) Referral to Hearing Examiner. If the Volunteer is dissatisfied with the decision of the Regional Director, the Volunteer has 5 days in which to request the appointment of a Hearing Examiner. The Regional Director must act on that request within 5 days. The Hearing Examiner must possess the qualifications specified in Appendix A to this Part, and may not be an employee of ACTION unless his or her principal duties are those of Hearing Examiner.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.3–7 Inquiry by Hearing Examiner.

(a) Scope of Inquiry: (1) The Examiner shall conduct an inquiry of a nature and scope appropriate to the issues involved in the termination. If the Examiner determines that the termination involves relevant disputed issues of fact, the Examiner must hold a hearing unless it is waived by the Volunteer. If the Examiner determines that the termination does not involve relevant disputed issues of facts, the Examiner need not hold a hearing, but must provide the parties an opportunity for oral presentation of their respective positions. At the Examiner's discretion, the inquiry may include:

(i) The securing of documentary evidence;

(ii) Personal interviews, including telephone interviews;

(iii) Group meetings; or

(iv) Affidavits, written interrogatories or depositions.

(2) The Examiner's inquiry shall commence within 7 days after referral by the Regional Director. The Examiner shall issue a report as soon as possible, but within 30 days after referral, except when a hearing is held. If hearing is held, the Examiner shall issue a report within 45 days after the referral.

(b) Conduct of Hearing. If a hearing is held, the conduct of the hearing and production of witnesses shall conform with the following requirements:

(1) The hearing shall be held at a time and place determined by the Examiner who shall consider the convenience of parties and witnesses and expense to the Government in making the decision.

(2) Ordinarily, attendance at the hearing will be limited to persons determined by the Examiner to have a direct connection with it. If requested by the Volunteer, the Examiner must open the hearing to the public.

(3) The hearing shall be conducted so as to bring out pertinent facts, including the production of pertinent records.

(4) Rules of evidence shall not be applied strictly, but the Examiner may exclude irrelevant or unduly repetitious testimony or evidence.

(5) Decisions on the admissibility of evidence or testimony shall be made by the Examiner.

(6) Testimony shall be under oath or affirmation, administered by the Examiner.

(7) The Examiner shall give the parties an opportunity to present oral and written testimony that is relevant and material, and to cross-examine witnesses who appear to testify.

(8) The Examiner may exclude any person from the hearing for conduct that obstructs the hearing.

(c) Witnesses.

(1) All parties are entitled to produce witnesses.

(2) Volunteers, employees of a sponsor, and employees of ACTION shall be made available as witnesses when requested by the Examiner. The Examiner may request witnesses on his or her own initiative. Parties shall furnish to the Examiner and to opposing parties a list of proposed witnesses, and an explanation of what the testimony of each is expected to show, at least 10 days before the date of the hearing. The Examiner may waive the time limit in appropriate circumstances.

(3) Employees of ACTION shall remain in a duty status during the time they are made available as witnesses.

(4) Volunteers, employees and any other persons who serve as witnesses shall be free from coercion, discrimination, or reprisal for presenting their testimony.

(5) The Examiner must authorize payment of travel expense and per diem at standard Government rates for the Volunteer and a representative to attend the hearing.

(6) The Examiner may authorize payment of travel expense and per diem at standard Government rates for other

necessary witnesses to attend the hearing if he or she determines that the required testimony cannot be satisfactorily obtained by affidavit, written interrogatories or deposition at less cost.

(d) Report of Hearing. (1) The Examiner shall determine how any hearing shall be reported and shall have either a verbatim transcript or written summary of the hearing prepared, which shall include all pertinent documents and exhibits submitted and accepted. If the hearing is reported verbatim, the Examiner shall make the transcript a part of the record of the proceedings.

(2) If the hearing is not reported verbatim, a suitable summary of pertinent portions of the testimony shall be made part of the record of proceedings. When agreed to in writing, the summary constitutes the report of the hearing. If the Examiner and the parties fail to agree on the hearing summary, the parties are entitled to submit written exceptions to any part of the summary, and these written exceptions and the summary will constitute the report of the hearing and shall be made part of the record of proceedings.

(3) The Volunteer may make a recording of the hearing at the Volunteer's own expense if no verbatim transcript is made.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.3–8 Termination file and Examiner's report.

(a) Preparation and Content. The Examiner shall establish a termination file containing documents related to the termination, including statements of witnesses, records or copies thereof, and the report of the hearing when a hearing was held. The Examiner shall also prepare a report of findings and recommendations which shall be made part of the termination file.

(b) Review by Volunteer. On completion of the termination file, the Examiner shall make it available to the Volunteer and representative for review and comment before submission to the Director of VISTA. Any comments by the Volunteer or representative should be submitted to the Hearing Examiner for inclusion in the termination file not later than 5 days after the file is made available to them. The comments should identify those parts of the Examiner's report which support the appeal.

(c) Submission of termination file. Immediately upon receiving the comments from the Volunteer the Hearing Examiner shall submit the termination file to the Director of VISTA.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.3–9 Decision by Director of VISTA.

The Director of VISTA shall issue a written decision, including a statement of the basis for the decision, within 10 days after receipt of the termination file. The decision of the Director of VISTA is the final Agency decision.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.3–10 Reinstatement of Volunteer.

(a) If the Regional Director or Director of VISTA reinstates the Volunteer, the Regional Director may at his or her discretion reassign the Volunteer to the Volunteer's previous project or to another project. The Regional Director, in making such a decision, must request the Volunteer's views, but has the final decision on the Volunteer's placement.

(b) If the Volunteer's termination is reversed, stipend and other allowances lost during the appeal period will be paid retroactively.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.3–11 Disposition of termination and appeal files.

All termination and appeal files shall be forwarded to the Director of VISTA after a final decision has been made and are subject to the provisions of the Privacy Act and Freedom of Information Act. No part of any successful termination appeal may be made part of, or included in, a Volunteer's official folder.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

Subpart D—National Grant Trainees and Volunteers

§ 1210.4 Early termination procedures for National Grant Trainees and Volunteers.

Trainees and Volunteers serving in the National Grant Program as defined in § 1210.1–3(e) will be subject to the same termination procedure as standard VISTA Trainees and Volunteers with the following exceptions:

(a) For Trainees, the deselection procedure, [See § 1210.2–2] will be handled by the Project Manager in ACTION/Headquarters.

(b) The Initiation of termination, [See § 1210.3–4 (a) and (b)] will be handled by the VISTA Project Manager in ACTION/Headquarters, with the concurrence of the appropriate State Director. The Review and Notice of Decision, [See § 1210.3–4(c)] will be handled by the VISTA Project Manager in ACTION/Headquarters.

(c) The Appeal of termination, [See § 1210.3–6(a)] will be handled by the Chief of VISTA Branch and not the Regional Director.

(d) The final decision on a Volunteer appeal will be made by the Director of VISTA as provided in § 1210.3–9.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

Appendix A—Standard for Examiners

(a) An Examiner must meet the requirements specified in either (1), (2), (3), or (4) below:

(1)(a) Current employment in Grades GS–12 or equivalent, or above;

(b) Satisfactory completion of a specialized course of training prescribed by the Office of Personnel Management for Examiners;

(c) At least four years of progressively responsible experience in administrative, managerial, professional, investigative, or technical work which has demonstrated the possession of:

(i) The personal attributes essential to the effective performance of the duties of an Examiner, including integrity, discretion, reliability, objectivity, impartiality, resourcefulness, and emotional stability.

(ii) A high degree of ability to:

—Identify and select appropriate sources of information; collect, organize, analyze and evaluate information; and arrive at sound conclusions on the basis of that information;

—Analyze situations; make an objective and logical determination of the pertinent facts; evaluate the facts; and develop practical recommendations or decisions on the basis of facts;

—Recognize the causes of complex problems and apply mature judgment in assessing the practical implications of alternative solutions to those problems;

—Interpret and apply regulations and other complex written material;

—Communicate effectively orally and in writing, including the ability to prepare clear and concise written reports; and

—Deal effectively with individuals and groups, including the ability to gain the cooperation and confidence of others.

(iii) A good working knowledge of:

—The relationship between Volunteer administration and overall management concerns; and

—The principles, systems, methods and administrative machinery for accomplishing the work of an organization.

(2) Designation as an arbitrator on a panel of arbitrators maintained by either the Federal Mediation and Conciliation Service or the American Arbitration Association.

(3) Current or former employment as, or current eligibility on the Office of Personnel Management's register for Hearing Examiner, GS–935–0.

(4) Membership in good standing in the National Academy of Arbitrators.

(b) A former Federal employee who, at the time of leaving the Federal service, was in Grade GS–12 or equivalent, or above, and who meets all the requirements specified for an Examiner except completion of the prescribed training course, may be used as an Examiner upon satisfactory completion of the training course.

Signed at Washington, D.C., this 15th day of June 1981.

Thomas W. Pauken,

Director.

[FR Doc. 81-20113 Filed 7-8-81; 8:45 am]

BILLING CODE 6050-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003 and 1043

[Ex Parte No. MC-5 (Sub-No. 1)]

Motor Carriers of Property; Minimum Amounts of Bodily Injury and Property Damage Liability Insurance

AGENCY: Interstate Commerce Commission.

ACTION: Extension of date when certificates of insurance (Form B.M.C. 91) on file with the Commission will be deemed to certify new policy limits.

SUMMARY: In a decision served June 25, 1981, and published in 46 FR 33277 (June 29, 1981) the Commission adopted increased insurance minimums for motor carriers of property to cover bodily injury and property damage liability. In Appendix A, Notice to Insurance Companies, the Commission advised the insurance companies that certificates of insurance (B.M.C. 91) on file for motor property carriers on and after August 7, 1981, will automatically certify that the carrier's policy contains the higher insurance amounts.

In order to provide additional time for the insurance companies to review and evaluate their policies, a three-week extension with respect to the date certificates on file will be deemed to certify compliance with the new insurance limits, is established; changing that date from August 7 to August 28, 1981.

DATE: Effective July 1, 1981, certificates of insurance for motor property carriers (Form B.M.C. 91) on file with the Commission on and after August 28, 1981 will be deemed to certify new policy limits.

FOR FURTHER INFORMATION CONTACT:

Phyllis L. Gunn, (202) 275-7475.

This decision will not affect the quality of the human environment significantly or the conservation of energy resources, nor will it have an adverse affect on small business.

Authority: 49 U.S.C. 10321, 10927 and 5 U.S.C. 553.

Decided: July 1, 1981.

By the Commission: Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20087 Filed 7-8-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Parts 1300 and 1310

[Ex Parte No. 261 (Sub-No. 1)]

Tariffs Containing Joint Rates and Through Routes; Freight Forwarders and Nonvessel Operating Common Carriers by Water (NVO)

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission has modified existing rules to allow the filing of joint rates and through routes between rail, motor, and water carriers subject to its jurisdiction and nonvessel operating common carriers (NVO's) subject to the jurisdiction of the Federal Maritime Commission. Editorial changes are adopted to increase the clarity of certain regulations.

DATES: The modifications shall become effective September 8, 1981. Interested parties may comment on the modification to 49 CFR 1310 up to August 10, 1981.

ADDRESS: An original and 15 copies of comments should be submitted to: Interstate Commerce Commission, Section of Rates, Room 5340, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: We reopened this proceeding by notice of proposed rulemaking, 45 FR 86738 (December 31, 1980) as a result of our rulemaking in Ex Parte No. 364 (Sub-No. 1), *Freight Forwarder Contract Rates—Implementation of P.L. 96-296.* The notice addressed our proposal to allow nonvessel operating common carriers (NVO's) to establish international joint rates and through routes with carriers subject to our jurisdiction. We have, on this date, issued a final decision making the necessary CFR changes to implement our findings. Copies of the complete decision are available from the Secretary, ICC, Washington, DC. The rule changes and a summary of our reasoning follows.

Before passage of section 22(h) of the Motor Carrier Act of 1980 freight forwarders were not authorized to participate in joint rates and through routes with ocean carriers subject to the jurisdiction of the Federal Maritime Commission (FMC). A previous finding in this proceeding prohibited NVO's from establishing joint rates and through routes with ICC regulated carriers. Implementation of section 22(h) renders this prohibition unnecessary.

Some comments suggested that our proposal must be submitted to the FMC for approval since it affected shipping in foreign commerce. We disagreed, noting that the proponents gave the applicable statutory section too expansive an interpretation and that the FMC had previously urged upon this Commission the action we now take.

We also disagreed with those parties who asserted that specific authority to allow NVO's to participate in joint rates and through routes was required before this Commission could adopt the proposed rules. It was noted that although specific authority is necessary before ICC regulated carriers may be allowed to participate in these arrangements, in the original Ex Parte 261 (Sub-No. 1) proceeding it was settled that we possess authority to sanction these international arrangements.

Some parties believed that our action will allow NVO's to operate as unlicensed freight forwarders. We found that duplicative licensing of regulated common carriers was unwarranted.

Finally, we noted our authority to reexamine previous policy based decisions regarding NVO's in light of subsequent events. The passage of section 22(h) was identified as warranting reconsideration of our previous proscription of NVO participation in international joint rates and through routes with ICC regulated carriers.

We have revised minimally some of the affected CFR sections to increase clarity. The proposed modifications of 49 CFR 1300.12 and 1300.12(e) were unnecessary and those parts will remain unchanged. Additionally, due to inadvertence, our notice of proposed rulemaking neglected to include the proposed modifications to 49 CFR 1310 which governs motor common carrier intermodal freight tariffs. Consequently, we have elected to make these rules effective 60 days from the date of this publication (September 8, 1981) and shall allow interested parties 30 days from this date (August 10, 1981) to comment on the modification of that part.

We believe that our action fosters intermodalism and advances to the fullest the specific congressional intent. We adopt the rules set forth below. The rules apply only to regulated traffic. They do not apply to unregulated transportation such as TOFC/COFC

involving a rail carrier (deregulated in Ex Parte No. 230 (Sub-No. 5), *Improvement of TOFC/COFC Regulation*, [46 FR 14348, February 27, 1981], effective March 23, 1981).

49 CFR 1300 is amended as follows:

1. § 1300.0(a)(1) is revised to read as follows:

§ 1300.0 General provisions; definitions.

(a) *General application; conformation to rules; reissue.*

(1) This part governs the construction and filing of freight rate tariffs and classifications of (i) railroads, water carriers and pipeline companies subject to our jurisdiction, and their regulated joint rates and through routes with motor and domestic water carriers; (ii) joint rates and through routes of railroad, water, freight forwarder, and pipeline carriers subject to our jurisdiction on the one hand, and nonvessel or vessel-operating common carriers by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, for the transportation of property between any place in the United States and any place in a foreign country; and (iii) joint rates and through routes of freight forwarders with railroads. See 1300.67 1300.67(b)

* * * * *

2. § 1300.67(b)(1) is revised to read as follows:

§ 1300.67 Export and import traffic—ocean carriers.

* * * * *

(b) *Through routes and joint rates.* (1) A railroad, pipeline, freight forwarder, or water common carrier subject to the Interstate Commerce Act (hereinafter referred to in this section as the domestic carrier), may establish a through route and joint rate with either a nonvessel or a vessel-operating common carrier by water engaged in the foreign commerce of the United States (hereinafter referred to in this section as the ocean carrier), as defined in the Shipping Act, 1916, for the transportation of property between any place in the United States and any place in a foreign country. Every tariff naming such a through route and joint rate shall be filed with this Commission. The tariff may be filed in the name of the ocean carrier, a conference of ocean carriers, the domestic carrier or the duly appointed tariff publishing agent of such carriers.

§ 1310.0 [Amended]

49 CFR 1310 is amended as follows:

3. § 1310.0(f)(21) is amended by adding the words "nonvessel or" immediately preceding the word "vessel-operating." (See 1310.0(b)(1)(iii) and 1310.33(b)).

(49 U.S.C. 10321, 10703, 10762, 5 U.S.C. 553)

Dated: June 25, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20088 Filed 7-8-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

High Seas Salmon Fishery

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

ACTION: Final rule.

SUMMARY: The Director, Alaska Region, National Marine Fisheries Service, issues a final rule (field order) that closes the East management area in the Gulf of Alaska off Southeast Alaska to commercial fishing for salmon by vessels of the United States for the period beginning at 12:01 a.m., Pacific Daylight Time (PDT) on June 26, 1981, and lasting until 11:59 p.m., PDT on July 4, 1981. The Director is taking this action because harvest of chinook salmon in the 1981 East area commercial salmon fishery has been so rapid that the optimum yield for chinook salmon could, in the absence of this temporary closure, be attained well before the optimum yield for coho salmon had been taken. Because chinook salmon are taken incidentally, with high mortality, even in a fishery directed exclusively on cohos, this situation could threaten the conservation of chinook salmon or prevent full utilization of coho salmon. This action is intended to slow the rate of harvest of chinook in order to prevent premature achievement of the chinook salmon optimum yield and to provide management flexibility to allow concurrent achievement of the coho salmon optimum yield.

EFFECTIVE DATE: 12:01 a.m., PDT June 26, 1981, until 11:59 p.m., PDT July 4, 1981. Public comments are invited until August 10, 1981.

ADDRESS: Comments may be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (address above), (907) 586-7228.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude (FMP) provides for inseason adjustments to season and area openings or closures. Implementing rules in 50 CFR Part 674 specify at 674.23 (a) that these decisions shall be made by the Director, Alaska Region, National Marine Fisheries Service (Regional Director), under criteria set forth in that section. On June 17, 1980, the Assistant Administrator for Fisheries (Assistant Administrator), NOAA, delegated to the Regional Director authority to promulgate field orders making inseason adjustments.

Amendment No. 2 to the FMP, adopted by the North Pacific Fishery Mangement Council (Council) and initially approved by the Assistant Administrator reduces the chinook salmon optimum yield (OY) range for the East management area by 15 percent, from 286,000–320,000 to 243,000–272,000 fish. The OY reduction was determined to be necessary to respond to severe conservation problems arising from the depleted condition of many of the chinook salmon stocks harvested by the Southeast Alaska troll fishery. Trolling is the only commercial fishing method authorized by the FMP to harvest salmon in the fishery conservation zone (FCZ) off Southeast Alaska.

The OY reduction is to be implemented by a combination of a delayed season opening, and early season closure, gear restrictions, and whatever inseason time/area closures are necessary to provide management flexibility to allow concurrent fishing for both coho and chinook salmon during most of July and August, when the coho salmon OY is normally taken. Premature achievement of the chinook salmon OY could result in termination of the coho salmon fishery before the coho salmon OY was achieved if it were determined that continued fishing only for coho salmon would be damaging to chinook salmon stocks. Although trollers can target on either coho or chinook salmon to some extent, a chinook salmon only closure at the end of the season could result in substantial hooking mortalities and wastage of legal-sized chinook salmon. This circumstance could be tolerated for a short time toward the end of the season when fishing effort and chinook salmon catches are normally declining, but it would be undesirable during the first half of August when fishing effort and chinook salmon catches are still substantial.

Commercial trolling for salmon began in 1981 on May 15, one month later than during 1980. As of June 6, after three weeks of fishing, at least 77,000 chinook salmon had been landed. During 1980 the cumulative catch through the same date (June 6), but after seven weeks of fishing was 65,300 chinook salmon. At the 1980 rate of harvest, 272,000 chinook salmon were landed by August 20, despite a 10-day closure in July to protect coho salmon. At the present rate of harvest, the upper end of the OY range of 272,000 chinook salmon will be reached between August 8 and August 15, 1981. Therefore, the Regional Director has found that a mid-season closure is needed from 12:01 a.m., PDT June 26 to 11:59 p.m., PDT July 4 in order to slow the rate of harvest of chinook and delay the achievement of the chinook salmon OY until late August or early September when either a total closure or a chinook salmon-only closure would be acceptable.

Because the information upon which the Regional Director based his finding has only recently become available, it would be impracticable to provide a meaningful opportunity for prior public notice and comment on this field order and still impose a prompt closure to assure sound conservation of the resource. The Regional Director therefore finds, under 5 U.S.C. 553(b) and (d)(3), that there is good cause for not providing opportunity for public comment on this field order prior to its promulgation, and for not allowing the passage of the normal 30-day period before it goes into effect. Therefore, this field order shall become effective immediately on publication in the **Federal Register** and after being posted and broadcast for 48 hours through procedures of the Alaska Department of Fish and Game in accordance with 50 FR 674.23(b)(2). Under 50 CFR 674.23(b)(3), public comments on this field order may be submitted to the Regional Director at the address stated above for 30 days following the effective date. During the 30-day comment period, the data upon which this field order is based will be available for public inspection during business hours (8:00 a.m.–4:30 p.m.) at the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West 9th Street, Juneau, Alaska. The Regional Director will reconsider the necessity of this field order in light of the comments received, and subsequently publish in the **Federal Register** a notice either confirming this field order's continued effect or modifying or rescinding it. It was filed with the Environmental Protection Agency on January 18, 1979.

National Environmental Policy Act

A final environmental impact statement was prepared for approval and implementation of the FMP under section 102(2)(C) of the National Environmental Policy Act. It was filed with the Environmental Protection Agency on January 18, 1979.

Classification

The Administrator of NOAA has determined that this field order is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because it will not result in an annual effect on the economy of $100 million or more; will not result in a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

By slowing the rate of harvest of chinook to avoid premature closure of the chinook salmon season and thereby provide for concurrent harvest of coho and chinook salmon later during the season, this field order can be expected to allow fishermen to benefit from the increased value of chinook salmon that normally occurs later in the season. The value of a chinook salmon harvested in August can be expected to be greater than that harvested in June because of a greater proportion of red-fleshed fish, and the usual escalation of exvessel prices that occurs from beginning to end of the season. The short-term restrictions imposed by this field order are not expected to result in countervailing short-term decreases in investment, productivity, and competitiveness or in significant increases in consumer prices, and are inherent in the management regime set forth in the FMP. Consequently, the Administrator certifies that this field order will not have a significant impact on a substantial number of small entities, and thus does not require the preparation of a regulatory flexibility analysis under 5 U.S.C. 603 and 604. This rule does not contain a collection of information requirement, and does not involve any agency in collecting or sponsoring the collection of information, for purposes of the Paperwork Reduction Act of 1980.

Because of the need outlined above for prompt action to spread the chinook salmon harvest over a longer season, and to make the closure coincident with parallel State action, this field order responds to an emergency situation within the meaning of Section 8 of Executive Order 12291, and is thus exempt from the requirement of Section 3(c)(3) of that Order that it be submitted to the Director of the Office of Management 10 days prior to publication. This field order is being transmitted to the Director simultaneously with its filing in the **Federal Register.**

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 674 is amended as follows:

1. The authority citation for Part 674 reads as follows:

Authority: Section 305, Pub. L. 94–265, 90 Stat. 354–55 (16 U.S.C. 1855).

2. In 50 CFR 674.21 paragraph (a)(2) is amended to read as follows:

§ 674.21 Time and area limitations.

(a) *Commercial Fishing*— • • •

(2) *East Area.*

(i) Commercial fishing for chinook, chum, sockeye, and pink salmon in the East Area is permitted from 12:01 a.m., Pacific Daylight Time (PDT), on May 15 to 12:01 a.m., PDT, on June 26 and from 12:01 a.m., PDT, on July 5 to 11:59 p.m., PDT on September 20 only.

(ii) Commercial fishing for coho salmon in the East Area is permitted from 12:01 a.m., PDT, on June 15 to 12:01 a.m., PDT, on June 26 and from 12:01 a.m., PDT, on July 7 to 11:59 p.m., PDT, September 20 only.

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[FR Doc. 81-20046 Filed 7-8-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 6

Section 22 Import Quotas; Certain Dairy Products

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of adjustment of application period for certain import licenses.

SUMMARY: This notice is to advise applicants for import licenses for certain dairy products that applications mailed on either August 1, 2 or 3 will be treated equally as to the date of mailing.

FOR FURTHER INFORMATION CONTACT:
Phillip J. Christie, Head, Import Licensing Group, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, Room 6616 South Building, Department of Agriculture, Washington, D.C. 20250. Telephone (202) 447–5270.

SUPPLEMENTARY INFORMATION: Import Regulation 1, Revision 7 requires that applications for nonhistorical and supplementary import licenses for certain dairy products be submitted during a 90-day application period which begins on August 1 each year. Since many of the import licenses are issued on a first-come, first-served basis applicants are admonished to mail their applications on August 1 each year. This year August 1, 1981, falls on Saturday, a non-work day for many post offices. Therefore, the purpose of this notice is to advise all applicants who submit applications on either August 1, 2 or 3, 1981 that their application will be treated as being mailed on the same date for the purposes for determining priority in the issuance of import licenses. Thus, an application mailed on August 3 will receive the same priority as one mailed on August 1.

Signed, the 8th of July 1981.

Richard A. Smith,

Administrator, Foreign Agricultural Service.

[FR Doc. 81-20323 Filed 7-8-81; 11:26 am]

BILLING CODE 3410-01-M

Proposed Rules

Federal Register
Vol. 46, No. 131
Thursday, July 9, 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

Commodity Credit Corporation

7 CFR Part 1446

[Amdt. 2]

General Regulations Governing 1979 and Subsequent Crops Peanut Warehouse Storage Loans and Handler Operations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This regulation proposes simplified methods for the supervision of contract additional peanuts sold for export and provides that segregation 2 or 3 peanuts containing in excess of 10 percent moisture and/or foreign material may be pledged for loan and stored provided the producer has made a bona fide effort to clean and dry such peanuts. This rule is necessary in order to simplify compliance requirements and will result in savings to handlers trading in contract additional peanuts. This rule will also permit segregation 2 and 3 peanuts to be accumulated by producers before transferring such peanuts to crushing plants, thus resulting in a savings to Commodity Credit Corporation. Interested parties are invited to submit written comments on the proposed rule.

DATES: Written comments must be received on or before July 28, 1981.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741–South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: David Kincannon, Price Support and Loan Division, ASCS, USDA, 3758–South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6733. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from David Kincannon.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures and Executive Order 12291. This rule will not (1) result in an annual effect on the economy of $100 million or more or a major increase in costs or prices for consumers, industries, Federal, State or local governments, or geographical region, or (2) have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the rule has been classified as "not major."

Harold L. Jamison, Director, Price Support and Loan Division, Agricultural Stabilization and Conservation Service, has determined that an emergency situation exists which warrants publication of this proposed rule with less than a 60 day comment period. Peanut harvest will begin in late July and handlers of additional peanuts need to know compliance requirements so that they can make financial plans to obtain letters of credit and make other changes in their operations as necessary. Producers also need to know eligibility requirements for peanuts so that they can plan harvesting, drying, and cleaning operations.

The title and number of the Federal assistance program that this proposed rule applies to is: 10.051, as found in the Catalog of Federal Domestic Assistance. This proposed action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local governments are informed of this action.

Handler Supervision

Current procedures governing the exportation of contract additional peanuts provide that quota and additional peanuts may be commingled to facilitate efficient usage of storage facilities. When additional peanuts are removed from storage they must be physically supervised by inspectors of the applicable peanut association with supervision costs borne by handlers.

Such peanuts are sealed at receiving plants and seals can only be broken by an inspector of the peanut association. The inspector then personally supervises the unloading and all milling and in-plant operations. Thereafter, the inspector seals the plant at the end of each working day and for weekends, and must also break the seal when the plant is reopened. This procedure eliminates the flexibility necessary for efficient operations.

Any off-hour activity, including maintenance and repairs, is impossible without the expense of an on-site inspector. This supervisory procedure places significant regulatory burdens on all exporting handlers, indirectly reduces grower income, and directly increases costs to consumers.

The procedures described above were instituted in connection with the implementation of Title VIII of the Food and Agriculture Act of 1977, Pub. L. 95–113, 91 Stat. 944. Title VIII established a two-tiered system of marketing peanuts. Under that system, which has been in effect since 1978, only "quota peanuts" are eligible for domestic edible use. "Additional peanuts", (i.e., peanuts grown in excess of the farm's poundage quota) may only be used for crushing for oil or for export.

It is essential to the proper operation of this system that additional peanuts be prevented from being diverted to domestic edible use. To this end, Title VIII directed the Secretary to prescribe procedures for supervising the handling of additional peanuts.

The foregoing procedures were adopted for the 1978 and subsequent crops of peanuts. At that time, given the total lack of experience with a two-tiered marketing system and the very significant possibility of diversion to domestic edible use, it was determined that strict physical supervision of all additional peanuts was necessary.

The Department now has three years of experience in implementing a two-tiered marketing system. In light of this experience and information received from the peanut industry, it is felt that the supervisory procedure can be modified to lessen the regulatory burden on handlers without detracting from the effectiveness of the supervision program. Therefore, in order to eliminate unnecessary supervision, to minimize expenses to handlers of contract additional peanuts purchased for export, and to lessen the burden of unnecessary regulations, it is proposed to simplify the procedure for the supervision of contract

additional peanuts. It is proposed to: (1) require on-site supervision during the load out process; (2) require on-site supervision at manufacturing plants where peanuts are being processed into products to be exported, and (3) require on-site supervision for the crushing of the shelled and broken kernels from the shelling of contract additional peanuts to be exported and for contract additional peanuts purchased for domestic crushing. It is further proposed to require handlers to furnish at the time of load out (when the dollar value of the peanuts is established) an irrevocable letter of credit in an amount equal to 120 percent of the quota support rate for all additional peanuts in-store. In addition, at time of load out, samples will be graded and screen sizes determined. A net weight of each screen size shall be determined and the handler will be required to export the determined quantities by screen size. When peanuts are exported, handlers will be required to furnish proof that the required quantity of peanuts by screen sizes has been exported. When the appropriate documenting evidence is received, the letters of credit will be reduced accordingly.

Changes in Loan Eligibility Requirements for Segregation 2 and 3 Peanuts Having in Excess of 10 Percent Moisture and/or Foreign Material

Current regulations provide that segregation 2 and 3 peanuts containing more than 10 percent moisture and/or foreign material may be pledged as collateral for a price support loan only if such peanuts will not be stored. This eligibility requirement was included in the regulations in order to allow area associations to accept such peanuts in years of extreme quality problems. However, problems have arisen in that in some cases producers have not made an effort to clean and dry such peanuts. This results in peanuts being pledged as collateral for a loan which have excessively high moisture and foreign material content. High moisture peanuts are especially susceptible to deterioration and excess foreign material causes additional expenses in transportation and in crushing. Also, in some cases, peanuts cannot be immediately crushed because of unavailability of crushing facilities, and must be stored for short periods of time.

Therefore, in order to minimize expense to CCC in handling such peanuts and to alleviate the problems described above, it is proposed to amend the regulations to provide that such peanuts can be pledged as collateral for a price support loan provided (1) the level of moisture does not exceed a level determined appropriate by the Association; (2) short term temporary storage is available in the area; (3) the local crushing market can crush the peanuts within a reasonable period of time, and; (4) the producer has made a bona fide effort to clean and dry the peanuts. This change will not have any impact on the quality control procedures now in effect which prevent low quality or contaminated peanuts from entering the edible market.

Accordingly, it is proposed that effective for the 1981 and subsequent crops of peanuts, the regulations at 7 CFR Part 1446 shall be amended as follows:

Proposed Rule

1. Section 1446.8 of the regulations is proposed to be amended by revising paragraph (b) to read as follows:

§ 1446.8 Compliance by handlers of additional contract peanuts.

* * * * *

(a) * * *

(b) *Method of determining compliance.*

(1) *Commingled storage.* Handlers may commingle quota loan, quota commercial, additional loan and contract additional peanuts. In such instance, quota loan and additional loan peanuts must be inspected as farmers stock peanuts and settled on a dollar value basis less adjustments for shrinkage except when such peanuts are purchased from the association for domestic edible and related use on an in-grade, in-weight basis. Contract additional peanuts must be inspected on a farmers stock basis and accounted for on a dollar value basis less a one time adjustment for shrinkage for each crop equal to 4.0 percent of the dollar value for Virginia type peanuts and 3.5 percent for all other types except that if the additional contract peanuts are graded out and accounted for prior to February 1, the adjustment shall be 3.5 for Virginia type and 3.0 percent of the dollar value for all other peanuts. Contract additional peanuts shall also be accounted for by screen sizes.

(2) *Identity preserved storage.* Contract additional peanuts stored identity preserved shall be inspected as farmers stock peanuts on a grade out and settled on a dollar value basis less a one time adjustment for shrinkage for each crop equal to 4.0 percent of the dollar value for Virginia type peanuts and 3.5 percent for all other types. However, if the additional contract peanuts are graded out and accounted for prior to February 1, an adjustment shall be made in an amount equal to 3.5 for Virginia type and 3.0 percent of the dollar value for all other type peanuts. The handler shall receive, store, and otherwise handle such peanuts in accordance with good commercial practices. Such peanuts shall also be accounted for by screen sizes.

(3) *Special sizing requirements.* A representative sample of peanuts loaded out as contract additional peanuts shall be taken by a Federal or Federal State Inspector during the load out process when dollar value is being determined. The sample shall be graded and the kernels shall be sized to determine the percentages of kernels which ride specified screen sizes. The net weight of each screen size shall be determined by CCC or the Association and the handler shall be obligated to export or crush the determined quantities by screen size.

2. Section 1446.9 of the regulations is proposed to be amended by (1) redesignating paragraphs (c) through (j) as (d) through (k), respectively; (2) revising the introductory paragraphs (a) and (b), and new paragraph (k)(5) (ii) and (iii) (former paragraph (j)) as set forth below; and (3) adding a new paragraph (c), as follows:

§ 1446.9 Supervision and handling of contract additional peanuts.

The association shall supervise domestic handling of contract additional peanuts to the extent necessary to ensure that such peanuts are exported or crushed in accordance with these regulations. On-site load out supervision shall be required to ensure that all contract additional peanuts are identified and dollar value and screen size determined.

(a) *Access to facilities.* The handler, by entering into contracts to receive contract additional peanuts, shall be deemed to have agreed that authorized representative(s) of CCC and the Association:

(1) May enter and remain upon any of the premises when such peanuts are loaded out, weighed, graded and sized;

(2) May, if determined necessary by CCC or the Association inspect the premises, facilities, operations, books, and records to determine that such peanuts have been handled in accordance with these regulations;

(3) May, as determined necessary by CCC or the Association, supervise the transition from positive lot shelled peanuts to the processing line of the manufacturing plants at which the peanuts will be made into peanut products for export;

(4) Shall supervise the shelled and broken kernels from the shelling of contract additional peanuts to be exported and the crushing of contract

additional peanuts purchased for crushing.

(b) *Notifying the Association.* Before loading out, weighing, grading or sizing additional farmers stock peanuts, the handler (or cleaner, sheller, or processor under contract with the handler) shall notify the Association of the time such operation will begin and the approximate period of time required to complete the operation. When a plant is not currently under supervision, the handler shall give at least five working days advance notice to the Association so that supervision can be arranged.

(c) *Furnishing irrevocable letters of credit.* The handler shall furnish the association an irrevocable letter of credit in an amount equal to 120 percent of the quota support value for all additional peanuts in store immediately after dollar value has been determined and shall not shell or otherwise process any additional peanuts until the association notifies the handler that the letter of credit has been received. If the total quantity of additional peanuts by applicable screen size are not exported by the final date for exportation, the association will draw against the letter of credit the full amount of the marketing penalty applicable to the quantity of peanuts which were not exported. As peanuts are exported, the handler shall submit documentation as required herein showing proof of export, dollar value, quantity, and screen sizes. Upon receipt of such documentation, the letter of credit will be reduced accordingly.

* * * * *

(k) * * *

(5) * * *

(ii) *Export by rail or truck.* A copy of the bill of lading (showing the weight of the peanuts, weight of the peanut meal, or products exported), supplemented by a copy of the Shipper's Export Declaration or other documentation acceptable to the association. In addition, a copy of the FVQ–184 and a copy of the inspectors special sizing notesheet for each lot shall be furnished. Peanut meal which is unsuitable for feed use because of contamination by aflatoxin shall be identified on the bill of lading according to this section.

(iii) *Export by air.* A copy of the Airway Bill (showing weight of peanuts, weight of peanut meal, or products exported, consignee and shipper) and other documentation acceptable to the association. In addition, a copy of the FVQ–184 and a copy of the inspectors special sizing notesheet shall be furnished.

* * * * *

3. Section 1446.14 of the regulations is proposed to be amended by revising paragraph (6) as follows:

§ 1446.14 Eligible peanuts.

(a) * * *

(b) *Additional support.* Peanuts eligible for additional support are peanuts which (1) contain not more than 10 percent moisture; and (2) contain not more than 10 percent foreign material, except that such peanuts may contain more foreign material if the handler agrees to purchase such peanuts for domestic edible use as provided in the first sentence of § 1446.7 of these regulations; (3) grade segregation 2 and 3 and contain more than 10 percent moisture and/or foreign material provided (i) the level of moisture does not exceed a level determined appropriate by the Association; (iii) short term temporary storage is available in the area; (iii) the local crushing market for peanuts can crush the peanuts within a reasonable time as determined by the Association; and (iv) the producer has made a bona fide effort, as determined by the Association to clean and dry such peanuts prior to offering for loan; (4) are free and clear of all liens and encumbrances, including landlord's lien, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained; and (5) the beneficial interest is in the producer who delivers them to the Association and has always been in such producer and a former producer whom such producer succeeded before the peanuts were harvested. (To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farm on which the peanuts were produced shall have been substantially assumed by the person claiming succession. Mere purchase of a crop prior to harvest, without acquisition of any additional interest in the farm on which the peanuts were produced, shall not constitute succession. Any producer in doubt as to whether such interest in the peanuts complies with the requirements of this section should, before applying for price support, make available to the county ASC committee all pertinent information which will permit a determination with respect to succession to be made by CCC); (6) are, if delivered to the association in bags in the Southwestern area, in new or thoroughly cleaned used bags which are made of material other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes and are finished at the top with either the selvage edge of the material, binding, or a hem. (Such bags shall be uniform size with approximately 2 bushel capacity); (7) must not have been produced on land owned by the Federal Government if such land is occupied without a lease permit or other right of possession; (8) if produced on acreage in excess of the effective farm allotment, the penalty has been collected in accordance with Part 729 of this title; and (9) must have been inspected as farmer stock peanuts and have an official grade determined by an inspector.

Signed at Washington, D.C. on July 6, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-20130 Filed 7-8-81; 8:45 am]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 30

Amendment of Exemption for Ionizing Radiation Measuring Instruments

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its rules of general applicability to domestic licensing of byproduct material to consider a small quantity of americium-241 as an exempt quantity under the list of radionuclides authorized for exempt use in ionizing radiation measuring instruments. The proposed action would relieve all persons from the requirement to obtain a specific license or use an existing general license to the extent that they receive, use, or transfer ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, sources of byproduct material each not exceeding the proposed exempt quantity of 0.005 microcurie of americium-241.

DATES: Comment period expires August 24, 1981. Comments received after August 24, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before that date.

ADDRESSES: All interested persons who desire to submit written comments for suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of

comments on the proposed amendment may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. D. A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: 301/443–5997.

SUPPLEMENTARY INFORMATION: Recent discussions with manufacturers of radiation measuring instruments and their components indicate a need for a very small quantity of an alpha emitting radioactive material in instruments. The material is used for purposes of calibration or standardization and its use leads to more reliable radiation measurements. This need, in many instances, could be met by the use of 0.005 microcurie of americium-241.

Present regulatory provisions under either a specific license or a general license for use of radiation measuring instruments containing 0.005 microcurie of americium-241 are administratively burdensome and unnecessarily restrictive for this very small amount of radioactive material. For comparative purposes, it may be noted that the Commission permits the exempt use in residences of smoke detectors which typically contain 1 microcurie of americium-241.

To eliminate unnecessary burdens on regulators and users of radiation measuring instruments containing small amounts of americium-241, the proposed amendment would provide for the exempt use in instruments of sources containing up to 0.005 microcurie. The Commission considers it unlikely that, if this exemption becomes effective and is fully used, it would ever result in an annual release to the environment of more than a few microcuries. The benefits of reduced administrative burden and reliable radiation measurements justify the very small, if any, potential environmental impact of this exemption. Because this amendment of 10 CFR 30.15(a)(9) is nonsubstantive and insigifnciant (from the standpoint of environmental impact), an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with this action.

The Commission is considering a finding that the proposed amendment is of a minor or nonpolicy nature, does not substantially modify existing regulations, and will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Regulatory Flexibility Certification

Since this amendment would relieve persons from present regulatory restrictions, the Commission, in accordance with sec. 605(b), hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Persons with a need for instruments with americium-241 calibration sources will be able to obtain those instruments without incurring the costs associated with satisfying the requirements of a specific or general license.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 30 is contemplated.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for 10 CFR Part 30 reads as follows:

Authority: Secs. 81, 82, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842 and 5846), unless otherwise noted.

Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). For the purposes of sec. 223, 68 Stat. 958, as amended, 42 U.S.C. 2273, § 30.34(c) issued under sec. 161b., 68 Stat. 948 (42 U.S.C. 2201(b)) and §§ 30.51 and 30.52 issued under sec. 16, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 30.15, new paragraph (a)(9)(iii) is added to read as follows:

§ 30.15 Certain items containing byproduct material.

(a) * * *

(9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of byproduct material: Provided, That;

* * * * *

(iii) For purposes of this paragraph (a)(9), 0.005 microcurie of americium-241 is considered an exempt quantity under § 30.71, Schedule B.

* * * * *

Dated at Bethesda Md., this 29th day of June, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-20187 Filed 7-8-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-35-AD]

Airworthiness Directives: McDonnell Douglas Model DC-8 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require inspection of windshields manufactured by Pittsburgh Plate Glass Industries (PPG) between November 1, 1978, and December 31, 1980, that are installed on Douglas Model DC-8 series airplanes. Due to the existence of unstable anti-ice electrical coatings in these windshields, this AD is needed to assure that proper heat generation is available for bird impact protection and anti-ice functions.

DATES: Comments must be received no later than August 28, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, Cl-750 (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Gilbert L. Thompson, Aerospace Engineer, Systems and Equipment Branch, ANW-130L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2833.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81-NW-35-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

It has been determined that windshields manufactured by Pittsburgh Plate Glass Industries (PPG) between November 1, 1978, and December 31, 1980, may have unstable anti-ice electrical coatings that increase in resistance after installation. This increase in resistance may prevent sufficient heat generation to provide for bird impact protection and anti-ice functions. Investigation has shown that new windshield anti-ice coatings were within specifications as measured during acceptance inspections, but that the coatings electrical resistance may increase after power application. Service reports indicate this resistance change can be measured only after 20 to 100 hours of flight operation. The rate of resistance rise is significantly reduced by 200 flight hours. This proposed AD is necessary to assure that aircraft operation is properly predicated upon the availability or nonavailability of windshield heating.

DC-8 aircraft with a windshield replaced after November 1978 are affected by this proposed AD. The labor costs associated with the inspection, based upon an assumption of one manhour per aircraft at $35 per manhour and on an estimated 137 affected aircraft, is estimated to be $4,795. Windshield replacement costs have not been included in this estimate since the potential extent of such is unknown and the proposed AD provides for alternate operation of the affected aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-8 series airplanes certificated in all categories. Compliance required within six months from the effective date of this AD, unless already accomplished. To assure that proper windshield heat generation is available for bird impact protection and anti-ice functions, on aircraft that have had left, center, or right windshield panels replaced since November 1978, accomplish the following:

A. Inspect windshield panels to determine manufacturer and year of manufacture. Windshield panels may be identified by the manufacturer's logo "PPG" or "LOF" in large capital letters with part number, specification, and serial number adjacent to logo. These are located at the top of the panel on the left and right-hand windshield panels, and at the bottom or top of the center windshield panel.

1. Panels manufacturered by Libbey Owens Ford (LOF), no further action is required.

2. Panels manufactured by PPG:

a. Determined the year of manufacture, which is contained in the serial number. Serial number samples are shown below:

8-H-11-20-220-315 (first digit indicates year of manufacture, 1978; third digit indicates month, November)

9-H-5-21-315-373 (first digit indicates year of manufacture, 1979; third digit indicates month, May)

0-H-4-6-219-215 (first digit indicates year of manufacture, 1980; third digit indicates month, April)

1-H-3-6-317-212 (first digit indicates year of manufacture, 1981; third digit indicates month, March)

b. Windshield panels with an October 1978 or prior manufacturing date coded or January 1981 or subsequent manufacturing date coded, no further action is required.

c. Aircraft with less than 200 flight hours on replacement panel(s), accomplish the following resistance check on PPG November 1, 1978 through December 31, 1980 date coded windshield panels:

(1) DC-8-60 series windshield resistance check:

(a) Open anti-ice windshield heat right, center, left and right, center, left anti-fog circuit breakers on EPC circuit breaker panel.

(b) Disconnect windshield electrical conductor from receptacle on left, right, and center windshield panels.

(c) Using an ohmmeter check resistance between Terminals L and P at the receptacle on left (right) windshield panel. Resistance must be 61.2-82.8 ohms.

(d) Using an ohmmeter check resistance between Terminals E and G at receptacle on center windshield panel. Resistance must be 67.5-92.5 ohms.

(e) Reconnect the windshield electrical conductor to receptacle on windshields and close the power system circuit breakers.

(2) DC-8-50 series and prior windshield resistance check:

(a) Open the outer pane windshield heat circuit breakers for the left, right, and center windshields on the heat, vent, and ice protection (AC bus) circuit breaker panel.

(b) Remove access door No. 623 on the first officer's console and electrical power center.

(c) Disconnect the conductor connected to transformer Terminal X, Y, or Z of windshield to be tested.

(d) Using an ohmmeter, check resistance between transformer Terminal 1 and the conductor disconnected from the transformer. Resistance must be 81.6 to 110.4 ohms for left (right) windshield.

(e) Using an ohmmeter, check the resistance between transformer Terminal 1 and the conductor disconnected from the transformer. Resistance must be 96 to 130 ohms for the center windshield.

(f) Reconnect conductors to terminals.

(3) If windshield resistance is:

(a) Within tolerance on all three panels, aircraft may be continued in service and panels must be respectively inspected at 50-hour intervals until the accumulation of 200 flight hours.

(b) Within tolerance after the accumulation of 200 flight hours, no further action is required.

(4) If resistance is out of tolerance on one or more of the three windshield panels:

(a) For DC-8-60 series center panel out of tolerance, install the following placard in full view of the pilot: "Do Not Exceed 260 kts IAS Below 10,000 Feet Altitude."

(b) For DC-8-60 series with only side panel(s) out of tolerance, install the following placard in full view of the pilot: "Do Not Exceed 285 kts IAS Below 10,000 Feet Altitude."

(c) For DC-8-60 series, if left (right) windshield panel(s) resistance is 82.9 to 130 ohms and/or center windshield panel resistance is 92.6 to 130 ohms, full anti-ice capability is available. Panels must be repetitively inspected at 50-hour intervals, until the accumulation of 200 flight hours, to ascertain that resistance remains at or below 130 ohms. After the accumulation of 200 flight hours, the repetitive inspection interval can be extended to 1500 flight hours.

(d) For DC-8-50 series and prior with resistance out of tolerance on one or more of the three windshield panels, install the following placard in full view of the pilot: "Do Not Exceed 245 kts IAS Below 10,000 Feet Altitude."

(e) If windshield heat is unavailable for ice protection, install the following placard in full view of the pilot: "Windshield Heat Inoperative." The rain removal system can be used to de-ice or anti-ice windshields. See procedures in the Airplane Flight Manual.

(f) The above restrictions can be removed when the out-of-tolerance panel(s) is replaced with panel(s) manufactured by LOF or any PPG manufactured panel(s) with a date code other than November 1, 1979, through December 31, 1980, meeting the resistance tolerance of paragraphs c(1)(c), c(1)(d), c(2)(d), or c(2)(e), as applicable.

d. For November 1, 1978, through December 31, 1980, date coded windshield panels which have over 200 flight hours, accomplish the resistance check per paragraph c(1) or c(2), as applicable.

(1) If windshield resistance is within tolerance on panel(s), no further action is required.

(2) If resistance is out of tolerance on any of the three panels, accomplish the instructions as outlined under paragraph c(4).

B. Alternative inspections, repairs, or other action to be accomplished on or after the effective date of this AD, which provide an equivalent level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

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

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

The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Washington, on June 25, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-19914 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Docket No. 81-AAL-6]

Proposed Establishment of Transition Area; Sparrevohn, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: On May 26, 1981, the Federal Aviation Administration (FAA), DOT, published in the **Federal Register** (46 FR 28171) a notice of proposed rulemaking to designate controlled airspace to protect the prescribed instrument approach procedure to the Sparrevohn Air Force Station and a proposed Standard Terminal Arrival Route, the AMOTT ONE STAR, to Amott Intersection. Because of an objection to the proposal and an alternate FAA proposal that will provide the required protected airspace for the proposed STAR, the FAA is withdrawing that notice of proposed rulemaking.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Background

Because there is a prescribed instrument approach procedure to the Sparrevohn AFS and because the FAA proposes to establish a Standard Terminal Arrival Route, the AMOTT ONE STAR, from Sparrevohn NDB to Amott Intersection, the FAA published a notice of proposed rulemaking (81-AAL-6) to establish controlled airspace for these procedures. The transition area would have had two levels, a 700-foot base in the area required by the instrument approach procedure and a 1,200-foot base in the area required for the STAR. Since publishing that notice of proposed rulemaking, the FAA has drafted a proposal to establish a 1,200-foot Central Alaska Transition Area that will include sufficient airspace to protect the proposed STAR. The U.S. Air Force submitted an objection to the 700-foot portion of the proposal, stating that the controlled airspace would penetrate the Naknek MOA and will adversely affect their operations in the MOA, because it would require separation between the MOA and aircraft on the approach to Sparrevohn. The approach to Sparrevohn is a prescribed instrument approach procedure that can be executed by any aircraft operator. The approach procedure is to a military airport and the principal users are the U.S. Air Force and civil aircraft operators authorized by the Air Force to use the airport. Since the U.S. Air Force is the primary user and objects to the 700-foot portion of the proposed transition area, and since the FAA is developing an alternate proposal that will provide protected airspace for the proposed STAR, the FAA is withdrawing the notice of proposed rulemaking (81-AAL-6) to establish the Sparrevohn Transition Area.

Withdrawal of the Proposal

Accordingly, pursuant to the authority delegated to me by the Administrator, the notice of proposed rulemaking, docket number 81-AAL-6, published in the **Federal Register** on May 26, 1981 (46 FR 28171) is hereby withdrawn.

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

Issued in Anchorage, Alaska, on June 26, 1981.

Robert L. Faith,

Director, Alaskan Region.

[FR Doc. 81-19916 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ANW-2]

Extension of Federal Airway V-121

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend V-121 from Medford, Oreg., to Fort Jones, Calif. This proposed action would enhance arrival and departure procedures at Medford, Oreg., by allowing en route operations to be conducted via the new airway segment concurrent with terminal operations. A significant savings in fuel would be gleaned because of fewer delays to IFR operations in the Medford area.

DATES: Comments must be received on or before August 10, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ANW-2, FAA Building, Boeing Field, Seattle, Wash. 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views,

or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ANW-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend V-121 from Medford, Oreg., to Fort Jones, Calif. This extension would enhance arrival and departure procedures at Medford, Oreg., by allowing en route operations to be conducted concurrent with terminal operations. A significant savings in fuel would be gleaned because of fewer delays to IFR operations in the Medford area. Section 71.123 under Part 71 was republished on January 2, 1981, (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend V-121 under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by replacing the word "From" after V-121 with the words "From Fort Jones, Calif., INT Fort Jones 340°T (321°M) and Medford, Oreg., 194°(175°M);"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on July 1, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-20104 Filed 7-6-81; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 81-AWE-18]

Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign VOR Federal Airway V-363 between Pomona, Calif., and Mission Bay, Calif., via a west dogleg. The realignment would enhance traffic flow in the area by permitting more air traffic control flexibility for maneuvering aircraft between those terminal areas. This action would reduce en route and terminal delays and reduce controller workload.

DATES: Comments must be received on or before August 10, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWE-18, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWE-18." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW.,

Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11–2 which described the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Federal Airway V–363 between Pomona, Calif., and Mission Bay, Calif. The realignment would expedite traffic flow in the area and increase air traffic control flexibility for maneuvering aircraft in the San Diego, Calif. terminal area. This proposal would save fuel and reduce delays. Section 71.123 under Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the description of VOR Federal Airway V–363 under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by amending the description as follows:

V–363 [Amended]

V–363 From Mission Bay, Calif., via INT Mission Bay 329°T(314°M) and Pomona, Calif., 179°T(164°M) radials; to Pomona.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on July 1, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–20107 Filed 7–8–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 81–ARM–12]

Extension of VOR Federal Airway and Designation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to: (a) Extend VOR Federal Airway V–324 from Crazy Woman, Wyo., to Worland, Wyo.; (b) designate new VOR Federal Airways V–401 from Worland, Wyo., to Casper, Wyo.; and (c) designate V–406 from Cody, Wyo., to Sheridan, Wyo. These actions would provide controlled airspace between these locations and promote efficient use of the airspace for air traffic control purposes.

DATES: Comments must be received on or before August 10, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Rocky Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 81–ARM–12, 10455 East 25th Avenue, Aurora, Colo. 80010.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ARM–12." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend VOR Federal Airway V–324 from Crazy Woman, Wyo., to Worland, Wyo.; designate new VOR Federal Airway V–401 from Worland, Wyo., to Casper, Wyo.; and designate new VOR Federal Airway V–406 from Cody, Wyo., to Sheridan, Wyo. This proposal would designate airways between existing navigational aids, thereby increasing aviation safety and improving flight planning. Section 71.123 under Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by amending the following:

1. V–324 [Amended]

By amending the description to read—

V–324 From Gillette, Wyo., Crazy Woman, Wyo.; to Worland, Wyo.

2. V–401 [New]

V–401 From Worland, Wyo., to Casper, Wyo.

3. V–406 [New]

V–406 From Cody, Wyo., to Sheridan, Wyo.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on July 1, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-20108 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-10]

Establishment of Low Altitude Airway V–462

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a low altitude airway between Fort Dodge, Iowa, VORTAC and Sioux Falls, S. Dak., VORTAC. Approximately 1,000 IFR flights per year request this routing. Because of other IFR traffic and the lack of both an established route and radar coverage below 15,000 feet, their requests are denied by air traffic control. The establishment of V–462 would rectify the above situation and, as compared to the present routes between these two points, save approximately 50 miles of flying distance.

DATES: Comments must be received on or before August 10, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Central Region, Attention: Chief, Air Traffic Division, Docket No. 81–ACE–10, 601 E. 12th Street, Kansas City, Mo. 64106.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ACE–10." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action; on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a new low altitude airway V–462 between Fort Dodge, Iowa, VORTAC to Sioux Falls, S. Dak., VORTAC. Approximately 1,000 IFR flights per year request this routing. Because of other IFR traffic and the lack of both an established route and radar coverage below 15,000 feet, their requests are denied by air traffic control. The establishment of V–462 would rectify the above situation and, as compared to the present routes between these two points, save approximately 50 miles of flying distance. Section § 71.123 under Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by adding the new airway description "V–462 From Fort Dodge, Iowa; to Sioux Falls, S. Dak."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C. on July 1, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-20109 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 157 and 375

[Docket Nos. RM81-19 and RM81-29]

Blanket Certification of Routine Gas Pipeline Transactions; Availability of Environmental Assessment

July 1, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Availability of Environmental Assessment.

SUMMARY: Notice is hereby given in Docket Nos. RM81-19 and RM81-29 that on July 6, 1981, the Federal Energy Regulatory Commission (FERC) made available to the public an environmental assessment (EA) evaluating the proposed rules issued on March 10 and April 27, 1981 (46 FR 16903 and 24585). These rulemakings would create a more efficient certification procedure for routine natural gas pipeline transactions by creating two new categories of transactions. One category would involve no action or review by the Commission. A second category would require Commission action only if a protest were filed following notice of the proposed transaction in the **Federal Register**. All other transactions would continue to be filed under the current procedures requiring detailed analysis by the Commission. Implementation of the proposed rules would enable the Commission to focus more closely on those filings and issues which truly merit Commission attention.

The EA concludes that implementation of the rules would not constitute a major Federal action significantly affecting the quality of the human environment.

DATE: The Commission invites all interested parties to file comments on this EA on or before August 10, 1981.

ADDRESS: File comments with: Kenneth F. Plumb, Secretary, FERC, 825 N. Capitol Street, NE., Washington, D.C. 20426.

This EA has been placed in the FERC's public files and is available for public inspection in the FERC's Office of Congressional and Public Affairs, Room 1000, 825 North Capitol Street, NE, Washington, D.C. 20426. Copies are available in limited quantities upon request.

FOR FURTHER INFORMATION CONTACT: Requests for further information should be addressed to Mr. John S. Leiss, Project Manager, FERC, Room 7102, 825 North Captiol Street, NE, Washington, D.C. 20426; telephone (202) 357-9038.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20186 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of Tiletamine and Zolazepam Into Schedule I and the Proposed Placement of Certain Preparations Which Contain Both Tiletamine and Zolazepam Into Schedule III

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration. It proposes the placement of the substances, tiletamine and zolazepam, into Schedule I of the Controlled Substances Act and the placement of preparations which contain equal amounts of both tiletamine and zolazepam into Schedule III. This action was initiated upon the receipt of a letter from the Acting Assistant Secretary for Health. The effect of this proposed action will be to discourage the abuse of tiletamine and zolazepam.

DATE: Comments must be submitted on or before (sixty days from date of publication).

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: On March 20, 1981, the Administrator of the Drug Enforcement Administration received a letter from the Acting Assistant Secretary for Health, acting on behalf of the Secretary of the Department of Health and Human Services, recommending that tiletamine and zolazepam be placed into Schedule III of the Controlled Substances Act (21 U.S.C. 801 *et seq.*), if and when the New Animal Drug Application for Telazol is approved by the Food and Drug Administration. Enclosed with this letter was a document which listed the factors which the Act requires the Secretary to consider and the summarized considerations of the Secretary in recommending control for tiletamine and zolazepam. The letter of the Acting Assistant Secretary is set forth below:

March 18, 1981.

Mr. Peter B. Bensinger,
Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537

Dear Mr. Bensinger: Pursuant to the Controlled Substances Act, 21 U.S.C. 811(f), this letter is notification that the Department of Health and Human Services believes that the drugs tiletamine HCl and zolazepam have abuse potential. Under the definitions of the Controlled Substances Act, tiletamine HCl is a hallucinogen and zolazepam HCl is a depressant. Tiletamine HCl, a dissociative anesthetic, and Zolazepam HCl, an anticonvulsant benzodiazepine, are the components of Telazol®, a veterinary drug product which is pending approval for marketing by the Food and Drug Administration. I have enclosed our consideration of the factors listed in Section 201(c) of the Controlled Substances Act and our recommendation.

I concur with the Food and Drug Administration's recommendation that tiletamine HCl substance and zolazepam substance be controlled under the provision of Schedule III of the Controlled Substances Act. I further recommend that these scheduling actions become effective if and when the New Animal Drug Application (NADA) for Telazol® has received final approval from the Food and Drug Administration.

Should you have any questions concerning this recommendation, the appropriate staff is prepared to respond.

Sincerely yours,

Charles Miller,

Acting Assistant Secretary for Health.

Enclosure: Basis for Recommendation for Control of Tiletamine and Zolazepam.

Relying on the scientific and medical evaluation of the Acting Assistant Secretary for Health and based on his independent evaluation in accordance with the provisions of 21 U.S.C. 811(c), the Administrator of the Drug Enforcement Administration finds that:

The Acting Assistant Secretary for Health has found that the substances, tiletamine and zolazepam and the drug product, Telazol®, each have an abuse potential. Telazol®, if approved by the Food and Drug Administration, will be composed of equal amounts of the base equivalents of tiletamine and zolazepam. If the New Animal Drug Application (NADA) for the drug product, Telazol® is approved, the simultaneous use of equal amounts of tiletamine and zolazepam will have a

currently accepted medical use in the United States. The Acting Assistant Secretary for Health has not informed the Administrator that the approval of the NADA for Telazol® will confer accepted medical use status on the individual components of the combination product. Currently, neither tiletamine nor zolazepam is approved for marketing in the United States in single entity preparations for use in medical treatment.

In accordance with 21 U.S.C. 811(a), the Administrator must apply the provisions of 21 U.S.C. 812 in ruling to add a drug or other substance to a schedule. 21 U.S.C. 812(b) provides that a drug or other substance have an accepted medical use in treatment in the United States in order that it be considered for placement into Schedules II, III, IV or V. 21 U.S.C. 812(b) also provides that a drug or other substance which has no currently accepted medical use in treatment in the United States be considered for placement into Schedule I.

If the Food and Drug Administration acts favorably in respect to the pending NADA, the Schedule III criterion (21 U.S.C. 812(b)(3)(B)] which specifies that a drug or other substance have a currently accepted medical use in treatment will be satisfied in respect to a preparation which is composed of equal weights of the base equivalents of tiletamine and zolazepam. The Schedule III criterion will not be satisfied in relation to the individual substances, tiletamine and zolazepam or in relation to preparations which contain other than equal amounts of the base equivalents of tiletamine and zolazepam.

Tiletamine is a chemical analog of phencyclidine (PCP) and has pharmacological properties similar to those of PCP. In that PCP has been demonstrated to have a high potential for abuse, the Administrator finds in relation to the substance, tiletamine, [2-(ethylamino]-2-(2-thienyl]-cyclohexanone], its salts, isomers, and salts of isomers that:

(1) Tiletamine has a high potential for abuse.

(2) Tiletamine has no currently accepted medical use in treatment in the United States.

(3) There is a lack of accepted safety for use of tiletamine under medical supervision.

Zolazepam is chemically and pharmacologically related to chlordiazepoxide, diazepam and the other benzodiazepines in Schedule IV but differs in its acute lethality. Zolazepam is considerably more toxic than the benzodiazepines which are currently available for use in medical treatment. Zolazepam has not been tested in human subjects, nor have animal studies been conducted to elucidate the abuse potential of the substance. In that the toxicity of zolazepam is significantly greater than that of the Schedule IV benzodiazepines, those properties which contribute to the abuse potential of zolazepam may be more severe than those associated with the currently available benzodiazepines. Therefore, the Administrator finds in relation to the substance, zolazepam, [4-(O-flurophenyl)-6,8-dihydro-1,3,8-trimethylpyrazole [3,4e] [1,4] diazepin-7(1H)-one], its salts, isomers, and salts of isomers that:

(1) Zolazepam has a high potential for abuse.

(2) Zolazepam has no currently accepted medical use in treatment in the United States.

(3) There is a lack of accepted safety for use of zolazepam under medical superviion.

The abuse potential of a mixture of equal quantities of tiletamine and zolazepam has been evaluated in animal studies. The mixture was found to have positive reinforcing properties in drug-experienced rhesus monkeys, indicating that ingestion of the drug may produce psychological dependence in humans. On completion of a 30-day period of unlimited access to the mixture, monkeys exhibited a mild to moderate withdrawal syndrome, indicating that the mixture produces physical dependence. The Administrator finds in relation to a mixture of equal amounts of the base equivalents of tiletamine and zolazepam and salts thereof that:

(1) The above described mixture has a potential for abuse less than the drugs in Schedules I and II.

(2) The above described mixture will, upon approval of the New Animal Drug Application by the Food and Drug Administration, have a currently accepted medical use in treatment in the United States.

(3) Abuse of the above described mixture may lead to moderate or low physical dependence or high psychological dependence.

Therefore, under the authority vested in the Attorney General by Section 201(a) of the Act (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Administrator hereby proposes to revise 21 CFR 1308.11(d)(24), 1308.11(e)(2) and 1308.13(c)(4) through (13), to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(24 tiletamine (an analog of phencyclidine) 7290
Some trade or other names: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone

* * * * *

(e) * * *

(2) Zolazepam 2930
Some trade or other names: 4-(O-flurophenyl)-6,8-dihydro-1,3,8-trimethylpyrazole [3,4,e] [1,4]diazepin-7(1H)-one

* * * * *

§ 1308.13 Schedule III.

(c) * * *

(4) Any compound, mixture or preparation containing equal weights of the base equivalents of both tiletamine and zolazepam not mixed with other psychoactive substances 7295
(5) Chlorhexadol 2510
(6) Glutethimide 2550
(7) Ketamine or any salt thereof 7285
(8) Lysergic acid 7300
(9) Lysergic acid amide 7310
(10) Methyprylon 2575
(11) Sulfondiethylmethane 2600
(12) Sulfonethylmethane 2605
(13) Sulfonmethane 2610

* * * * *

Interested persons are invited to submit their comments, objections or requests for hearing in writing with regard to this proposal. Requests for hearing should state with particularity the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for hearing raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the Federal Register, summarizing the issues to be heard and setting the time for the hearing which will not be less than 30 days after the date of the notice.

If no objections presenting grounds for a hearing on this proposal are received within the time limitation, or interested parties waive or are deemed to waive their opportunity for a hearing or to participate in a hearing, the Administrator, after giving consideration to written comments and objections, will issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Commerical products which contain tiletamine and zolazepam will be used in veterinary clinics. This rule, if finalized, will cause such establishments to handle products which contain

tiletamine and zolazepam in a manner identical to that already used in relation to other Schedule III substances. Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the placement of tiletamine and zolazepam into Schedule I and the placement of the commerical products which contains tiletamine and zolazepam into Schedule III of the Controlled Substances Act will not have a significant impact upon small business or other entities whose interests must be considered under the Regulatory Flexibility Act (Public Law 96-354).

In accordance with the provisions of 21 U.S.C. 811(a), this proposal to place tiletamine and zolazepam into Schedule I and certain preparations thereof into Schedule III, is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

Dated: June 19, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-20086 Filed 7-8-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 81-044]

Drawbridge Operation Regulations; Mystic River

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Massachusetts Bay Transportation Authority, the U.S. Coast Guard is considering amending the regulations governing the railroad drawspan across the Mystic River, mile 1.8, between Charlestown and Everett. The Coast Guard intends to include the City of Boston highway bridge at mile 1.4 in this proposal as existing regulations also apply to the highway bridge. The present regulations for both bridges permit the drawspans to be closed to navigation from 7:45 a.m. to 9 a.m., 9:10 a.m. to 10 a.m., and 5 p.m. to 6 p.m., except on Sundays and holidays if a vessel's draft is less than 18 feet. The drawspan must be opened at all other times. The proposed amendment would stipulate that the draws of these bridges would not open for the passage of any vessels regardless of size between 1 a.m. and 5 a.m., inclusive, and at 9 a.m. and 5 p.m., except on Sundays and on legal holidays observed in the locality. At all other times the draws will open hourly, on the hour, to permit waiting vessels to pass. A vessel or other watercraft which has passed through one drawbridge would be afforded continuous passage through the other. This action may accommodate the needs of railroad traffic while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before August 10, 1981.

ADDRESS: Comments shall be mailed or hand-delivered to and will be available for inspection or copying at the office of the Commander (obr), First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114 (617-223-0645).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed 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, First Coast Guard District will evaluate all comments received and decide on the final course of action. The proposed regulations may be changed in light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, and Lieutenant William B. O'Leary, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of the Proposed Regulation

The greatest use of the waterway each year occurs during the boating season (May through October). There is almost no vessel movement along the waterway during the remaining six months.

The commuter rail system operates 52 trains a day Monday through Friday, 34 trains on Saturday, and 24 trains on Sunday throughout the year. The number of drawspan openings averaged 18 a day during the 1980 boating season. The majority of these openings were requested between 6 a.m. and midnight, the hours of commuter travel. The greatest concentration of openings occurred during weekends. The proposed amendment would provide a uniform schedule of 17 openings a day, Monday through Saturday. The proposal also provides that after midnight the drawspan may be closed until 6 a.m. There would be no authorized closures on Sunday or on a holiday.

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, for the reasons discussed above, its impact is expected to be minimal. 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 of the Code of Federal Regulations be amended by revising § 117.75(g)(1) to read as follows:

§ 117.75 Boston Harbor, Mass., & Adjacent Waters; bridges.

* * * * *

(g) *Mystic River*—(1) *Bridges from mouth to and including the railroad bridge between Charlestown and Everett.* The draws of these bridges shall not be required to be open for the passage of vessels between 1 a.m. and 5 a.m., inclusive, and at 9 a.m. and 5 p.m., except on Sundays and on legal holidays observed in the locality. At all other times the draws will open hourly, on the hour, to permit waiting vessels to pass. A vessel or other watercraft proceeding either upstream or downstream which has passed any of these bridges shall be afforded continuous passage through the succeeding bridges.

* * * * *

(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))

R. H. Wood,

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

[FR Doc. 81-19881 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD5 80-22R]

Drawbridge Operation Regulations: Stoney Creek, Maryland

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Maryland State Highway Administration, the Coast Guard will consider establishing new regulations governing operation of the drawbridge on Maryland Route 173 across Stoney Creek, mile 0.9, at Riviera Beach, Maryland, to permit the draw to remain closed during certain periods. This proposal is being made because the periods of peak vehicular traffic have caused significant traffic congestion at the bridge. This action may accommodate the needs of vehicular traffic and may still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before August 10, 1981.

ADDRESS: Comments should be submitted to and are available for examination from 8 a.m. through 4:30 p.m., Monday through Friday, at the office of the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Bridge Administrator, telephone (804-398-6222).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making 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, Fifth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in the light of comments received.

This proposed regulation has been reviewed under the provisions of E.O. 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation of the proposal has not been conducted because the expected economic impact is so minimal as to not warrant the evaluation. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The conclusions stated in this paragraph are supported below in the Discussion Of The Proposed Regulations.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Ann B. Deaton, Project Manager, and LCDR Mark P. Troseth, Project Attorney.

Discussion of the Proposed Regulations

The proposed regulations would establish two periods daily, Monday through Friday, except State and Federal holidays, during which the draw need be opened only once for the passage of vessels, if any vessels are waiting to pass. These periods would occur from 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., and would coincide with morning and evening vehicular rush hour traffic. The proposed regulation would require the bridge to open once at 7:30 a.m. and once at 5 p.m. for any waiting vessels. The drawbridge currently is required by 33 CFR 117.240 to be opened on signal at any time for the passage of vessels. This has created vehicular traffic delays at the bridge for those persons going and coming to and from work during the proposed hours of restriction. Records provided by the Maryland Department of Transportation show that several hundred cars are often stopped at the bridge to allow one or two boats to pass through the draw during rush hours. It is felt that vehicular traffic congestion and delays occurring during rush hours at the bridge will be reduced by establishing the morning and evening opening restriction periods, and that navigation will not be unduly restricted.

There are no known businesses that will be significantly impacted by the proposed change. Most water traffic consists of pleasure craft, and the only costs to these entities will result from time delays and fuel consumption. However, pleasure boat operators may plan their trips around the new schedule, thus avoiding any expense.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.307 immediately after § 117.305 to read as follows:

§ 117.307 Stoney Creek, MD; bridge.

(a) The draw shall be opened on signal except that:

(1) From 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday except Federal and State holidays, the draw need be opened only once at 7:30 a.m. and once at 5 p.m. if any vessels are waiting to pass.

(2) At all times not covered by the regulations in paragraph (a)(1), and in all other respects, the regulations contained in Section 117.240 shall govern the operation of this bridge.

(b) A copy of the regulations in this section shall be posted in a conspicuous place on both the upstream and downstream sides fo the bridge.

(Sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); Sec. 6(g)(2), Pub. L. 89-670, 80 Stat. 937, as amended (49 U.S.C. 1655 (g)(2)); 49 CFR 1.46 (c)(5), 33 CFR 1.05-1(g)(3))

Dated: May 20, 1981.

T. T. Wetmore, III,

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

[FR Doc. 81-19680 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 74

[BC Docket No. 81-394; FCC 81-279]

Amendment of the Commission's Rules To Provide for the Elimination of Harmful Interference to Radio Communications Involving Safety to Life and Protection of Property

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to amend Part 74 of the Commission's Rules by adding a new section which prohibits licensees authorized under Part 74 from causing interference which jeopardizes safety of life or protection of property. The proposed rule also empowers the Commission to suspend immediately the operation of any equipment causing such interference where the Commission determines an imminent danger to the safety of life or protection of property exists. This action is deemed necessary to protect the public interest.

DATES: Comments must be filed on or before July 23, 1981, and reply comments on or before August 3, 1981.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 74 of the Commission's rules to provide for the elimination of harmful interference to radio communications involving safety to life and protection of property.

Notice of Proposed Rulemaking

Adopted: June 16, 1981.

Released: June 24, 1981.

By the Commission:

1. The Commission will herein consider the adoption of a rule to provide for the temporary shutdown of facilities licensed pursuant to Part 74 of our rules, where the operation of such a facility is causing interference to the operation of other communications facilities and that interference poses a threat to the safety of life or property.[1] [2]

2. To promote the efficient use of spectrum, the Commission has, where appropriate, authorized the shared use of frequencies in the electromagnetic spectrum. The services authorized under Part 74 of our Rules provide some examples of this shared use. However, with increasing demands for spectrum space, the opportunities for interference between users sharing the same or related frequencies is likely to increase, even where all users are operating in accordance with the Commission's rules. In cases where interference does not create a threat to the safety of life or property, interference can be resolved through existing Commission policies which establish priorities of usage. However, in situations where the facility being interfered with is being used for the preservation of life or property, existing concepts of primary and secondard users are inadequate to resolve the problem. Therefore, the proposed rule provides for the cessation of operation of a facility where it is interfering with another user whose operation is essential to the preservation of life or property.

3. For example, on Monday, April 13, 1981, officials of the National Aeronautics and Space Administration (NASA) reported to the Federal Communications Commission that it was receiving severe interference to its space shuttle communications equipment at Edwards Air Force Base, the shuttle's landing site. Field Operations Bureau personnel were immediately dispatched to the site in an effort to determine the cause, and eliminate the sources, of the interference. FOB personnel determined that the interference was caused by television electronic news gathering (ENG) equipment which was emitting spurious radiation in the bands utilized by the NASA communications equipment. The offending ENG equipment was operating within the parameters of our rules, but was causing harmful interference nonetheless due to the extremely sensitive equipment being used by NASA. Fortunately, the users of the offending ENG equipment voluntarily ceased operation of that equipment and utilized other gear. Because of this voluntary cooperation and an adequate amount of lead time, the interference was completely eliminated prior to the landing of the space shuttle.

4. However, the Commission is concerned that this type of situation may again arise, and advance notice of such a problem may not be adequate to permit voluntary effort to shut off the interference-causing equipment. In order to effectively handle such an emergency, the Commission may need to take the extraordinary action of ordering the operator of equipment causing harmful interference to cease operation until the period of emergency has passed. Users of the services licensed under Part 74 should note that the scope of the rule proposed in this *Notice* is quite narrow; it would apply only when the Commission determines that an immediate threat to the safety of life or protection of property exists.[3] Of course, even with the proposed rule, the Commission intends to seek voluntary cooperation to eliminate any interference. However, in situations where interference is not promptly eliminated by cooperation among users, the rule would permit the Commission to require the offending operator to cease and desist from causing such intereference by temporarily suspending operation of the interference-causing equipment.[4]

5. Under normal cease and desist procedures, the Commission is required to provide advance notice to any licensee whose operations violate a Commission regulation. However, under Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558, such notice may be suspended in cases where "public health, interest or safety requires otherwise." We believe that situations involving an imminent threat to safety of life and protection of property squarely fall under this limited exception to the standard notice requirements. However, we welcome comment on this interpretation in particular, and, more generally, on the Commission's legal authority to take expedited action in the event of a violation of the proposed rule.

6. In order to conclude our consideration of this proposal and make any action we might take effective before the next scheduled flight of the space shuttle in mid-September, we are expediting our normal rule making procedures. Interested parties will have 15 days from the date of the publication of this document in the **Federal Register** to file comments and 10 additional days to file reply comments. Due to the limited nature of the proceeding and the urgency of the subject matter, we believe these time periods should be adequate for the preparation of meaningful comments.

7. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issed stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must

[1] The services covered by the proposed rule are Experimental Television Broadcast Stations, Experimental Facsimile Broadcast Stations, Developmental Broadcast Stations, Remote Pickup Broadcast Stations, Aural Broadcast STL and Intercity Relay Stations, Television Auxiliary Broadcast Stations, Television Broadcast Translator Stations, Low Power Auxiliary Stations, Instructional Television Fixed Service and FM Broadcast Translator Stations and FM Broadcast Booster Stations.

[2] The proposed rule follows as an Appendix hereto.

[3] This proposed rule is similar to § 76.613 of the Commission's rules, which prohibits cable television operators from causing harmful interference affecting the safety of life and protection of property.

[4] We are also proposing an amendment to § 0.311 of the Commission's rules to give the Chief of the Field Operations Bureau delegated authority to administer the proposed rule.

be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally § 1.1231 of the Commission's rules.

8. Pursuant to Section 605 of the Regulatory Flexibility Act of 1980, Public Law 96–354, we find that the proposed action would not, if adopted, have a significant economic impact on a substantial number of small entities. The enforcement procedures proposed would be used, if at all, very rarely, and only when an imminent danger involving safety to life or protection of property is involved. Parties being forced to cease operation of an interference-causing piece of equipment would be permitted to resume its use of the equipment whenever the emergency situation had passed. No equipment would be deemed permanently unusuable. Thus, the requirements would not impose a significant economic burden. Furthermore, we cannot conceive of a situation in which a "substantial number" of entities, small or otherwise, would be affected. The services authorized under Part 74 of the Commission's rules are in use by licensees throughout the United States, yet the possibility of creating harmful interference which may endanger life or property is limited to a few locations where highly sensitive equipment is in use. Thus, the vast majority of licensees would never be in a position to cause the type of interference which this proposed rule seeks to eliminate.

9. Authority for the issuance of this *Notice* is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to procedures set out in Section 1.415 of the Commission's rules, interested parties may file comments on or before July 23, 1981, and reply comments on or before August 3, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

10. In accordance with the provisions of § 1.419 of the Rules, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitted 1 copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, Room 239, 1919 M Street, NW, Washington, D.C.

11. For the further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

1. It is proposed to amend Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations by adding a new Subsection (e) to § 0.311 which reads as follows:

§ 0.311 Authority delegated.

* * * * *

(e) The Chief of the Field Operations Bureau is authorized to make determinations and notification of the presence of interference to radio communications involving safety of life or protection of property which requires temporary suspension of operation under Section 74.23 of this Chapter.

2. It is proposed to amend Part 74 of Chapter I of Title 47 of the Code of Federal Regulations by adding a new § 74.23 which reads as follows:

§ 74.23 Interference jeopardizing safety of life or protection of property.

(a) The licensee of any station authorized under this Part that causes interference to radio communications involving the safety of life or protection of property shall promptly take appropriate measures to eliminate the interference.

(b) If interference to radio communications involving the safety of life or protection of property cannot be promptly eliminated by the application of suitable techniques and the Commission finds that there exists an imminent danger to safety of life or protection of property, operation of the offending equipment shall temporarily be suspended and shall not be resumed until the interference has been eliminated or the threat to the safety of life or property has passed. When specifically authorized, short test operations may be made during the period of suspended operation to check the efficacy of remedial measures.

[FR Doc. 81–20112 Filed 7–8–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–411; RM–3805]

FM Broadcast Station in Martin and Salyersville, Ky.; Proposed Changes in Table of Assignments

AGENCY: Federal Communication Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to reassign Channel 261A from Martin to Salyersville, Kentucky, in response to a petition filed by Licking Valley Radio Corporation. The assignment would provide Salyersville with a first local FM service.

DATES: Comments must be filed on or before August 31, 1981, and reply comments must be filed on or before September 21, 1981.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Martin and Salyersville, Kentucky), BC Docket No. 81–411 RM–3805.

Adopted: June 23, 1981.

Released: July 2, 1981.

By the Chief, Policy and Rules Division:

1. A petition for rulemaking [1] was filed by Licking Valley Radio Corporation ("petitioner"), requesting the reassignment of unused Channel 261A from Martin to Salyersville, Kentucky, as a first FM allocation to that community. Petitioner states that it will apply for the channel in the event it is reassigned to Salyersville. No responses to the petition have been received. The channel can be assigned to Salyersville with a site restriction, as noted *infra*.

2. Salyersville (population 1,196),[2] the seat of Magoffin County (population 10,443), is located approximately 128 kilometers (80 miles) east of Lexington,

[1] *Public Notice* of the petition was given December 17, 1980, Report No. 1263.

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

Kentucky. It is presently served by daytime-only AM Station WRLV.

3. Petitioner states that Salyersville is the center of trade and the largest incorporated town in the county. Additionally, it states that a significant growth in population in recent years is attributable to increased coal production and light industrial development, spurred by the completion of the Mountain Parkway which traverses the county from east to west. Petitioner indicates that its economic base is derived mainly from the coal industry, government offices, and the Continental Conveyor Company. In addition to the one station licensed to the community, communications services are provided by one weekly newspaper, and distant signals received from two other communities. Petitioner has submitted sufficient data to demonstrate the need for a first FM assignment to Salyersville.

4. Petitioner further notes that Channel 261A has been unapplied for at Martin since its assignment there in 1978. Further, the previously interested party has since transferred its AM station in Martin and is not likely to be interested in an FM station there, according to petitioner.

5. The transmitter site must be located approximately 6.6 kilometers (4.1 miles) east-southeast of Salyersville to avoid short-spacing to Station WKDJ (Channel 261A) in Winchester, Kentucky.

6. In view of the fact that the proposed FM channel would provide a first FM and local nighttime aural broadcast service to Salyersville, the Commission believes it appropriate to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Martin, Ky	261A	
Salyersville, Ky		261A

7. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before August 31, 1981, and reply comments on or before September 21, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it it proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-20111 Filed 7-8-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Observer Fees

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

ACTION: Proposed rule.

SUMMARY: The National Marine Fisheries Service (NMFS) proposes to amend the foreign fishing regulations to require payment for U.S. observers aboard foreign fishing vessels within 90 days from the date of billing. Currently there is no time limit in which to pay. Foreign countries participating in the Atlantic billfish and shark fishery also will be required to pay observer fees in advance of harvesting as required by the recently amended Atlantic Tunas Convention Act.

DATES: Comments must be submitted on or before August 10, 1981.

ADDRESS: Send comments to: Mr. William G. Gordon, Director, Office of Resource Conservation and Management, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Gary A. Wood, Special Agent, Office of Resource Conservation and Management, Enforcement Division, National Marine Fisheries Service, Washington, D.C. 20235, (202) 634–7265.

SUPPLEMENTARY INFORMATION: On September 4, 1980, the Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971 *et seq.*, was amended to require the placement of observers aboard all foreign fishing vessels whose fishing activities result in the incidental taking of billfish. Section 2(b) of the amendment requires that the Secretary of Commerce place an observer aboard all such vessels while in:

(a) Waters that are within the fishery conservation zone as defined by Section 101 of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, and

(b) The Convention area as defined by Article I of the International Convention for the Conservation of Atlantic Tunas.

Owners or operators of foreign fishing vessels subject to the Atlantic Tunas Convention Act amendment are required to pay observer fees at the beginning of the fishing season. This fee will cover all the costs of placing observers aboard vessels. The fee will be deposited into a Foreign Fishing Observer Fund. The proposed regulatory change will implement the new method of payment outlined in the amended Atlantic Tunas Convention Act.

50 CFR 611.8(b) in the foreign fishing regulations requires the owner or operator of each vessel which carries an observer to reimburse the United States for the costs of carrying the observer. Bills are issued at the end of the calendar year for the actual costs incurred. Currently, there is no time limit to pay the bills. The proposed amendment will require payment within 90 days from the date of billing.

OTHER INFORMATION: The Assistant Administrator for Fisheries, NOAA, has determined that the proposed amendment to the foreign fishing regulations is necessary and appropriate to the conservation and management of United States fishery resources, and that it is consistent with the national standards of the Magnuson Fishery Conservation and Management Act (Magnuson Act), other provisions of the Magnuson Act, and the Atlantic Tunas Convention Act. He also has determined that this is not a major Federal action requiring the preparation of an environmental impact statement under the National Environmental Policy Act.

The Acting Administrator, NOAA, has determined that the proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291; since it does not impact on the observer program, it will not result in an annual effect on the economy of $100 million or more, will not result in a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Acting Administrator certifies that the proposed rule is not significant under the Regulatory Flexibility Act, and therefore does not require the preparation of a regulatory flexibility analysis. Finally, the Acting Administrator has determined that the proposed rule does not call for additional collection of information from the public under the Paperwork Reduction Act (44 U.S.C. 3501).

Date: July 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

1. The authority citation for 50 CFR 611.8 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, and 16 U.S.C. 971 *et seq.*

2. For the reasons set out in the preamble, 50 CFR 611.8 is proposed to be amended by revising paragraph (b) as follows:

§ 611.8 Observers.

* * * * *

(b) The owner or operator of each fishing vessel to which an observer is assigned shall reimburse the United States for the total costs of placing the observer aboard, including salary, per diem, transportation of observer, and overhead costs. Payment of these costs must be made within 90 days of billing. Vessels in the Atlantic billfish and shark fishery will be billed in advance.

* * * * *

[FR Doc. 81-20048 Filed 7-8-81; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Parts 611

Groundfish of the Gulf of Alaska

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

ACTION: Proposed rulemaking; notice of initial approval and availability of a plan amendment.

SUMMARY: Amendment 9 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) has been initially approved. This amendment replaces the present six Kodiak Gear Areas, which are closed to foreign trawling August 10 to June 1, with a single large Kodiak Gear Area. Regulations are proposed for the new Kodiak Gear Area to be closed from two days before the start of the Kodiak king crab season (about September 15) until February 16. This action was taken to eliminate the loss of domestic crab gear and the preemption of domestic crab fishing grounds by foreign trawlers. Amendment 9 should have the attendant effect of spreading domestic fishing for king crab over a larger area but should not have significant impact on foreign fishermen.

DATE: Comments are invited until August 24, 1981.

ADDRESSES: Comments should be addressed to Robert McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Copies of the amendment and the amended FMP may be obtained from the North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, (907) 586–7221.

SUPPLEMENTARY INFORMATION: On February 24, 1978, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) approved the FMP for the Groundfish of the Gulf of Alaska. The FMP governs foreign and domestic fishing for a number of finfish, commonly known as groundfish (section 3.1 of the FMP lists the common and scientific names of each species). Most of the fishery is conducted with on-bottom and off-bottom trawls, longlines, and pots (or traps) at numerous fishing grounds throughout the Gulf of Alaska; the foreign trawl fishery takes place primarily along the 200-meter depth contour. The FMP was originally published on pages 17242–17327 of the **Federal Register** on April 21, 1978. Since then it has been amended eight times, with the last amendment being published on November 5, 1980 (45 FR 73486).

Amendment 9 to the FMP establishes the "Kodiak Gear Area" and closes that area to foreign trawling during the domestic king crab season in the Kodiak District. Six small areas around Kodiak Island (the "Kodiak Gear Areas") have been closed to foreign trawling from August 10 to June 1 of each year since 1978 to protect domestic king crab fishermen fishing with fixed gear from gear damage and loss caused by foreign trawlers. Despite a gear reimbrusement program, gear loss and damage is increasingly costly for U.S. fishermen because of the loss of fishing time, the fuel expense of searching for lost gear, and the burden of applying for reimbursements for lost gear and fishing time. The protection offered by previous area closures has been only partially adequate because crab grounds extend well beyond those closed areas. In addition, an increase in domestic effort over recent years and a decrease in abundance of crab within existing areas closed to foreign fishing have forced U.S. fishermen outside those protected areas. Thus, to provide adequate protection for domestic fishermen, it is necessary to expand the existing closed area system by creating a large gear sanctuary encompassing Kodiak Island, the lower Cook Inlet, and the Barren Islands.

This new Kodiak Gear Area will encourage the spread of domestic fishing over a larger area, reducing the harvest on some heavily harvested stocks in and adjacent to the present gear areas, and increasing the harvest of underutilized stocks outside those areas.

In making this proposal, the North Pacific Fishery Management Council chose a middle road between the Japanese, who favored an alternative smaller closed area, and proposals from domestic fishermen for closing even larger areas. The Council rejected the first proposal because it would not have substantially increased the protection for domestic fishermen, and the second because it would have greatly increased the costs of foreign groundfish operations.

Most foreign trawl fishing in the Gulf of Alaska is conducted along the 200-meter depth contour after May 31 when bottom trawl gear can be used. The proposed Kodiak Gear Area would reduce the foreign fishing area by about 165 linear miles (out of the 2,000 linear miles fished along the 200-meter contour) for approximately 10 weeks (September 15 to December 1) of the traditional foreign trawl fishery year.

Current regulations, 50 CFR 611.92(f)(1), for the Gulf of Alaska groundfish fishery preclude trawling with other than pelagic gear from December 1 to June 1. The fishery conservation zone between 147° W. longitude and 157° W. longitude is also closed to all foreign fishing from February 16 to June 1 each year to protect halibut. The Regional Director, NMFS, notifies the designated representative of each foreign nation at least 7 days before the U.S. halibut fishing season first opens.

Although the proposed Kodiak Gear Area would extend the time of closure for those portions of the Kodiak Halibut Areas within the gear area, it would allow foreign fishermen to fish longer (i.e., from August 1 to about September 15) in the present Kodiak Gear Areas than they do now. Except for the halibut areas, the proposed Kodiak Gear Areas will be open to foreign trawling for groundfish from June 1 until two days before the opening of the domestic king crab season (about September 15). The net result to foreign fishermen is an overall loss of fishing area but an increase in fishing time of about five weeks. The increased size of the area that would be closed to foreign trawl fishing during the king crab season should have no significant impact on the opportunities for foreign fishermen to harvest their allocations of the fish surplus to the domestic fishing quota.

The Assistant Administrator has determined that this amendment to the FMP is necessary and appropriate for conservation and management of fisheries resources in the Gulf of Alaska and that it is consistent with the Magnuson Fishery Conservation and Management Act, as amended, and other applicable law. The amendment has been initially approved and proposed regulations are issued under the terms of sections 304 and 305 of the Magnuson Act. An environmental impact statement is not required under the National Environmental Policy Act because the Assistant Administrator has determined that this action will not have significant impact on the quality of the human environment. An environmental assessment is on file with the Enviornmental Protection Agency. Regulations will be implemented in a manner that is, to the maximum extent practicable, consistent with the Alaska Coastal Management Program.

The Alaska Region, NMFS, prepares a draft regulatory analysis on the proposed amendment. On the basis of this document, and the criteria set forth in Executive Order 12291 (E.O. 12291), the Acting Administrator, NOAA, has determined that this amendment does not constitute a "major rule" requiring the preparation of a regulatory impact analysis. This rulemaking will not result in an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individuals, industries, Federal, State, or local government agencies or geographic regions; and it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of domestic-based enterprises to compete with foreign-based enterprises in domestic of export markets. The Acting Administrator further determined (1) that the implementation of Amendment 9 will adversely affect foreign interests exclusively and (2) that it will not have a significant adverse economic impact on a substantial number of small domestic entities; thus it does not require the preparation of a regulatory flexibility analysis (5 U.S.C. § 600 *et seq.)* Finally, this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons under the Paperwork Reduction Act (44 U.S.C. § 3501 *et seq.*)

Date: July 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR Part 611 is proposed to be amended as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In part 611, § 611.92, paragraph (e)(2)(iii) is revised to read as follows:

§ 611.92 Gulf of Alaska groundfish fishery.

* * * * *

(e) * * *

(2) * * *

(iii) The *"Kodiak Gear Area"* from two days prior to the opening of tke king crab season (in Registration Area K of State of Alaska commercial king crab fishing regulations) through February 15th. The Regional Director shall notify the designated representatives of each foreign nation of the opening date of the king crab season at least 4 days before that opening. This area is bounded by straight lines connecting points on shore to the following coordinates in the order listed:

North latitude	West longitude
57°25.2' (shoreline, north side Wide Bay, Alaska Peninsula)	156°19'
55°11'	156°19'
55°40'	155°17'
56°03'	153°45'
56°30'	153°00'
56°46'	152°20'
57°11'	151°14'
57°19'	150°57'
58°00'	150°00'
59°39.3' (shoreline, Harris Bay, Kenai Peninsula)	150°00'

* * * * *

[FR Doc. 81-20048 Filed 7-8-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 131
Thursday, July 9, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

Limestone County Stock Yard, Athens, Alabama, et al.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
AL-107 Limestone County Stock Yard, Athens, Alabama.	May 21, 1959.
SC-106 P. L. Bruce and Company, Greenville, South Carolina.	January 28, 1960.
SC-120 Spartanburg Livestock Yard, Inc., Spartanburg, South Carolina.	January 28, 1960.
SC-122 Stamey Livestock Co., Sumter, South Carolina.	June 15, 1961.
SC-124 Herndon Stockyards, Inc., Yemassee, South Carolina.	July 5, 1961.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register.** This notice shall become effective July 9, 1981.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 1st day of July 1981.

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-20176 Filed 7-8-81; 8:45 am]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

[81-7-11]

Air New England Additional Points Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order To Show Cause (81-7-11).

SUMMARY: The Board is instituting the *Air New England Additional Points Proceeding* and is proposing to grant unrestricted authority to Air New England at Albany, N.Y., Bangor, Manchester, Minneapolis-St. Paul, Minn., Newport, R.I., Norfolk-Virginia Beach-Portsmouth-Chesapeake, Va., and Presque Isle under expedited procedures of Subpart Q of its Procedural Regulations. 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, and serve on all persons listed below, no later than July 29, 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 39618, which we have entitled the *Air New England 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 all parties in the service list to Order 81-7-11.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5384.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-11 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 81-7-11 to that address.

By the Bureau of Domestic Aviation: July 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20182 Filed 7-8-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

[A-201-034]

International Trade Administration

Elemental Sulphur From Mexico; Final Results of Administrative Review and Revocation in Part of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review and Revocation in Part of Antidumping Finding.

SUMMARY: On February 23, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on elemental sulphur from Mexico. The review covered the three known exporters of this merchandise to the United States and separate time periods for each exporter. On April 9, 1981, the Department published a tentative revocation in part for one of the three exporters, CEDI.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4106).

SUPPLEMENTARY INFORMATION:

Background

On June 28, 1972, a dumping finding with respect to elemental sulphur from Mexico was published in the **Federal Register** as Treasury Decision 72-179 (37 FR 12727). On June 13, 1979, the Treasury Department published a "Tentative Determination to Modify or

Revoke Dumping Finding" (44 FR 33998–9). On February 23, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Antidumping Finding" (46 FR 13533–34). The Department published a "Tentative Determination to Revoke Antidumping Finding in Part" on April 9, 1981 (46 FR 21216). The Department has now completed its administrative review of the antidumping finding.

Scope of the Review

Imports covered by this review are shipments of elemental sulphur. Basically, there are two types of sulphur, "bright" and "dark". Chemically these two types are almost equal, the dark sulphur being discolored by certain hydrocarbon impurities. The greatest single use of sulphur is in the manufacture of sulphuric acid. In elemental form or as sulphuric acid it enters into the production or processing of hundreds of products. Among the most important are fertilizers, chemicals, titanium and other pigments, pulp and paper, rayon, film, iron and steel, dyestuffs, vulcanized and synthetic rubber, insecticides, fungicides, fuels and explosives. Elemental sulphur is currently classifiable under item 415.4500 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of three firms which export sulphur directly to the United States. One of the three, Azufrera Panamerica, S.A., also exports sulphur produced by a non-exporting fourth firm, Pemex. Azufrera was excluded from the finding on January 5, 1978; however, appraisement instructions ("master lists") for one shipment by Azufrera in 1972 have not been issued. The present review completes consideration of Azufrera through the date of its exclusion. After the preliminary notice the Department published, on April 9, 1981, a tentative revocation in part with regard to the second firm, Compania Exploradora del Istmo, S.A., ("CEDI"). Reasons for the revocation in part were cited in the notice. The third firm, Agro Centro, S.A., failed to respond to the Department's questionnaire. For this non-responsive exporter we used in the February 23 notice the best information available, which is the highest fair value rate for the firms investigated.

Because Agro Centro was not one of those exporters cited in the Treasury Department's tentative revocation of this finding of June 13, 1979, and because Agro Centro was non-responsive, we will not consider revocation of the finding with respect to Agro Centro.

Final Results of the Review

The Department received no comments or requests for disclosure or a hearing. Therefore, the final results of our administrative review are the same as our preliminary results and, therefore, we determine that the following margins exist:

Exporter	Time period	Margin (percent)
Azufrera Panamerica, S.A.	Feb. 1972	[1] 11.5686
Compania Exploradora del Istmo, S.A.	Nov. 25, 1971 to Dec. 31, 1973.	0
	Jan. 1, 1979 to June 13, 1979.	0
Agro Centro, S.A.	Jan. 1, 1977 to May 31, 1980[2]	33

[1] The margin for the one remaining unliquidated entry dated prior to Azufrera's exclusion.
[2] Agro Centro made no entries during the 1980 portion of the period reviewed.

The Department shall determine, and the U.S. Customs Service shall assess, duties, where applicable, on all entries made with purchase dates or export dates, as appropriate, during the time periods involved. Individual differences between purchase price or exporter's sales price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit of 33 percent of the entered value shall be required on all shipments by Agro Centro, S.A., entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. Since Azufrera was excluded from the finding there will be no cash deposit requirement for that firm. The Department intends to conduct the next administrative review by the end of June 1982.

Determination

As a result of this review, the Department revokes the antidumping finding on elemental sulphur from Mexico with regard to CEDI. This revocation applies to unliquidated entries of the merchandise exported by CEDI entered, or withdrawn from warehouse, for consumption on or after April 9, 1981.

We are discontinuing the practice of updating the table in Annex I to Part 353 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 antidumping findings and orders.

This administrative review, final revocation in part, 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 §§ 353.53 and 353.54(e) of the Commerce Regulations (19 CFR 353.53, 353.54(e)).

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.
July 2, 1981.

[FR Doc. 81-20068 Filed 7-8-81; 8:45 am]
BILLING CODE 3510-25-M

Pig Iron From Finland; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

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 pig iron from Finland. The review covers the only known exporter of this merchandise to the United States for the period September 1, 1971 through June 30, 1980. This review indicates no dumping margins for the period. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Brian Kelly, or David Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2923).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 24, 1971, a dumping finding with respect to pig iron from Finland was published in the **Federal Register** as Treasury Decision 71–194 (36 FR 13781).

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 pig iron from Finland. 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 pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of one Finnish firm which manufactured and exported pig iron to the United States during the review period. That firm was Oy Koverhar Ab, which has since merged with its parent company, OVAKO Oy Ab. The review period is from September 1, 1971, through June 30, 1980.

Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act. Purchase price was based on the net f.o.b. price to an unrelated purchaser in the United Kingdom. The latter firm sold to another unrelated purchaser in the United Kingdom, who then exported the shipment to its U.S. subsidiary.

No adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 205 of the 1921 Act, since Oy Koverhar sold such or similar merchandise in Finland in sufficient quantities to provide an adequate basis for comparison. Home market price was the loaded ex-factory price. No adjustments were made or claimed.

Preliminary Results of the Review

As a result of our comparison of purchase price to home market price we preliminarily determine that no margins exist.

Interested parties may submit written comments on these preliminary results on or before August 10, 1981, and may request disclosure and/or a hearing on or before July 24, 1981. Any requests for an administrative protective order must be made no later than July 14, 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 will issue appraisement instructions directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent margin shall be required on all shipments of pig iron from Finland entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final notice. Since the most recent margin for the sole Finnish exporter was zero, the Department shall not require cash deposits on shipments of Finnish pig iron. This waiver 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).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 1, 1981.

[FR Doc. 81-20069 Filed 7-8-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Scientific and Statistical Committee and its Advisory Panel; Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilities under the Act. The Council, its SSC and AP will hold separate public meetings.

DATES: The Council meeting will convene on Thursday, July 23, 1981, at approximately 9 a.m., and will adjourn on Friday, July 24, 1981, at approximately 5 p.m., in the Elks Hall, Homer, Alaska. The SSC meeting will convene on Tuesday, July 21, 1981, at approximately 1:30 p.m., and will adjourn on Wednesday, July 22, 1981, at approximately 5 p.m., at the Bidarka Inn, Best Western Annex, Homer, Alaska. The AP meeting will convene on Wednesday, July 22, 1981, at approximately 9 a.m., and adjourn at approximately 5 p.m., at the Elks Hall, Homer, Alaska. These meetings may be lengthened or shortened depending upon progress on the agenda items.

PROPOSED AGENDA: Council—A detailed agenda will be sent to the public around July 10, 1981. The Council will hear reports on domestic and foreign fisheries, enforcement and surveillance, and the progress of various joint venture operations. The Council will also hear a report on an economists' workgroup on halibut limited entry and also may review foreign fishing permit applications. The Council intends to discuss a limited entry proposal for hand and power salmon trollers in the fishery conservation zone and will provide direction on refining the limited entry approach. The Council will also call for proposals for the 1982 salmon troll regulations and develop a tentative schedule for the 1982 amendment. Initial Council consideration is expected of the King Crab Fishery Management Plan (FMP) for 1982. The Council will hear a plan maintenance team report on the status of the Tanner Crab FMP and given direction to the team on further amending or redrafting the FMP. Similar action will be taken on the Gulf of Alaska Groundfish FMP. The Council is also expected to give final consideration to a redrafted amendment to the Bering Sea/Aleutian Islands Groundfish FMP, dealing with prohibited species, and discuss additional incentives to minimize prohibited species catches and provide flexibility to the National Marine Fisheries Service Regional Director to respond to emergency situations. Various contracts and research proposals will also be considered.

SSC and AP—Agendas will be similar to the Council's.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, (907) 274–4563.

Dated: July 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-20041 Filed 7-8-81; 8:45 am]

BILLING CODE 3510-22-M

Permit; Issuance

On April 23, 1981, notice was published in the **Federal Register** (46 FR 23097) that an application had been filed with the National Marine Fisheries Service by Zoo La Palmyre, Zoo Faune Tropicale, 17570 Les Mathes, France for a permit to obtain five (5) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on July 2, 1981, and as authorized by the provisions of the Marine Mammal

Protection Act of 1972 (16 U.S.C. 1361–1407) the National Marine Fisheries Service issued a public display permit for the above activity to Zoo La Palmyre subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 2, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-20042 Filed 7-8-81; 8:45 am]

BILLING CODE 3510-22-M

Permit; Modification

On April 10, 1981, Notice was published in the **Federal Register** (46 FR 21405) that request to modify Permit No. 258 had been filed with the National Marine Fisheries Service by Brian W. and Patricia A. Johnson, P.O. Box 3830, Honolulu, Hawaii 96812.

Notice is hereby given that pursuant to the provisions of Section 216.33 of the Regulations Governing the Taking and Importing of Marine Mammals and Section 222.25 of the regulations governing endangered species permits, Permit No. 258 issued to Brian W. Patricia A. Johnson on March 26, 1979 (44 FR 19221), as modified on May 13, 1980 (45 FR 31458), was further modified as follows:

1. Section A–1 is modified to read:

"A total of two hundred ninety-two (292) Hawaiian monk seals *(Monachus schauinslandi)* may be taken by marking with a commercial dye. Each animal may be remarked up to three times."

2. Section B–7 is modified to read:

"This permit is valid with respect to the taking authorized herein until December 31, 1984."

This modification became effective on July 1, 1981.

The permit, as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 1, 1981.

William H. Stevenson,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-20040 Filed 7-8-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Finding of No Significant Impact and Withdrawal of Intent To Prepare an EIS

ACTION: Notice of Finding of No Significant Impact and Withdrawal of Notice of Intent to Prepare an EIS.

FOR FURTHER INFORMATION CONTACT: Dr. F. Prescott Ward, Chief, Ecology Branch, Environmental Technology Division, Chemical Systems Laboratory, Aberdeen Proving Ground, MD 21010; telephone (301) 671–2586/3564.

Notice—The Department of the Army gives notice that an Environmental Impact Statement (EIS) will not be prepared for the construction of a 155mm binary chemical munitions facility at Pine Bluff Arsenal, Arkansas. On November 13, 1980, the Army published a Notice of Intent to prepare an EIS for the 155mm binary munitions facility at Pine Bluff Arsenal. After public scoping on this issue, an Environmental Assessment was prepared which concluded that no significant environmental impacts will occur. The Finding of No Significant Impact (FONSI) may be reviewed at: Public Affairs Office, Pine Bluff Arsenal, Pine Bluff, Arkansas 71611; Public Affairs Office, Edgewood Area, Aberdeen Proving Ground, Maryland 21010; and at the Army Environmental Office (DAEN–ZCE), Room 1E676, Pentagon, Department of the Army, Washington, DC 20310. In addition, limited copies of the FONSI are available for single-copy requests from the Public Affairs Office, Pine Bluff Arsenal, Arkansas.

The Department of the Army will receive comments on this action until August 10, 1981. Comments should be directed to Dr. Ward at the address shown above.

The Programmatic EIS for the Binary Chemical Munitions Program, announced on November 13, 1980, is currently under preparation. The Environmental Assessment prepared for the 155mm munition will be referenced in the Programmatic EIS.

Dated: July 6, 1981.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA(IL&FM).

[FR Doc. 81-20094 Filed 7-8-81; 8:45 am]

BILLING CODE 3710-05-M

DEPARTMENT OF EDUCATION

National Board of the Fund for the Improvement of Postsecondary Education; Meeting

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463, Sec. 10(a)(2)).

DATE: July 23, 1981 at 5:00 p.m. through July 25, 1981 at 2:30 p.m.

ADDRESS: Washington Hotel, 515 15th Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Carol Stoel, Deputy Director, Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, (202) 245–8091.

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under Section 1003 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a–1). The National Board of the Fund is established to "advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education . . . on the selection of projects under consideration for support by the Fund in its competitions".

The meeting of the National Board will be open to the public. The proposed agenda includes: Reviewing and recommending possible program directions for fiscal year 1981–82.

Records shall be kept of all Board proceedings, and shall be available for public inspection at the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202.

between the hours of 8:00–4:30 weekdays, except Federal Holidays.

Edward L. Meador,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 81-20177 Filed 7-8-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81-CERT-012]

Consolidated Edison Company of New York, Inc.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On June 22, 1981, Consolidated Edison Company of New York, Inc. (Con Edison), filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for certification of an eligible use of approximately 22.3 billion cubic feet of natural gas during the period July 1, 1981, to October 31, 1981, to displace approximately 3,188,000 barrels of residual fuel oil (0.3 percent sulfur), approximately 412,000 barrels of kerosene (0.05 percent sulfur), and approximately 150,000 barrels of No. 2 fuel oil (0.2 percent sulfur) between July 1, 1981, and October 31, 1981, at its Astoria, East River, Narrows, Ravenswood, Waterside, and 60th Street steam and electric generating facilities in New York City. The eligible sellers and approximate volumes of natural gas to be purchased are: Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314 (11.9 billion cubic feet); Boston Gas Company, 1 Beacon Street, Boston, Massachusetts 02108 (6.1 billion cubic feet); Bay State Gas Company, 120 Royall Street, Canton, Massachusetts 02021 (1.4 billion cubic feet); and Pennsylvania Gas & Water Company, 39 Public Square, Wilkes-Barre, Pennsylvania 18711 (2.9 billion cubic feet). The gas will be transported by Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001; Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., P.O. Box 2511, Houston, Texas 77001; Consolidated Gas Supply Corporation, 445 West Main Street, Clarksburg, West Virginia 26301; Texas Eastern Gas Pipeline Company, P.O. Box 2521, Houston, Texas 77001; and Columbia Gas Transmission Corporation, *supra.*

Con Edison has requested that the certification be issued expeditiously to be in a position to begin the purchase of natural gas as close to July 1, 1981, as possible in order to displace the full volumes of imported fuel oil.

The ERA has carefully reviewed Con Edison's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Con Edison's application satisfies the criteria enumerated in 10 CFR Part 595. We are therefore granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual certification are available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

The requested certification is being issued prior to the 10-day public comment period because it involves the displacement of large volumes of imported fuel oil, and it is in the public interest to maximize the displacement of imported fuel oil. The application also states that the use of this natural gas will be available to displace fuel oil only for a limited 4-month period ending October 31, 1981. Given the limited availability of the gas and the authority of the Administrator to terminate a certification for good cause (10 CFR 595.08), if public comments show that the certificate was improperly granted, it is not in the public interest to permanently lose this opportunity to displace large volumes of imported fuel oil while public comments are being solicited. Based upon the applicant's representations as to the limited availability of the gas and because they form the basis for our granting expedited treatment, the certificate will expire on October 31, 1981.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Lynne H. Church, on or before July 20, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Con Edison and any persons filing comments and will be published in the Federal Register.

Issued in Washington, D.C. on July 2, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-20089 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-01-M

Consolidated Leasing Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: March 16, 1981.

Comments by: August 10, 1981.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105, telephone (415) 764–7038.

SUPPLEMENTARY INFORMATION: On March 16, 1981, the Office of Enforcement of the ERA executed a Consent Order with Consolidated Leasing Corporation of Los Angeles, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Consolidated Leasing Corporation (Consolidated) with its home office located in Los Angeles, California, is a firm engaged in the retailing of motor

gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts, 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Consolidated, the Office of Enforcement, ERA, and Consolidated entered into a Consent Order, the significant terms of which are as follows:

1. The ERA alleges that Consolidated's refueling service charges were in excess of the maximum lawful selling prices for gasoline during the period August 1, 1979 through August 31, 1980 in violation of the Mandatory Petroleum Price Regulations, 10 CFR 212.93.

2. Consolidated denies that the regulations have ever applied or currently apply to its refueling service charges, and further denies that it has in any way violated the regulations.

3. Consolidated shall refund $16,500, which sum includes principal and interest. The refund is to be made upon execution of the Consent Order.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Consolidated agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in 1.1 above, the sum of $16,500. Refunded overcharges will be made in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.167. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claimants to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to the U.S. Department of Energy, Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, CA 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764-7038.

You should identify your comments or written notification of claim on the outside of your envelope and on the documents you submit with the designation "Comments on Consolidated Leasing Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 10, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 25th day of June 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District Economic Regulatory Administration.

[FR Doc. 81-20090 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP 81-369-000]

City of Drakesboro, Kentucky, Applicant, Texas Gas Transmission Corp., Respondent; Application

July 2, 1981.

Take notice that on June 11, 1981, The City of Drakesboro, Kentucky (Applicant), Mayor's Office, Drakesboro, Kentucky 42337, filed in Docket No. CP 81-369-000 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Texas Gas Transmission Corporation (Texas Gas) to continue the physical connection of its natural gas transportation system with the local distribution system of Applicant and to continue to sell natural gas to Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it owns and operates a local natural gas distribution system in the City of Drakesboro, Kentucky, and its environs which has insufficient local supplies to meet its customers' needs. Applicant indicates that it has been purchasing natural gas from Texas Gas pursuant to Commission order dated November 17, 1976, which expires on November 16, 1981. Applicant is currently receiving its natural gas supplies from Texas Gas, as well as small and declining volumes from Creek Oil Company, Inc. and Black Diamond No. 1 Well.

Applicant requests the Commission herein to direct Texas Gas to continue selling and delivering gas to Applicant on a permanent basis. Applicant requests a maximum daily quantity of up to 1,020 Mcf. Applicant further requests continuation of service without prior reporting on crediting conditions. Applicant estimates maximum day requirements for its residential, commercial and industrial customers for the next three years as follows:

	1,000 ft.³/d			
	Residential	Commercial	Industrial	Total
1981	782	251	252	1,285
1982	850	273	252	1,375
1983	881	283	252	1,416

This estimate is based on normal weather and normal growth.

Applicant estimates that the annual requirements for its residential, commercial and industrial customers for the next three years as follows:

	1,000 ft.³/d			
	Residential	Commercial	Industrial	Total
1981	67,926	21,804	39,312	129,042
1982	73,679	23,716	39,312	136,907
1983	76,586	24,584	39,312	140,482

These estimates are based on normal weather and normal growth, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1981, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20156 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4310-000]

Frank T. Clark; Application for Preliminary Permit

July 7, 1981.

Take notice that Frank T. Clark (Applicant) filed on March 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for Project No. 4310 known as the Kingsbury Branch Project located on the Winooski River in Washington County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank T. Clark, R. D., #1 Box 517, Grand Isle, Vermont 05458.

Project Description—The proposed project would consist of: 1) an existing dam approximately 30 feet high and 72 feet long; 2) an impoundment covering 42 acres; 3) a new steel penstock 7 feet in diameter and 289 feet long; 4) a new powerhouse measuring approximately 25 by 50 feet and housing turbine/generator units with a total capacity of 1.3 MW; 5) a low voltage, 1,000-foot long transmission line and 6) appurtenant facilities.

The Applicant plans on selling the annual generation of 3.5 million kWh to the Green Mountain Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of one year, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $52,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the applcation may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20157 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-16-000]

Gulf States Utilities Co.; Filing

July 2, 1981.

The filing Company submits the following:

Take notice that on June 25, 1981, Gulf States Utilities Company applied for authority under Section 203 of the Federal Power Act to sell two 500kV transmission lines located in the State of Louisiana to Cajun Electric Power Cooperative for a consideration of approximately $14,893,841 in cash.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20158 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-371-000]

Northern Natural Gas Co. Division of InterNorth, Inc.; Application

July 7, 1981.

Take notice that on June 12, 1981, Northern Natual Gas Company Division of InterNorth Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-371-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Transwestern Pipeline Company (Transwestern) on a limited-term and best-efforts basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to its gas sales agreement with Transwestern dated June 1, 1981, Applicant would sell to Transwestern on a best-effort basis up to 50,000 Mcf of natural gas per day. It is said that such agreement would extend through October 31, 1983.

Applicant indicates that it would deliver gas to Transwestern at an existing point of interconnection between Applicant and Transwestern in Ward County, Texas, or at any other point mutually agreeable to the parties.

It is stated that Transwestern would pay Applicant for the subject gas a price which would be the higher of the then currently effective Section 102 price of the Natural Gas Policy Act of 1978 or Applicant's then effective Zone 1 commodity rate under Applicant's Rate Schedule CD–1. Applicant states that the proposed sale would be contingent upon Applicant's ability to meet its existing general system volume requirements. It is further stated that in instances when Applicant cannot provide total requested deliveries to its off-system customers due to the volume demand of its general system requirements then Applicant would apply any excess volumes in a *prorata* manner subject to pipeline operational consideration to those off-system customers.

Applicant states that its customers would receive direct benefits from refunds attributable to off-system sales revenues accomplished by the revenue treatment proposed herein.

Applicant asserts that its currently effective rates are the result of a settlement agreement in Docket No. RP80–88 which provides for a Sales Refund Obligation (SRO) in the event the actual sales volumes experienced while the settlement rates are in effect exceed the sales level upon which the settlement rates were designed. It is submitted that Section III of the Stipulation and Agreement in Docket No. RP80–88 requires that Applicant refund to its customers the fixed cost component of its commodity rate (the market area commodity rates include a fixed cost component of 51.15 cents per Mcf) for any actual sales volumes in access of the settlement sales volume level to the extent that such revenues are not needed to cover any increase in the actual SRO cost of service over the settlement SRO cost of service. It is further asserted that under the proposed revenue treatment, Applicant would refund by direct credit to Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies all off-system sales rates in excess of the currently effective Zone 1 commodity rate.

Applicant states that it has made significant investments in the facilities which connect new supplies to its system since its rate settlement in Docket No. RP80–88 which new supplies make it possible for Applicant to make the sales as proposed herein. It is asserted that the proposed revenue treatment would provide Applicant, if necessary, the opportunity to recover the cost of service related to those facilities through the revenues generated from those sales.

Applicant asserts that it would have excess volumes of natural gas available on its system as a result of active acquisition and reduced market requirements and high deliverability requirements of new gas purchase contracts. It states that the proposed sale would allow it to manage better its overall gas supply and reduce exposure of substantial take-or-pay payments during the term of the sale.

Any person desiging to be heard or to make any protest with reference to said application should on or before July 24 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-20519 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-361-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

July 7, 1981.

Take notice that on June 8, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81–361–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas on a limited-term and best-efforts basis to Energy Gathering, Inc. (Energy Gathering), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Energy Gathering up to 100,000 Mcf of natural gas per day on a best-efforts basis for a period extending through October 31, 1983, pursuant to a gas sales agreement dated April 14, 1981.

Applicant asserts that the volumes to be sold to Energy Gathering would be surplus to Applicant's general system volume obligations and would be accomplished without jeopardizing service to its customers. Applicant further asserts that Energy Gathering would utilize the gas in its general system supply to serve existing customers.

Applicant states that delivery of volumes to Energy Gathering would be accomplished by Applicant delivering gas to Oasis Pipe Line Company (Oasis) at an existing point of interconnection between Applicant and Oasis in Pecos County, Texas, for redelivery by Oasis to Energy Gathering through displacement.

Applicant states that Energy Gathering would pay it for gas delivered at a price which would be the higher of the then currently effective Section 102 price of the Natural Gas Policy Act of 1978 or Applicant's then effective Zone 1 AOS Rate of Applicant's FERC Gas Tariff, Third Revised Volume No. 1. Applicant states that such Zone 1 AOS rate is the Zone CD–1 Rate at 100 percent load factor. Applicant further proposes that all rates should be adjusted on a million Btu basis and exclude taxes.

Applicant explains that the volumes for sale herein would be contingent upon its ability to meet its existing general system volume requirements and in instances where it cannot provide total requested deliveries to its off-system Sales customers it would apply any excess volumes in a *pro-rata* manner subject to pipeline operational considerations to those off-system customers.

Applicant further requests that specific authorization be granted for its proposed treatment of the revenues received from such off-system sale. Applicant states that its currently effective rates are the result of a settlement agreement in Docket No. RP80–88 which provides for an SRO in the event the actual sales volumes experienced while the settlement rates are in effect exceed the sales level upon which the settlement rates were designed. Applicant asserts that Section III of the Stipulation and Agreement in Docket No. RP80–88 requires that Applicant refund to its customers the fixed cost component of its commodity rate (the market area commodity rates include a fixed cost component of 51.15 cents per Mcf) for any actual sales volumes in excess of the settlement sales volume level to the extent such revenues are not needed to cover any increase in the actual SRO cost of service over the settlement SRO cost of service. It is stated that the provisions of this SRO provide an effective refund mechanism for off-system sales revenues up to the level of such revenues generated by the actual off-system sales volumes at Applicant's Zone 1 commodity rate level but do not provide a refund mechanism for off-system sales revenues in excess of the Zone 1 commodity level.

Under the revenue treatment proposed herein, Applicant agrees to refund by direct credit to Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies all off-system sales revenues attributable to that portion of the sales rate in excess of the currently effective Zone 1 commodity rate. Applicant submits that with this treatment for the revenues above the Zone 1 commodity rate, the treatment for the remaining revenues derived from the Zone 1 commodity rate level would be consistent with that treatment for total system sales as required by the approved settlement agreement in Docket No. RP80–88.

Applicant believes that the revenue treatment for off-system sales is consistent with the concept underlying and the procedures of the SRO of Applicant's Stipulation and Agreement in Docket No. RP80–88. Applicant states that it has made significant investments in the facilities which connect new supplies to its system since its rate settlement in Docket No. RP80–88. The revenue treatment as proposed herein would provide Applicant the opportunity to recover the cost of service related to those facilities through the revenues generated from these sales.

Applicant asserts that the proposed sale would allow Applicant to better manage its overall gas supply and reduce the exposure of substantial take-or-pay payments while enhancing Applicant's ability to acquire new gas supplies for the long-term benefit of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20190 Filed 7–6–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4758–000]

Price City, Utah; Application for Preliminary Permit

July 7, 1981.

Take notice that Price City (Applicant) filed on June 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4758 known as the Scofield Project located on the Price River in Carbon County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor H. Mark Hanson, Price City, Municipal Building, Price, Utah 84501.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Scofield Dam and would consist of: (1) a new penstock installed in and through the existing outlet tunnel; (2) a powerhouse containing generating unit(s) having a total rated capacity of 2,500 kW; (3) a 7-mile-long transmission line; and (4) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 21,900,000 kWh. Project energy would be sold to Utah Power & Light Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct an economic feasibility study, review and study environmental consequences, consult with Federal, State and local agencies, perform alternative design studies, and prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 4, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 3, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before September 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20161 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 382-004]

Southern California Edison Co.; Application for Approval of Revised Exhibits J, K and R

July 7, 1981

Take notice that Southern California Edison Company (Applicant) filed on March 9, 1981, an application for approval of revised Exhibits J, K, and R [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 382 known as the Borel Project located on the Kern River in Kern County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. J. T. Head, Jr., Vice President, Southern California Edison Company, P. O. Box 800, Rosemead, California 91770.

Project Description—Applicant in its Exhibit R (recreation plan) proposed to develop a 50-unit, day-use picnic area along the Kern River immediately upstream of the Borel Powerhouse. The development would include: (1) an access road; (2) parking for 50 cars; (3) 50 picnic tables; (4) two comfort stations; (5) a pressurized water systems; and (6) fire grills. Exhibits J and K (project maps) have been revised to include the recreation area within the project boundary.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 12, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20162 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-357-000]

United Gas Pipe Line Co.; Application

July 7, 1981.

Take notice that on June 4, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81–357–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap to enable Mississippi Valley Gas Company (Mississippi Valley) to render gas service to a new residential development in Madison County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 2-inch tap on its existing 6-inch Canton, Mississippi, line located in Madison County, Mississippi.

Applicant states that by letter dated April 9, 1981, Mississippi Valley requested the proposed tap in order to effectuate gas service for a new residential development in Madison County. Applicant states that under the terms of its service agreement with Mississippi Valley dated February 7, 1980, it delivers a maximum daily quantity (MDQ) of 118,542 Mcf of natural gas to Mississippi Valley. Applicant asserts that no increase in the authorized MDQ would be required.

Applicant estimates the cost of the proposed tap to be $1,260 which amount would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20163 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EF81-5121]

Western Area Power Administration; Filing

July 2, 1981.

The filing Company submits the following:

Take notice that on June 24, 1981, pursuant to Delegation Order No. 0204-33, as amended, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy filed for Commission review of Rate Order No. WAPA-8, which approved the Western Area Power Administration's revised passthrough rate methodology for the sale of Centralia Powerplant capacity and energy and other Northwest energy to the Pacific Gas and Electric Company (PG&E).

The contract between the Western Area Power Administration (Western) and PG&E requires that a change in any rate or charge be submitted to the Commission if the parties are unable to agree to the change. PG&E does not agree with the rates set forth by Rate Order WAPA-8.

By letter agreement dated January 27, 1981, PG&E and Western have agreed that the rates approved by the Commission will be effective from April 1, 1981 through December 31, 1981, for Centralia power sales and from April 1, 1981 through March 31, 1986, for other Northwest energy sales. It is requested that the Commission allow the rates to go into effect, subject to refund, pending the Commission's final decision.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20164 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. B-21]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Cut-Off Date: August 7, 1981.

Released: June 30, 1981.

Notice is hereby given that the following applications have been accepted for filing. Because they are in conflict with applications previously accepted for filing and subject to cut-off dates for conflicting applications, no application which would be in conflict with them will be accepted for filing.

Petitions to deny these applications must be on file with the Commission not later than the close of business on August 7, 1981.

Minor amendments to these applications, and to those they are in conflict with, may be filed as a matter of right not later than the close of business on August 7, 1981.

BP-810309AQ (Weep), Hampton Township, Pennsylvania, Radio 1080 Corp., Has: 1080 kHz, 50 kW, DA, Day (Pittsburgh), Req: 1070 kHz, 2.5 kW, 25 kW-LS, DA-2, U (Hampton Township)

BP-810330AH (New), Milwaukee, Oregon, John E. Grant and Lester W. Spillane d.b.a. Grant & Spillane, Req: 1010 kHz, 250 W, Day

BP-810618AD (New), Elmwood Township, Michigan, Paragon Radio Network, Inc., Req: 1400 kHz, 250 W, 1 kW-LS, U

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-20123 Filed 7-8-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-34]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Cut-Off Date: August 6, 1981.

Released: June 30, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after August 6, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 6, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the close of business on August 6, 1981.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on August 6, 1981.

BP-800828AE (WBRN), Big Rapids, Michigan, WBRN, Incorporated, Has: 1460 kHz, 1 kW, D, Req: 1460 kHz, 2.5 kW, 5kW-LS, DA-N, U

BP-810209AC (KTAC), Fife, Washington, Entertainment Communications, Inc., Has: 850 kHz, 1 kW, 10 kW-LS, DA-2, U (Tacoma), Req: 840 kHz, 1 kW, 10 kW-LS, DA-2, U (Fife)

BP-810316AB (WWZZ), Sarasota, Florida, Sun Broadcasting Company of Florida, Has: 1280 kHz, 500 W, DA-D, Req: 1280 kHz, 2.5 kW, DA-D

BP-810320AB (WHAZ), East Greenbush, New York, WPOW, Inc., Has: 1330 kHz, 1 kW, D (Troy), Req: 640 kHz, 1 kW-LS, DA-N, U (East Greenbush)

BP-810402AA (New), Yauco, Puerto Rico, Radio Voice of Yauco, Inc., Req: 880 kHz, 500 W, DA-2, U

BP-810427AQ (KIVY), Crockett, Texas, Pioneer Broadcasting Company, Has: 1290 kHz, 1 kW, D, Req: 1290 kHz, 2.5 kW, D

BP-810427AR (WNOG), Naples, Florida, Palmer Communications, Incorporated, Has: 1270 kHz, 500 W, DA-N, U, Req: 1270 kHz, 1 kW, DA-2, U

BP-810428AG (New), Riverbank, California, Robert A. Jones, Marvin B. Clapp and Carl J. Auel, d.b.a. Riverbank Broadcasters, Req: 770 kHz, 1 kW, DA-N, U

BP-810529AG (New), Sidney, New York, Robert Raide, tr/as, Broadcast Facilities Company, Req: 1490 kHz, 250 W, 1 kW-LS, U

BP-810622AA (New), Carrollton, Georgia, West Georgia Broadcasting, Inc., Req: 1100 kHz, 1 kW, D

BPI–810622AC (New), Carrollton, Georgia, West Georgia Broadcasting, Inc., Req: 1100 kHz, 1 kW, D

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–20124 Filed 7–8–81; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1295]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

July 2, 1981.

The following listings of petitions for consideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before July 24, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Various Methods of Transmitting Program Material to Hotels and Similar Locations and Use of the Business Radio Service for the Transmission of Motion Pictures or Other Program Material to Hotels or Other Similar Points. (Docket No. 19671)

Filed by: Wayne V. Black and C. Douglas Jarrett, Attorneys for Central Committee On Telecommunications of the American Petroleum Institute on 6–22–81.

Subject: An Inquiry Into the Use of the Bands 825–845 MHz and 870–890 MHz for Cellular Communications Systems; and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems. (CC Docket No. 79–318, RM–3200)

Filed by: David C. Jatlow and Richard Rubin, Attorneys for Metro Mobile Communications, Inc. on 6–22–81. John R. Hoffman, Attorney for United Telephone System, Inc. on 6–22–81. David Cosson and Amy S. Gross, Attorneys for the National Telephone Cooperative Association. A. Harold Peterson, Attorney for National REA Telephone Association. James G. Mercer, Executive Vice President for Organization for the Protection and Advancement of Small Telephone Companies, and David A. Irwin, Attorney for Organization for the Protection and Advancement of Small Telephone Companies for the Rural Telephone Coalition on 6–22–81. Larry S. Solomon, Ronald C. Coleman, Richard M. Rindler and George M. Pond, Attorneys for Millicom Incorporated on 6–22–81. Thomas J. O'Reilly, Attorney for United States Independent Telephone Association on 6–22–81. Thomas J. O'Reilly, Attorney for Lincoln Telephone & Telegraph Company on 6–22–81. James M. Tobin, Daniel A. Huber, Mitchell F. Brecher and Mark P. Bresnahan, Attorneys for Southern Pacific Communications Company on 6–22–81. Stephen A. Weiswasser, Maury J. Mechanick and Fern B. Kaplan, Attorneys for LIN Broadcasting Corporation on 6–22–81. Clayton E. Niles, Chairman of the Board and Chief Executive Officer, and Jeremiah Courtney, Attorney for Communications Industries, Inc. on 6–22–81.

Filed by: Richard McKenna, Attorney for GTE Service Corporation and its Affiliates on 6–22–81. William F. Baxter, Assistant Attorney General Antitrust Division, Ronald G. Carr, Acting Deputy Assistant Attorney General, Stanley M. Gorinson, Chief, Special Regulated Industries Section, Robert E. Hauberg, Jr., Assistant Chief, Special Regulated Industries Section, Karen Magid, Attorney Special Regulated Industries Section, and Timothy J. Brennan, Economist, Economic Policy Office for the United States Department of Justice on 6–22–81. Wilson B. Garnett, Vice President, and Martin T. Mccue, Attorney for Central Telephone & Utilities Corporation on on 6–22–81. John H. Arnessen, Assistant Administrator—Telephone for the Rural Electricfiation Administration on 6–22–81. Arthur Blooston and Robert J. Keller, Attorneys for Radiofone, Inc. on 6–22–81. E. William Henry and Lawrence P. Keller, Attorneys for Continental Telephone Corporation on 6–22–81. John M. Lothschuetz and John W. Hunder Attorneys for United Communications Systems, Inc. on 6–22–81. John L. Bartlett, David E. Hilliard, Robert J. Butler, Karl F. Nygren and Leonard Kolsky, Attorneys for Motorola, Inc. on 6–22–81. Arthur Blooston and Robert J. Keller, Attorneys for Rogers Radio Communications Services, Inc. on 6–22–81. Kenneth E. Hardman and Richard B. Severy, Attorneys for Telocator Network of America on 6–22–81. Anthony J. Calio, Associate Administrator for Office of Space and Terrestrial Applications for National Aeronautics and Space Administration on 6–22–81. Norman E. Jorgensen and Carl W. Northrop, Attorneys for Industrial Communications Systems, Inc. on 6–22–81. Arthur Blooston and Robert J. Keller, Attorneys for Zip-Call, Inc. on 6–22–81. Arthur Blooston and Robert J. Keller, Attorneys for Mobilfone Service, Inc. on 6–22–81.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–20125 Filed 7–8–81; 8:45 am]

BILLING CODE 6712–01–M

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

[Report No. B–27]

Cut-off date: August 21, 1981.

Released: July 6, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission not later than the close of business on August 21, 1981. Any application previously accepted for filing and in conflict with any application listed in the attached appendix may also be amended as a matter of right not later than the close of business on August 21, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary,

BPCT–810615KJ (New) Wilmington, North Carolina, Cape Fear Television, Inc., Channel 29, ERP: Vis. 1345 kW; HAAT: 735 feet

BPCT–810615KI (New) High Point, North Carolina, Triad Family Television, Inc., Channel 67 ERP: Vis. 630 kW; HAAT: 478 feet

BPCT–810615KS (New) High Point, North Carolina, High Point Community Television, Inc., Channel 67, ERP: Vis. 4800 kW; HAAT: 2052 feet

BPCT–810615KH (New) Toledo, Ohio, Toledo Family Television, Inc., Channel 36, ERP: Vis. 1504 kW; HAAT: 967 feet

BPCT–810615KO (New) Toledo, Ohio, Toledo Ohio T.V., Inc., Channel 36, ERP: Vis. 5000 kW; HAAT: 469 feet

BPCT–810615KU (New) Toledo, Ohio, Channel 36, Inc., Channel 36, ERP: Vis. 2056 kW; HAAT: 1416 feet

BPCT–810615KW (New) Toledo, Ohio, tv USA/Toledo, Inc., Channel 36, ERP: Vis. 4243 kW; HAAT: 1425 feet

[FR Doc. 81–20144 Filed 7–8–81; 8:45 am]

BILLING CODE 6712–01–M

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

[Report No. B–26]

Released: July 2, 1981.

Cut-Off Date: August 17, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on

file with the Commission not later than the close of business on August 17, 1981. Any application previously accepted for filing and in conflict with any application listed in the attached appendix may also be amended as a matter of right not later than the close of business on August 17, 1981. Amendments filed pursuant to this notice are subject to the provisions of Section 73.3572(b) of the Commission's Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

BPCT-810611KE (New) San Diego, California, Christian Communications Network, Channel 69, ERP: Vis. 4931 kW; HAAT: 1853 feet
BPCT-810615KE (New) San Diego, California, Federal Broadcasters, Inc., Channel 69, ERP: Vis. 3342 kW; HAAT: 1906 feet
BPCT-810615KF (New) San Diego, California, San Diego Family Television, Inc., Channel 69, ERP: Vis. 2793 kW; HAAT: 1949 feet
BPCT-810615KL (New) San Diego, California, LLMR Broadcasting, Inc., Channel 69, ERP: Vis. 5000 kW; HAAT: 1906 feet
BPCT-810615KN (New) San Diego, California, Intersat Communications Corp., Channel 69, ERP: Vis. 1222 kW; HAAT: 1894 feet
BPCT-810615KP (New) San Diego, California, Local Service Television, Inc., Channel 69, ERP: Vis. 4755 kW; HAAT: 1925 feet
BPCT-810615KV (New) San Diego, California, Channel 69 Corporation, Channel 69, ERP: Vis. 3239 kW; HAAT: 1844 feet
BPCT-810428KG (New) Lander, Wyoming, The Chrysostom Corporation, Channel 4, ERP: Vis. 100 kW; HAAT: 272 feet

[FR Doc. 81-20143 Filed 7-8-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. ac-125]

Texas Federal Savings and Loan Association, Dallas, Texas; Approval of Post-Approval Amendment of Conversion Application (Notice of Final Action)

Date: July 2, 1981.

Notice is hereby given that on June 17, 1981, the Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), by Resolution Nos. 81-336 and 81-337 approved two amendments to the application of Texas Federal Savings and Loan Association, Dallas, Texas ("Association") amending the plan of conversion and providing that the aggregate price of the stock to be sold in the conversion of the Association shall be not less than $13,725,000 nor more than $18,525,000. The conversion application of the Association was approved on March 31, 1981, by Board Resolution 81-176 which Resolution required that the conversion stock be sold for an aggregate price within a range from $19,600,000 to $26,400,000. Copies of the application and amendments thereto are available for inspection at the Office of the Secretary of FSLIC, 1700 G Street, N.W., Washington, D.C. 20052, and at the Office of the Supervisory Agent of FSLIC at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-20171 Filed 7-8-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. 10421, 10423 and T-3976]

Availability of Findings of no Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 10421 permits Pan American Mail Line, Inc., and Linea Naviera Panatlantica, S.A., to employ the firm of Chester, Blackburn & Roder, Inc., as general agents in the U.S. It also permits each of the parties to operate a liner service under the trade name "Pan Atlantic Lines" and use the stack symbol: "AMI GLOBE".

Agreement No. 10423, a transshipment agreement between Matson Navigation Company, Inc., and Philippines, Micronesia and Orient Navigation Company (PM&O), provides for the carriage of PM&O's containerized and noncontainerized cargo by Matson between Honolulu, Hawaii, and Portland, Oregon; Seattle, Washington, and Oakland and Los Angeles, California.

Agreement No. T-3976, between Puerto Rico Ports Authority (Authority) and Sea-Land Service, Inc. (Sea-Land), authorizes the Authority to lease property at the Puerto Nuevo terminal in San Juan Harbor to Sea-Land for exclusive use.

The Findings of No significant Impact (FONSI) will become final within 20 days of publication of the Notice of Availability of Finding of No Significant Impact in the **Federal Register** unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking

Acting Secretary.

[FR Doc. 81-20065 Filed 7-8-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3978]

Container Crane Lease Between Sea-Land Service, Inc. and City of Long Beach; Notice of Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3978 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The subject of this agreement is two container cranes owned by Sea-Land Service, Inc. (Sea-Land). Under the terms of the agreement, these cranes would be made available by Sea-Land to the City of Long Beach (the City), which in turn would lease them to Maersk Line Pacific.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this Notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-20066 Filed 7-8-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 86]

John A. Merritt & Co.; Order of Revocation

On May 29, 1981, John A. Merritt & Company, 804 South Palafox Street, Pensacola, Florida 32593 surrendered its Independent Ocean Freight Forwarder License No. 86 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 86 issued to John A. Merritt & Company be revoked effective July 1, 1981 without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon John A. Merritt & Company.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-20064 Filed 7-8-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 672]

Southern Steamship Agency, Inc.; Order of Revocation

On June 1, 1981, Southern Steamship Agency, Inc., 118 N. Royal Street, P.O. Box 2188, Mobile, Alabama 36601 surrendered its Independent Ocean Freight Forwarder License No. 672 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 672 issued to Southern Steamship Agency, Inc. be revoked effective July 1, 1981, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Southern Steamship Agency, Inc.

Albert J. Klingel, Jr.,

Director Bureau of Certification and Licensing.

[FR Doc. 81-20067 Filed 7-8-81; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

GSA Bulletin FPR-52 Federal Procurement

June 30, 1981.

To: Heads of Federal agencies.

Subject: Conversion cost-estimating techniques.

1. *Purpose.* This bulletin announces the availability of a Federal Conversion Support Center (FCSC) report regarding the review and analysis of conversion cost-estimating techniques.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled or superseded.

3. *Background.*

a. Software conversion is the transformation, without functional change, of computer programs or data elements to permit their use on a replacement or changed ADP equipment or teleprocessing service system.

b. The conversion process is a highly complex and expensive procedure which requires considerable planning if it is to be successfully accomplished. Both the Federal Property Management Regulations (FPMR) and Federal Procurement Regulations (FPR) address this area. (See FPMR §§ 101-35.203-6, 101-35.206, 101-35.206-1, and 101-35.206-2 and FPR §§ 1-4.1109-12, 1-4.1109.11-3, and particularly 4.1109-14.)

c. The FCSC specializes in software conversion assistance, guidance, and support services. It is operated by GSA to provide Federal agencies, on a reimbursable basis, with specialized expertise, techniques, and tools to conduct conversion studies, plans, and procurements and to accomplish software conversions.

d. One of the earliest planning steps is to estimate the resources necessary to accomplish a conversion. However, little information has been published on conversion cost-estimating. Much of the available data is subjective, biased, outdated, or not applicable to the current environment, the new generation of computers, or modern programing practices. None of the published reports detail all actual expenditures versus estimated costs or are fully validated for general use.

Note.—This information is identical to the information in GSA Bulletin FPMR F-133.

e. In response to this problem, the FCSC has conducted a study of existing conversion cost-estimating techniques. The study evaluates the advantages, disadvantages, assumptions, and constraints of published cost-estimating techniques to determine if any could be adapted for Government-wide use.

4. *Report availability.* The FCSC has prepared Report No. GSA/FCSC-81/001, dated April 1981, entitled "Review and Analyses of Conversion Cost-Estimating Techniques." Limited copies of the report are available to all Federal agencies from the FCSC at the address given in paragraph 6.

5. *Potential Benefits.* This report may assist agencies in keeping accurate records, and in making better estimates, of conversion project costs. The use of standard units of cost measures and task breakdowns may contribute to the ease with which data from different sources can be compared. In turn, cost estimating techniques can be further refined.

6. *Information, comment, or assistance.* For further information, comments, or assistance, contact: Federal Conversion Support Center, General Services Administration, 5203 Leesburg Pike, Suite 1100, Falls Church, VA 22041, Telephone: 703/756-6156.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 81-20127 Filed 7-8-81; 8:45 am]

BILLING CODE 6820-25-M

Office of the Federal Register

Standard Building Code; Notice of Research and Education Conference

AGENCY: Office of the Federal Register.

ACTION: Notice of Public Meeting.

SUMMARY: The Southern Building Code Congress International will hold its annual Research and Education Conference. The Conference will include hearings on proposed changes to the Standard Building Code and other related codes. All interested parties are invited to participate at this open meeting. The Office of the Federal Register is announcing this meeting as a public service.

DATE: October 25, 1981 through October 29, 1981.

ADDRESS: Sheraton Twin Towers Hotel, Orlando, Florida.

FOR FURTHER INFORMATION CONTACT: Registration information and code change agenda: William G. Vasvary, Executive Director, Southern Building Code Congress International, 900 Montclair Road, Birmingham, Alabama 35213 (205) 591-1853. Federal Register contact: Gary Segal (202) 523-4534.

John E. Byrne,

Director of the Federal Register.

[FR Doc. 81-20178 Filed 7-8-81; 8:45 am]

BILLING CODE 1505-02-M

Uniform Building Code; Notice of 59th Conference on Education and Code Development

AGENCY: Office of the Federal Register.

ACTION: Notice of Public Meeting.

SUMMARY: The International Conference of Building Officials (ICBO) will hold its annual Conference on Education and Code Development. The Conference will include hearings on proposed changes to the Uniform Building Code and other related codes. All interested parties are invited to participate at this open meeting. The Office of the Federal Register is announcing this meeting as a public service.

DATE: October 4, 1981 through October 9, 1981.

ADDRESS: Hyatt Regency Hotel, Indianapolis, Indiana.

FOR FURTHER INFORMATION CONTACT: Registration information and code change agenda: James E. Bihr, Executive Director, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (213) 699–0541. Federal Register contact: Gary Segal (202) 523–4534.

John E. Byrne,

Director of the Federal Register.

[FR Doc. 81–20179 Filed 7–8–81; 8:45 am]

BILLING CODE 1505–021–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Trials Committee; Cancelled Meeting

Notice is hereby given of the cancellation of the meeting of the Clinical Trials Committee, National Cancer Institute, National Institutes of Health, July 9, 1981, which was published in the **Federal Register** on June 22, 1981, (46 FR 32316). For further information, please contact Dr. Gerald U. Liddel, Executive Secretary, National Cancer Institute, Westwood Building, Room 826, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7575).

Dated: July 1, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–20200 Filed 7–7–81; 11:36 am]

BILLING CODE 4110–08–M

Public Health Service

National Council on Health Care Technology, Subcommittee on Grants and Contracts; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the Subcommittee on Grants and Contracts of the National Council on Health Care Technology (Council), which was established pursuant to the Health Research, Health Statistics, and Health Care Technology Act of 1978 (Pub. L. 95–623) and which advises the Secretary and the Director of the National Center for Health Care Technology (Center) on the activities of the Center, will convene on Thursday, July 30, 1981 at 8:30 a.m. at the Hubert H. Humphrey Building, 200 Independence Avenue, N.W., Washington, D.C. In accordance with the provisions set forth in Section 552b(c)(4) and 552(c)(6), Title V, U.S. Code and Section 10(d) of Pub. L. 92–463, the Subcommittee on Grants and Contracts will be closed from 8:30 a.m. to adjournment for the review, discussion and evaluation of the individual grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications, the disclosure of which would constitute a clearly unwarranted invasion of privacy.

Further information regarding the Council may be obtained by contacting Hilda Stofko, Executive Secretary, National Council on Health Care Technology, Room 17A–29, 5600 Fishers Lane, Rockville, Maryland 20857.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

June 23, 1981.

[FR Doc. 81–20165 Filed 7–8–81; 8:45 am]

BILLING CODE 4110–85–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

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

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3501, Block 261, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 1, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–20167 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

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

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0138, Block 45, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 1, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-20108 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

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

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration and Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2041, Block 257, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 1, 1981.

Lowell G. Hammons,

Conservation Manager Gulf of Mexico OCS Region.

[FR Doc. 81-20109 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[AA-20298]

Alaska Native Claims Selection; Cook Inlet Region, Inc.

On October 16, 1978, Cook Inlet Region, Inc., filed selection application AA–20298 under the provisions of Secs. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C. (2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976 for the surface and subsurface estates of certain lands on the Kenai Peninsula.

Section 12(b)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located inside the boundaries of Cook Inlet Region. The lands within selection AA–20298 were placed in the pool of properties available for Cook Inlet Region, Inc., subject to valid existing rights, by notice dated June 26, 1980.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

Seward Meridian, Alaska (Surveyed)

T. 5 N., R. 10 W.
Sec. 18, Lot 1.

Containing 40.45 acres.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA).

The grant of lands shall be subject to:

Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

Section 12(b)(6) of Public Law (P.L.) 94–204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal. The lands described above have been appraised at a value of $139,310. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 278.62 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 278.62 acres of its out-of-region entitlement.

Conveyance of the remaining entitlement of Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Anchorage Daily News.*

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal board, provided, however, pursuant to Public Law 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 10, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81–20131 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–84–M

[AA–9206–A]

Alaska Native Claims Selection; Shee Atika, Inc.

Section 506(c)(1) of the Alaska National Interest Lands Conservation Act of December 2, 1980, Public Law 96–487 (94 Stat. 2409) (ANILCA), directs conveyance of the surface estate of certain lands on Admiralty Island to Shee Atika, Incorporated, for the Natives of Sitka. This conveyance is to partially satisfy the rights of the Natives of Sitka, as provided in Sec. 14(h)(3) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(h)) (1976).

In view of the foregoing, the surface estate of the following described lands, pursuant to Sec. 506(c)(1) of ANILCA, aggregating approximately 23,073 acres, will be conveyed, subject to valid existing rights to Shee Atika, incorporated.

Copper River Meridian, Alaska

T. 45 S., R. 66 E. (Partially Surveyed)
Sec. 21, S½SE¼;
Sec. 22, E½SW¼, SW¼SW¼;
Sec. 26, SW¼SW¼;
Sec. 27, W½NW¼, NW¼SW¼, S½S½;
Sec. 28, lots 1, 2, and 3, E½, E½W½, NW¼NW¼;
Sec. 29, lots 2, 3, and 4;
Sec. 33, E½, E½W½, SW¼SW½;
Sec. 34, excluding Peanut Lake;
Sec. 35, W½W½.

Containing approximately 2,481 acres.

T. 46 S., R. 66 E. (Partially Serveyed)
Sec. 1, SW¼ excluding Lake Kathleen; S½NW¼, N½SE¼, SE¼SE¼;
Sec. 2, S½N½, S½, excluding Lake Kathleen; NW¼NW¼;
Sec. 3, excluding Peanut Lake and Lake Kathleen;
Sec. 4, lots 1, 2, 4, and 5, N½NE¼, SW¼NE¼, NW¼, E½SW¼, W½SE¼;
Sec. 10, E½ excluding Lake Kathleen;
Sec. 11, NW¼NW¼ excluding Lake Kathleen; NE¼NE¼, S½SW¼;
Sec. 12, N½ excluding Lake Kathleen;
Sec. 14, W½, SW¼SE¼;
Sec. 15, N½NE¼, SE¼NE¼;
Sec. 22, E½NE¼, NE¼SE¼;
Sec. 23, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, all;
Sec. 26, NE¼;
Sec. 35, E½, SE¼NW¼, E½SW¼;
Sec. 36, N½, N½S½.

Containing approximately 5,351 acres.

T. 47 S., R. 66 E. (Partially Surveyed)
Sec. 2, E½, E½W½;
Sec. 11, S½ excluding Lake Florence and Native allotment AA–6561; NE¼, E½NW¼;
Sec. 12, S½ excluding Lake Florence; S½NW¼;
Sec. 13, NE¼NE¼, S½NE½, N½NW¼, SE¼NW¼, excluding Lake Florence; S½;
Sec. 14, N½N½ excluding Lake Florence; E½SE¼;
Sec. 23, NE¼NE¼;
Sec. 24, N½N½.

Containing approximately 2,095 acres.

T. 45 S., R. 67 E. (Unsurveyed)
Sec. 21, SE¼SE¼;
Sec. 22, S½SW¼;
Sec. 27, E½NW¼, W½W½, NE¼SW¼;
Sec. 28, NE¼NE¼, S½NE¼, SE¼;
Sec. 31, S½SE¼;
Sec. 32, S½;
Sec. 33, NE¼, S½NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 34, NW¼NW¼.

Containing approximately 1,640 acres.

T. 46 S. R. 67 E. (Unsurveyed)
Sec. 4, W½NE¼, NW¼;
Sec. 5, N½, N½S½, SW¼SW¼;
Sec. 6, NE¼, SE¼NW¼, S½;
Sec. 7, N½N½;
Sec. 8, NW¼NW¼;
Sec. 11, SE¼NE¼, S½S½, N½SE¼;
Sec. 12, S½N½, N½S½;
Sec. 14, NE¼, W½, NW¼SE¼;
Sec. 15, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 19, NE¼SW¼, S½S½, N½SE¼;
Sec. 20, S½;
Sec. 21, S½N½, S½;
Sec. 22, E½NE¼, W½E½, W½, NE¼SE¼;
Sec. 23, SW¼NE¼, W½, SE¼;
Sec. 26, N½NE¼;
Sec. 27, NW¼NE¼, N½NW¼;
Sec. 28, N½, N½SW¼, SW¼SW¼, NW¼SE¼;
Secs. 29 and 30 all;
Sec. 31, W½, W½NE¼, NW¼.

Containing approximately 7,250 acres.

T. 47 S. R. 67 E. (Unsurveyed)
Sec. 1, W½NE¼, NW¼;
Sec. 2, S½N½, N½S½;
Sec. 3, SE¼NE¼, S½;
Sec. 7, S½N½, S½, excluding Lake Florence; N½NE¼, NE¼NW¼;
Sec. 8, excluding Lake Florence;
Sec. 9, NE¼NW¼, W½NW¼, SW¼, excluding Lake Florence; NE¼, W½SE¼, SE¼SE¼;
Sec. 10, N½NW¼;
Sec. 15, W½SW¼;
Sec. 16, W½NE¼, W½, N½SE¼, SE¼SE¼;
Secs. 17 and 18, all.

Containing approximately 4,256 acres.

Aggregating approximately 23, 073 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accuring unto said estate pursuant to the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2409); and

2. Pursuant to Sec. 506(c)(2) of the Alaska National Interest Lands Conservation Act of December 2, 1980, the following public easements as described in Sec. 17(b)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), and as disignated by the Secretary of Agriculture, and referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–9206–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, and animals.

One Acre Site—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

Trail Easements

a. (EIN 1) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 1a on the west shore of Lake Kathleen in Sec. 3, T. 46 S., R. 66 E., Copper River Meridian, thence northeasterly to and along the ridge to the national forest boundary, a distance of approximately 0.9 mile. The uses allowed are those

listed above for a twenty-five (25) foot trail easement.

b. (EIN 2) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 1a on the west shore of Lake Kathleen in Sec. 3, T. 46 S., R. 66 E., Copper River Meridian; thence westerly to the national forest boundary at the mean high water mark on the south shore of Peanut Lake in Sec. 4, T. 46 S., R. 66 E., Copper River Meridian, a distance of approximately 0.8 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 3) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from a point upland of the national forest boundary and mean high water mark on the south shore of Peanut Lake in Sec. 4, T. 46 S., R. 66 E., Copper River Meridian; thence southwesterly to the national forest boundary, at the section line between Secs. 4 and 9, T. 46 S., R. 66 E., Copper River Meridian, a distance of approximately 0.4 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement

d. (EIN 4) An easement twenty-five (25) feet in width for a proposed access trail: Beginning at the national forest boundary on the line between the NW¼SE¼ and SW¼SE¼ Sec. 1,T. 46 S., R. 66 E., Copper River Meridian; thence northeasterly to the national forest boundary, a distance of approximately 0.5 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 5a) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 5c at the Forest Service cabin on the south shore of Lake Kathleen in Sec. 12, T. 46 S., R. 66 E., Copper River Meridian; thence southeasterly to the national forest boundary, a distance of approxaimately 0.6 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

f. (EIN 5b) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 5c at the Forest Service cabin on the south shore of Lake Kathleen in Sec. 12, T. 46 S., R. 66 E., Copper River Meridian; thence in a southerly direction to the national forest boundary, a distance of approximately 0.5 mile. The uses allowed are those listed above for a twenty-five (25) foot trail easement.

g. (EIN 6) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 6a near the outlet on the west shore of Lake Florence in Sec. 11, T. 47 S., R. 66 E., Copper River Meridian; thence northwesterly to the national forest boundary, a distance of approximately 0.2 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

h. (EIN 7) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 7a at the West Lake Florence Cabin on the south shore of Lake Florence in Sec. 13, T. 47 S., R. 66 E., Copper River Meridian; thence southerly to the national forest boundary, a distance of approximately 0.2 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

i. (EIN 8) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 7a at the West Lake Florence Cabin on the south shore of Lake Florence in Sec. 13, T. 47 S., R. 66 E., Copper River Meridian; thence, southeasterly along the ridge to the national forest boundary, a distance of approximately 1.6 miles. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

j. (EIN 9) An easement twenty-five (25) feet in width for a proposed access trail: Beginning at the national forest boundary in the SW¼NE¼ Sec. 9, T. 47 S., R. 67 E., Copper River Meridian; thence easterly to the national forest boundary, a distance of approximately 1.0 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

k. (EIN 10) An easement twenty-five (25) feet in width for a proposed access trail: Beginning at the national Forest boundary in the SW¼NE¼ Sec. 9, T. 47 S., R. 67 E., Copper River Meridian; thence southerly to the national forest boundary, a distance of approximately 1.0 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

l. (EIN 11) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 11a on the north shore of Lake Florence in Sec. 9, T. 47 S., R. 67 E., Copper River Meridian; thence northerly to the national forest boundary, a distance of approximately 0.3 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

m. (EIN 12) An easement twenty-five (25) feet in width for a proposed access trail: Beginning at site easement EIN 12a at Cube Cove in lot 3, Sec. 29, T. 45 S., R. 66 E., Copper River Meridian; thence southerly to a junction with easement EIN 3 in Sec. 9, T. 46 S., R. 66 E., Copper River Meridian, a distance of approximately 1.6 miles. (The easement reserved affects only that portion of the trail located on Shee Atika land.) the uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

n. (EIN 13) An easement twenty-five (25) feet in width for a proposed access trail: Beginning at site easement EIN 13a on the north shore of Lake Florence in Sec. 7, T. 47 S., R. 67 E., Copper River Meridian; thence northerly to the national forest boundary, a distance of approximately 0.6 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

Site Easements

o. (EIN 1a) A one (1) acre site easement on the west shore of Lake Kathleen upland of the mean high water mark at the terminus of easements EIN 1 and EIN 2 in Sec. 3, T. 46 S., R. 66 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

p. (EIN 5c) A one (1) acre site easement on the east shore of Lake Kathleen upland of the mean high water mark surrounding the Lake Kathleen Cabin, at the terminus to easements EIN 5a and EIN 5b in Sec. 12, T. 46 S., R. 66 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

q. (EIN 6a) A one (1) acre site easement near the outlet of Lake Florence on the west shore upland of the mean high water mark at the terminus of easement EIN 6 in Sec. 11, T. 47 S., R. 66 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

r. (EIN 7a) A one (1) acre site easement on the south shore of Lake Florence, upland of the mean high water mark surrounding the West Lake Florence Cabin, at the terminus of easement EIN 7 in Sec. 13, T. 47 S., R. 66 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

s. (EIN 11a) A one (1) acre site easement on the east shore of Lake Florence upland of the mean high water mark surrounding the East Lake Florence Cabin, at the terminus of easement EIN 11 in Sec. 9, T. 47 S., R. 67 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

t. (EIN 12a) A one (1) acre site easement on the south shore of Cube Cove upland of the mean high tide line at the terminus of easement EIN 12 in lot 3, Sec. 29, T. 45 S., R. 66 E., Copper River

Meridian. The uses allowed are those listed above for a one (1) acre site easement.

u. (EIN 13a) A one (1) acre site easement on the north shore of Lake Florence upland of the mean high water mark at the terminus of easement EIN 13 in Sec. 7, T. 47 S., R. 66 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(k)), that, until December 18, 1983, the portion of the above-described lands located within the boundaries of a national forest shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands.

Pursuant to Sec. 506(c)(1) of ANILCA, conveyance to the subsurface estate of the lands described above shall be issued to Sealaska Corporation when the surface estate is conveyed to Shee Atika, Incorporated and shall be subject to the same conditions as the surface conveyance.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Southeast Alaska Empire (Juneau)*. Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Any parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until August 10, 1981 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Shee Atika, Incorporated, Box 4360, Mt. Edgecombe, Alaska 99835

Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-20132 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Exchange of Public Lands in Beaverhead County, Montana; Correction

In **Federal Register** Document 81-18111 appearing on page 31946, June 18, 1981, the eighth line of the fourth paragraph is corrected to read:

"Section 1, E½SW¼, S½SE¼—160 acres."

Item 4 of the sixth paragraph is corrected to read:

"Oil and gas leases M-32486 and M-33152 remain in effect until terminated by operation of existing laws."

The final paragraph is corrected to read:

"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: July 1, 1981.

Gerald L. Quinn,

Acting Butte District Manager.

[FR Doc. 81-20136 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Multiple Use Advisory Council Meeting; Butte District, Montana

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Butte District Advisory Council will be held on Tuesday and Wednesday, August 11 and 12, 1981.

The meeting will begin at 1:00 p.m. on August 11 in the conference room of the Butte District Office at 106 N. Parkmont (Industrial Park), Butte, Montana. The agenda will include:

1. An update on the district's wilderness review program.

2. A report and discussion on the district's oil and gas leasing program.

3. A discussion of the budget outlook for FY 1982.

4. Council topics.

5. A field trip to Bell/Limekiln Canyon in the Dillon Resource Area.

The meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the Council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, 106 N. Parkmont, P.O. Box 3388, Butte, Montana 59702 by August 7. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: July 1, 1981.

Jack A. McIntosh,

Butte District Manager.

[FR Doc. 81-20137 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

California; Bodie/Coleville Grazing Management Plan, Intent To Prepare an Environmental Impact Statement

Department of the Interior, Bureau of Land Management, Bakersfield District, California, will prepare an

Environmental Impact Statement on a proposed grazing management plan on approximately 250,000 acres of the Bodie and Coleville Planning Units in Mono County, California. The statement will analyze anticipated environmental consequences which would result from the implementation of alternative grazing plans proposed by the Bishop Resource Area Manager. These alternative plans will incorporate variations in forage allocation, seasonal use, and intensity of livestock grazing management. The final statement is scheduled for completion September 30, 1982.

Mailouts will be distributed to interested individuals detailing issues which will be addressed in the document. Some of the major issues identified by the BLM to date are forage allocation, impacts on water resources, and range improvements as they affect mule deer, antelope and sage grouse habitat. The public will be asked to review and comment on these issues. Comments should be submitted by July 31, 1981.

Further information on the Bodie/Coleville Grazing Environmental Impact Statement may be obtained from: James S. Morrison, Bishop Resource Area Manager, Bureau of Land Management, 873 No. Main Street, Room 201, Bishop, California 93514.

Ronald D. Hofman,

Associate State Director.

[FR Doc. 81-20133 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

California; Sierra Grazing Management Plan, Intent To Prepare an Environmental Impact Statement

Department of the Interior, Bureau of Land Management, Bakersfield District, California, will prepare an Environmental Impact Statement on a proposed grazing management plans for the 100,000 acres of public land in Nevada, Yuba, Placer, El Dorado, Amador, Calaveras, Tuolumne, Madera and Fresno Counties. The statement will analyze anticipated environmental consequences which would result from the implementation of alternative grazing plans proposed by the Folsom and Hollister Area Managers. These alternative plans will incorporate variations in forage allocation, seasonal use, and intensity of livestock grazing management. The final statement is scheduled for completion by September 30, 1982.

Mailouts will be distributed to interested individuals detailing issues which will be addressed in the document. Some of the major issues identified by the BLM to date are allocation of forage between livestock and wildlife and the impact of livestock upon recreation areas. The public will be asked to review and comment on these issues. Comments should be submitted by July 31, 1981.

Further information on the Sierra Grazing Environmental Impact Statement may be obtained from: Alan P. Thomson, Folsom Resource Area Manager, Bureau of Land Management, 63 Natoma Street, Folsom, California 95662.

Ronald D. Hofman,

Associate State Director.

[FR Doc. 81-20135 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Conveyance of Public Land; San Bernardino County, California

June 30, 1981.

Notice is hereby given that pursuant to Sec. 206 of the Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716), Southern Pacific Land Company, One Market Street, San Francisco, California 94105, has received a patent for the following described public land in San Bernardino County, California:

San Bernardino Meridian

T. 8 N., R. 4 W.,
Sec. 3, S½;
Sec. 4, All.
T. 9 N., R. 4 W.,
Sec. 27, All;
Sec. 28, All;
Sec. 32, All;
Sec. 34, All;
Sec. 35, All; containing 4,166.56 acres.

The purpose of this notice is to inform and give constructive notice to the public and interested state and local governmental officials of the issuance of this conveyancing document.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-20134 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Exchange of Public and Private Lands; Garfield County, Montana

July 2, 1981.

AGENCY: Bureau of Land Management, Miles City District, Interior.

ACTION: Notice of Realty Action M39629, Exchange of public and private lands in Garfield County, Montana.

SUMMARY: 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.

Principal Meridian, Montana

Township 20 North, Range 33 East
Section 20: SE¼SE¼; and Section 29: NE¼ Comprising 200.00 acres of public land.

In exchange for these lands, the United States will acquire the surface estate in the following described lands from Ross C. Childers:

Principal Meridian, Montana

Township 20 North, Range 33 East
Section 21: S½S½ Comprising 160.00 acres of private lands.

DATES: For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940 Miles City, Montana 59301.

FOR FURTHER INFORMATION CONTACT: Information related to the exchange, including the environmental assessment land report, is available for review at the Miles City District Office, West of Miles City, Miles City, Montana 59301.

SUPPLEMENTARY INFORMATION: The proposed exchange would result in acquisition of 160 acres by the Federal Government with public access, adjacent and contiguous to another large parcel of public land. In return approximately 200 acres of isolated land suitable for grazing would be transferred to private ownership. The land in Sections 20 and 29 are publicly inaccessible and difficult to manage and would be transferred for management to adjacent private operations. The proposed exchange will benefit public needs and improve manageability of public lands.

The exchange will be made subject to:

1. A reservation to the United States in the land being transferred to Mr. Childers of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. The reservation to the United States of all minerals in the lands being transferred out of Federal ownership as the Government already owns the mineral estate in the land being acquired.

3. All valid existing rights.

4. Waiver of 2-year notice of cancellation of grazing privileges on the lands selected by Mr. Childers.

5. Value equalization by cash payments or acreage adjustments.

This exchange is consistent with Bureau of Land Management policies and planning and has been discussed with state and local officials. The public

interest will be served by completion of this exchange.

Ray Brubaker,

District Manager, For the State Director.

[FR Doc. 81-20138 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 077260-WR]

New Mexico; Notice of Proposed Continuation of Withdrawal

July 2, 1981.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Land Management (BLM) is reviewing possible continuation of an existing administrative site withdrawal made by Public Land Order No. 2299 of March 14, 1961. The following land is included in the proposed continuation:

New Mexico Principal Meridian

T. 29 N., R. 13 W.,
Sec. 7, W½SE¼SE¼NW¼, E½SW¼SE¼NW¼.

The described area contains 10 acres in San Juan County, New Mexico.

The Bureau proposes continuation of the withdrawal in its entirety for a period of 20 years. The purpose of the withdrawal is a BLM administrative site. The withdrawal closed the described land to all forms of appropriation under the public land laws, including the mining laws, but not to leasing under the mineral leasing laws. No change in the segregative effect or use of the land would be effected by the continuation.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before August 10, 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 August 10, 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 withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-20140 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Oklahoma; Notice Calling for Expressions of Leasing Interest in Federal Coal

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice calling for expressions of leasing interest in Federal coal.

SUMMARY: This call for expression of coal leasing interest is to integrate potential lessees' data and needs into the coal activity planning phase of the federal coal management program in the Western Interior Federal Coal Production Region, Oklahoma Subregion. The data received from this call along with data from the Bureau of Land Management (BLM) and the U.S. Geological Survey (USGS), will be used to delineate preliminary tracts within the Southeast Oklahoma Management Framework Plan (MFP) which will be considered for possible leasing.

DATE: Responses to this notice will be accepted until August 12, 1981.

ADDRESS: Responses should be sent to:
Homer G. Meyer, Area Manager, Bureau of Land Management, Room 548, 200 NW Fifth, Oklahoma City, Oklahoma 73102, Telephone (405) 231-4481, and to:
Charles John, District Supervisor for Resource Evaluation, U.S. Geological Survey, 6136 East 32nd Place, Tulsa, Oklahoma 74135, Telephone (918) 581-7631.

FOR FURTHER INFORMATION CONTACT: Gene Day, Project Manager, Bureau of Land Management, P.O. Box 1449, New Mexico State Office, Santa Fe, New Mexico 87501. Telephone (505) 988-6226.

SUPPLEMENTARY INFORMATION: This notice is to advise the public that the official call for expression of leasing in the Rock Island and Spiro-Bokoshe areas acceptable for further consideration for coal leasing in the Western Interior Coal Region, Oklahoma Subregion is now in effect.

The Rock Island and Spiro-Bokoshe areas are located in LeFlore County, Oklahoma. Detailed information including a Summary Brochure, maps, and additional supportive information on the areas found acceptable for further consideration for coal leasing are available from the BLM Oklahoma Resource Area Headquarters and the USGS at the addresses provided above.

This call for expressions of interest is the second call issued for the Oklahoma Subregion. The first call was published in the **Federal Register** on August 25, 1980 (Volume 45, 56451-2) asking for expressions of interest in surface-minable areas. Concern for inclusion of underground-minable reserves in long-term leasing programs in Oklahoma and the subsequent amendment of the Southeast Oklahoma MFP, have resulted in this second call for expressions of leasing interest. Expressions of interest under this call are to be confined to the Rock Island and Spiro-Bokoshe areas. The results of this call will provide significant information that will be combined with the results of the first call and used to delineate preliminary tracts within the Subregion that might be offered for lease sale. Preliminary tracts will be delineated in areas that were found acceptable for further consideration for coal leasing during the land-use planning process.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the tracts which will be considered prior to a lease sale.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1-4 which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Leases issued to small business firms under the stated provisions may be competed for and assigned only to small businesses meeting the requirements of 13 CFR 121.3-9.

Expressions of leasing interest should include the following data (where applicable):

1. Quantity needs (total tonnage, average tons per year, and year during which production would commence) for both coal producers and users.

2. Quality needs (types and grades of coal) for both producers and users.

3. Location. a. Tract desired by mining companies (narrative description with a diagram on a surface minerals management map which is available for purchase from the BLM State Office at the address given above).

b. Public and private industry user facilities in the region.

c. If no location is indicated, but other specific data are provided, the expression will still be considered. In such cases, the joint BLM/USGS/OSM tract delineation team will locate an apropriate tract.

4. Type of mine. a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, dragline, etc.).

5. Proposed uses of coal. a. By mining companies.

b. By public and private industries.

6. Where coal would be consumed (include extra-regional markets, plant output and location).

a. Within the Western Interior (Oklahoma Subregion).

(1) Electric power plant.

(2) Synfuels plant.

(3) Other (Specify).

b. Outside the Western Interior (Oklahoma Subregion).

(1) Electric power plant.

(2) Synfuels plant.

(3) Other (specify).

7. Transportation needs (i.e., railroads, pipelines, etc.). a. Existing facilities.

b. Contingency or other sources.

8. Information relating to mineral ownership.

a. Information on surface owner consents previously granted (e.g., a description of the location of the property, whether consents are transferable, etc.). On any areas where surface owner consent is not transferable, federal coal leasing cannot occur.

b. Commitments from fee coal owners or commitments for associated non-federal coal.

Entities submitting expressions of interest under the small business or public body provisions described above should state that the submissions are for possible small business or public body set-asides and should also supply proof of small business or public body status. An individual, business entity, or public body may participate and submit expressions of leasing interest under this call.

An expression of leasing is not an application. The sale and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so. The preliminary tracts delineated as a result of this call will be ranked and selected by the Regional Coal Team in accordance with the provisions of 43 CFR 3420.4.

Any expressions of leasing interest may include supportive nonproprietary data. Such data may include, but are not limited to, location and quantities and types of coal (including coking coal) desired, time frames for development, proposed uses of coal, technical coal data, commitments between private surface and coal owners and adjacent land owners or lessees, and basic development proposals. Expressions which identify quantity and quality of coal and timing of need without specifying a location shall be given as serious consideration in activity planning as those that specify a location. Data which are considered proprietary should not be submitted to the BLM as part of an expression of leasing interest. Instead, proprietary coal data may be submitted separately for information purposes to the USGS District Supervisor for Resource Evaluation at the address provided above.

Expressions of leasing interest submitted to the BLM or data submitted separately to the USGS should include the name, address, and telephone number of a contact person who can provide additional information for clarification.

All information submitted to the BLM under this subpart shall be available for public inspection and copying upon request.

Dated: July 2, 1981.

Charles W. Luscher,

State Director.

[FR Doc. 81-20141 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Preparation of the Lahontan Resource Management Plan

A resource management plan (RMP) is a comprehensive land use planning document prescribed by the Federal Land Policy and Management Act of 1976. It establishes for a given area the management objectives and goals for resource condition and use levels, program constraints, measures to be implemented accordingly, the interval and standards for monitoring and evaluating the plan's effectiveness, the need for any more detailed management plans(s), and support actions including resource protection, access, cadastral survey, and realty. An environmental impact statement is also part of the plan.

The Lahontan RMP will apply to the Lahontan Resource Area of the Carson City District. This area contains about 3,355,000 acres, of which about 2,816,000 acres is public land administered by the Bureau of Land Management. It includes portions of Churchill, Lyon, Mineral, Washoe, Storey, and Nye Counties in western Nevada and portions of Lassen and Plumas Counties of California. The western portion of the Lahontan Resource Area is already being addressed separately in the Reno area land use plan (Management Framework Plan) and grazing environmental impact statement. The Management Framework Plan decisions for the Lahontan Resource Area portion of the Reno Area will be incorporated by reference into the Lahontan RMP.

The general types of issues anticipated are the management of vegetation use, land disposal and other realty actions, geothermal leasing, and the wilderness program. Public participation is now being sought to clarify and identify these and any other specific issues.

The interdisciplinary team which will prepare the RMP includes representatives of the following fields: range science, wildlife biology, soil science, geology, cultural resource management, recreation and wilderness management, hydrology, social economics, forestry, and realty.

Public comment is hereby invited during the present identification of issues process. Three public workshops for this purpose are scheduled as follows: July 27, 1981, at 7:00 p.m. in the Carson City District Office, 1050 East William St., Suite 344, Carson City, Nevada; July 28, 1981, at 2:00 p.m. and 7:00 p.m. in the Churchill County Multi-purpose Building, 225 Sheckler Road, Fallon, Nevada.

Public comments will also be solicited following the publication of draft planning criteria, during formulation of alternatives, after publication of the draft RMP, after publication of the final RMP, and in the event of significant change(s) in the plan resulting from action on a protest.

All persons with an interest in management of the Lahontan Resource Area are requested to submit comments on the identification of issues by August 28, 1981. Comments and requests for further information should be addressed to Kenneth G. Walker, Area Manager of Lahontan Resource Area, BLM, 1050 E. William St., Suite 335, Carson City, NV 89701 (telephone 702/882-1631). Planning documents and other pertinent materials may be examined at the Carson City District Office between 8:00 a.m. and 4:00 p.m. weekdays.

Dated: July 1, 1981.

Roy Jackson,

Acting District Manager.

[FR Doc. 81-20117 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial Number: A-17000(a)]

Arizona; Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a petition for classification and application to acquire the lands described in paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A-17000(a).

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified September 8, 1981. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602-241-2854).

4. For a period of 60 days from the date of publication of this notice in the **Federal Register**, all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Maricopa County, Arizona and are described as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Application A-17000(a)

Gila and Salt River Meridian, Arizona

T. 1 S., R. 2 W.,
Section 20: SE¼NE¼, E½SE¼ (1), (5), (11)
Section 21: SW¼SW¼ (4), (5), (11)
T. 2 S., R. 1 W.,
Section 4: Lots 1-4, S½N½, S½ (5), (6), (11)
Section 5: Lots 1-4, S½N½, SW¼ (2), (5), (11)
Section 6: Lots 1-7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (2), (5), (12)
Section 7: Lots 1-4, E½, E½W½ (5), (13), (14)
Section 9: All (2), (5), (12)
Section 10: N½, SW¼ (2), (5), (11)
Section 13: All (2), (5), (11)
Section 14: W½, SE¼ (5), (11), (12)
Section 15: SE¼ (5), (11)
Section 16: All (5), (7)
Section 17: E½, SW¼ (1), (5), (13), (14)
Section 20: NE¼ (5), (15)
Section 21: E½ (5), (13), (14)
Section 22: W½, SE¼ (5), (13), (14)
Section 23: NW¼, SE¼ (5), (12), (13)
Section 24: W½ (5), (13)
Section 25: N½, SW¼ (5), (13), (14)
Section 26: N½, SE¼ (5), (15)
Section 27: N½, SE¼ (5), (14)
Section 28: NE¼ (5), (15)
Section 34: N½, SW¼ (5), (15)
Section 35: All (5), (14)
Section 36: All (5)
T. 2 S., R. 2 W.,
Section 15: S½NW¼, SW¼, W½SE¼ (3), (5), (14)
Section 16: All (1), (5), (6)
Section 17: W½, SE¼ (5), (14)
Section 20: S½ (5), (14)
Section 34: SE¼ (5), (15)
Section 35: NW¼ (1), (5), (15)
T. 2 S., R. 1 E.,
Section 29: All (2), (5), (11)
Section 30: All (2), (5), (11)
Section 31: All (5), (11)
Section 32: All (2), (5)
T. 3 S., R. 1 W.,
Section 1: Lots 3, 4, S½NW¼, SE¼ (5), (9), (10), (16)
Section 2: Lots 1, 2, 3, 4, S½N½, S½ (5)
Section 3: Lots 3, 4, S½NW¼, S½ (5), (16)
Section 11: W½, SE¼ (5), (16)
Section 12: All (5), (14)
Section 13: All (5), (16)
Section 14: NE¼, SW¼ (5), (16)
Section 24: All (5), (13), (16)
T. 3 S., R. 1 E.,
Section 5: Lots 3, 4, S½NW¼, S½ (5), (13), (17)
Section 6: Lots 1, 2, S½NE¼, S½ (5), (17)
Section 7: N½, SW¼ (5), (13), (17)
Section 8: All (5), (14), (17)

The total acreage described above in application A-17000(a) is approximately 21,869.33 acres of public land.

6. The following listed corporations and individuals are holders of or applicants for leases, permits, and/or rights-of-way on the public lands described in Paragraph 5 above:

Footnotes

Rights-of-Way

(1) Arizona Public Service, P.O. Box 21666, Station 3172, Phoenix, AZ 85036—AR-04861, AR-021285, A-14641.

(2) Tucson Electric Power Co., P.O. Box 711, Tucson, AZ 85702—A-7274, A7872.

(3) El Paso Gas Company, P.O. Box 1492, El Paso, TX 79978—PHX-063799.

Recreation & Public Purposes Lease Application.

(4) Rainbow Valley Bible Church, c/o Rev. Philip B. Koppold, 1439 W. Wood Drive, Phoenix, AZ 85029—A-9592.

Grazing Lessee

(5) Loren de Rosier Box 1237, Goodyear, AZ 85338

Range Improvements

(6) Dirt Tank—#4776.
(7) Well and Corral—#1429.
(8) Dirt Tank—#4774.
(9) East Well and Corral—#1431.
(10) East Tank Reservoir—#1602.

Oil & Gas Leases

(11) Columbia Gas Development Corp., Box 1350, Houston, TX 77001—A-12837, A-12647, A-12650, A-12651.

(12) Pioneer Production Corp., P.O. Box 2542, Amarillo, TX 79189—A-14511.

(13) Irex Overthrust Acreage Partners, 1670 Broadway, Suite 3301, Denver, CO 80202—A-14797, A-14959, A-14960.

(14) Harry H. Cullen, P.O. Box 3331, Houston, TX 77001—A-15086, A-15091, A-15092.

(15) Knight Royalty Corp., 1675 Broadway, Suite 1910, Denver, CO 80202—A-15170.

(16) North Central Oil Corp., 6001 Savoy Drive, Suite 600, Houston, TX 77036—A-15641.

(17) C. W. Corbett & Company, 410 17th Street, Suite 1680, Denver, CO 80203—A-14980.

7. Rights-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State law and Land Department procedures (R 12-5-154 D Administrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State.

This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: June 30, 1981.

William K. Barker,

District Manager.

[FR Doc. 81-20052 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Friday, August 7, 1981. The meeting will begin at 9:00 a.m. at the Bureau of Land Management District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda is as follows: (1) Tour of Lee Springs Allotment. (2) Tour of Cook Allotment and discussion of the Allotment Management Plan and range use improvements. (3) Tour of Perry Well Allotment and discussion of the Allotment Management Plan, range use improvements, and climate studies

station. (4) General Advisory Board business.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received from 9:00 to 9:30 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801–586–2401, by August 5, 1981. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager or Board Chairman.

All those desiring to make the tour should furnish their own transportation and lunch.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: July 1, 1981.

Morgan S. Jensen,

District Manager.

[FR Doc. 81-20053 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado: Multiple Use Classification Partial Termination; Correction

July 1, 1981.

In FR Doc. 81–15993, appearing on pages 28958 and 28959 in the issue for Friday, May 29, 1981, please make the following correction:

On page 28958 in the land description for New Mexico Principal Meridan on the second line, "42 N." should have read "40 N.".

George C. Francis,

State Director.

[FR Doc. 81-20054 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Elko District, Nevada; Advisory Council Meeting

The BLM Elko District Advisory Council, established and managed in accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act, will meet on July 30, 1981. The council will gather at the Elko District Office at 8:30 a.m. and travel to the Saval Ranch and the Freeport Gold Mine. Topics to be discussed at this field meeting are:

1. A review of the various research studies in the Saval Ranch Research Project, which evaluates the effect of livestock grazing on other resource values.

2. Freeport Gold Mine operation on public lands.

The meeting is open to the public; however, anyone wishing to attend must supply their own transportation. Interested persons may present testimony to the Council between 4:30 p.m. and 5:30 p.m. Anyone wishing to make an oral statement must notify the District Manager at the Elko District Office, 2002 Idaho Street, Elko, Nevada 89801, no later than July 28. A time limit may be imposed depending on the number of people wishing to speak.

Summary minutes of the meeting will be prepared and available for public inspection and reproduction Monday through Friday 7:30 a.m. to 4:30 p.m. within 30 days following the meeting.

Dated: June 6, 1981.

Rodney Harris,

District Manager.

[FR Doc. 81-20056 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Public Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Vernal District Grazing Advisory Board will be held August 10 and 11, 1981.

The meeting will begin 1:00 p.m. in the conference room of the Bureau of Land Management Office, 170 South 500 East, Vernal, Utah on August 10. August 11 will consist of a field tour beginning at the above location. The agenda for the meeting will include 1) organization of the Board; 2) a discussion of duties and functions of the Board; 3) a review of current policy and programs relating to allotment management plans; 4) discussion of range improvements—a) Bookcliffs Resource Area and b) Diamond Mountain Resource Area; 5) discussion of cricket problems—pest control; and 6) tour of District RI work completed and proposed.

The meeting is open to the public. Interested persons may make oral statements for the Board's consideration. Anyone wishing to make a statement must notify the District Manager, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078 by August 10, 1981. Depending on the number of persons wishing to make statements, the District Manager may set up a time limit.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Lloyd H. Ferguson,

District Manager.

[FR Doc. 81-20057 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Utah Invitation to Participate in Coal Exploration Program-Consolidation Coal Company, U-48882

June 30, 1981.

Consolidation Coal Company is inviting all qualified parties to participate in a program for the exploration of coal reserves on the Walker Flat near Emery, Utah. The lands are located in Sevier County, Utah, and are described as follows:

T. 23 S., R. 5 E., SLM, Utah,
Sec. 1, all.
Containing 640.76 acres.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Randy Stockdale, Consolidation Coal Company, 14 Inverness Drive East #6–Q, Englewood, Colorado 80112. Such written notice must be received within 30 days after the publication in the **Federal Register.**

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all costs on a pro rata basis. A copy of the exploration plan, as submitted by Consolidation Coal Company, is available for public review during normal business hours, in the following office, under Serial No. U–48882, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Robert E. Anderson,

Chief, Division of Technical Services.

[FR Doc. 81-20055 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Wyoming and Montana: Intent To Hold Public Hearings on Draft Environmental Impact Statement (DEIS) For the Proposed Leasing of Federal Coal in the Powder River Coal Region

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Public Hearing on Powder River DEIS.

SUMMARY: This notice advised the public that the Powder River Regional

Coal Team intends to hold public hearing to receive oral and written comments on the level of federal coal leasing as proposed in the Powder River Draft Environmental Impact Statement. The hearings will be held in Casper, Wyoming and Billings, Montana. Individuals wishing to comment orally at the public hearings are asked to provide written copies of their remarks. Written comments should be addressed to the BLM address given below.

DATES: Written comments on the proposal contained in the DEIS will be accepted up to and including September 8, 1981 at 951 Rancho Road, Casper, Wyoming. Hearing sessions will be held at the Natrona County Library, Casper, Wyoming on July 29, 1981 and at the Ramada Inn in Billings, Montana on July 30, 1981. Hearings will be held from 1:30 to 4:30 p.m. and 7:30 to 10:00 p.m. at both locations. The public will receive additional reminders of the hearings by public mailings and news releases.

ADDRESS: Written comments on the proposed leasing level should be addressed to Bureau of Land Management—P&EC, 951 Rancho Road, Casper, Wyoming 82601.

FOR FURTHER INFORMATION CONTACT: J. Stan McKee, Powder River Project Manager, or Chuck Wilkie, EIS Team Leader. McKee can be contacted at BLM (930), P.O. Box 1828, Cheyenne, Wyoming 82001, (307) 778–2220, extension 2413 or FTS 328–2413. Wilkie can be contacted at BLM, 951 Rancho Road, Casper, Wyoming 82601, (307) 265–5550, extention 5101 or FTS 328–5101.

SUPPLEMENTARY INFORMATION: The DEIS will be mailed to those on the public mailing list on July 10, 1981. Copies of the DEIS will also be available from the Project Manager and Team Leader at that time.

Oral testimony should be constrained to five minutes duration for each witness at the hearings. Additional time may be granted at the discretion of the presiding officer based on the number of speakers registered. The testimony time limitations will be strictly enforced by the presiding officer, Mr. Glenn Bessinger. Written texts of prepared speeches may be filed at the hearing whether or not the speaker has been able to complete the oral delivery in the alloted time.

Speakers will be heard in the order established on the witness register. After the last registered witness has been heard, the presiding officer will consider the request of any other person present who desires to testify. Any person present at the hearing may testify; however, only one witness will be allowed to represent the viewpoints of an organization.

Persons wishing to testify may preregister by submitting a written request to the Casper District Office of the Bureau of Land Management at the above address prior to close of business (4:30 p.m. MST) on July 28, 1981. Requests should identify the organization represented by the individual (if any); should be signed by the prospective witness, and should state the approximate time for testifying. Individuals who do not preregister may register at the hearing location prior to and during each session of the hearing.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-20058 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

Outer Continental Shelf Advisory Board—Policy Committee; Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92–463, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A–63, Revised.

The Policy Committee of the Outer Continental Shelf Advisory Board will meet during the period 8:30 a.m. to 5:30 p.m., August 11th, 1981, and 9:00 a.m. to 12:00 p.m., August 12th, at the Omni International Hotel, 777 Waterfront Drive, Norfolk, Virginia.

The meeting will cover the following principal subjects:

August 11, 1981

1. Goals & Objectives for the OCS and the 5-Year Leasing Program
2. Committee Discussion: Leasing timeframe; Decision steps; Streamlining; Budget, etc.
3. Current OCS Activity
4. Committee on Ocean Pollution, Research, Development and Management
5. OCS: An Industry Perspective

August 12

1. Federal Activity Reports
2. Environmental Studies Program
3. Committee Business

The meeting is open to the public. Interested persons may make oral or written presentations to the Committee. Such requests should be made no later than July 31 to Alan D. Powers, Office of OCS Program Coordination, Department of the Interior, Room 5150, Washington, D.C. 20240 (202/343–9314).

Requests to make oral statements should be accompanied by a summary of the statement to be made.

Minutes of the meeting will be available for public inspection and copying eight weeks after the meeting at the Office of OCS Program Coordination, Room 5150, Department of the Interior, 18th and C Streets, NW, Washington, D.C.

Dated: July 2, 1981.

Alan D. Powers,

Director, Office of OCS Program Coordination.

[FR Doc. 81-20047 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-10-M

Office of Surface Mining Reclamation and Enforcement

[Federal Coal Lease BLM–C–018820]

Availability of Surface Mining and Reclamation Plan Proposed by Lone Star Steel Co. for the Milton Coal Mine, Le Flore County, Oklahoma

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice of Availability of the proposed Mining and Reclamation Plan for Extension #2 of the Milton Surface Coal Mine (OSM Reference 36–0009).

SUMMARY: The Office of Surface Mining (OSM) has received an application from the Lone Star Steel Company and Dahlgren Construction Company for a mining and reclamation plan approval and permit pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA), for the proposed extension #2 of the Milton Coal Mine.

The mine is located approximately 3 miles northeast of Milton, Oklahoma. This Federal lease lies between one previously mined Federal tract and a non-Federal tract which is presently being mined. The lease covers 50 acres of which only about 26 acres is proposed for mining. The applicant projects that it will take about 6 months to mine the estimated 35,000 tons of recoverable coal. The proposed postmining land use is pasture and range land.

The mining and reclamation plan submitted by the permit applicant is available for public review during normal working hours at the Office of Surface Mining, 818 Grand Avenue, Scarritt Building, Fifth Floor, Kansas City, Missouri; Office of Kay and Kay and Associates Engineers, 130 South Main, Noble, Oklahoma; and at the Haskell County Public Library, Stigler, Oklahoma. Comments on the proposed plan and/or significant issues may be submitted to the Regional Director,

Office of Surface Mining at the Kansas City address until August 10, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Dawes or Kenneth Lawver, Office of Surface Mining, Room 426, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374–5109 (FTS 758–5109).

Dated: July 6, 1981.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 81–20059 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

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 had 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.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

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".

Any status inquiries should be directed to (202–275–7326).

Volume No. OPY–4–237

Decided: July 2, 1981.

MC 52656 (Sub-3), filed June 24, 1981. Applicant: MURPHY MOTOR EXPRESS, INC., 2920 So. 19th Ave., Broadview, IL 60153. Representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in IL. Condition: Issuance of a certificate in the proceeding is subject to prior or coincidental cancellation, at applicant's written request of Certificate of Registration No. MC 52656 (Sub-No. 2).

MC 144726 (Sub-4), filed June 24, 1981. Applicant: K.K.W. TRUCKING, INC., 516 W. 140th St., Gardena, CA 90248. Representative: James P. Beck, 717 17th St., Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting *such commodities* as are dealt in by home furnishing and department stores, between points in AZ, CA, CO, ID, KS, NE, NV, NM, OK, OR, TX, UT, and WA.

MC 148216 (Sub-4), filed June 24, 1981. Applicant: L & D TRUCK LEASING, INC., 19871 State Hwy 231, Nevada, OH 44849. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889–2531. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Mid American Provisions, of Columbus, OH.

MC 152246 (Sub-5), filed June 25, 1981. Applicant: SCHULD TRANS., INC., 774 Flanner Rd., Box 57, Mosinee, WI 54455. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *metal products*, between points in Cape Girardeau County, MO, on the one hand, and, on the other, points in the U.S.

MC 154366 (Sub-1), filed June 26, 1981. Applicant: KENNETH BEGHIN, d.b.a. BLUE VALLEY TRUCKING, 9736 Blue Valley Rd., Mount Horeb, WI 53572. Representative: Michael S. Varda, 121 So. Pinckney St., Madison, WI 53703, (608) 255–8891. Transporting *farm products*, between points in MN, WI, MI, IN, IL, and IA.

Volume No. OPY–4–233

Decided: July 1, 1981.

MC 57257 (Sub-5), filed May 28, 1981, and previously noticed in the **Federal Register** issue of June 15, 1981. Applicant: CARR TRUCK SERVICE, INC., P.O. Box 297, Sulphur, LA 70663. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Suite 230, Houston, TX 77024, (713) 688–6110. Transporting (1) *mercer commodities and* (2) *earth drilling commodities*, between points in OK, on the one hand, and, on the other, points in AL, AR, FL, LA, MS and TX. Note: The purpose of this republication is to correctly reflect the commodity and territorial descriptions.

MC 86247 (Sub-31), filed April 28, 1981, previously noticed in the **Federal Register** issue of May 18, 1981, and republished this issue. Applicant: ICL, INTERNATIONAL CARRIERS LIMITED, 1333 College Ave., Windsor, Ontario, Canada. Representative: S. B. Lederer (same address as applicant) (519) 259–9200. Transporting *general commodities* (except classes A and B explosives), between points in MI and NY, on the one hand, and, on the other, points in NY, PA, NJ, MA, DE, MD, OH, MI, IN, IL, WI, MN, CT, and MO.

Note.—The purpose of this republication is to correctly state the authority sought.

MC 109847 (Sub-38), filed June 16, 1981. Applicant: BOSS-LINCO LINES, INC., 3909 Genesee St., Cheektowaga, NY 14225. Representative: Harold G. Herly, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313, (703) 836–6115. Over regular routes,

transporting *general commodities* (except classes A and B explosives), (1) between Chicago, IL, and Toledo, OH: From Chicago, over the Calumet Tri-State Expressway to junction Interstate Hwy 90, then over Interstate Hwy 90 to Toledo, (2) between Toledo, OH, and Detroit, MI, over Interstate Hwy 75, (3) between Detroit, MI, and Michigan City, IN, over Interstate Hwy 94, serving all intermediate points in (1) through (3), and (4) serving all points in CT, DE, IL, IN, MA, MD, MI, NH, NJ, NY, OH, PA, RI, VA, WI, WV, and DC as off-route points in connection with carrier's presently authorized regular route operations.

MC 110567 (Sub-24), filed June 16, 1981. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245-2730. Transporting *general commodities* (except classes A and B explosives), between points in Montgomery County, KS, on the one hand, and, on the other, points in AR, AZ, CO, IA, IL, IN, KY, LA, MI, MN, MO, MT, MS, NE, ND, NM, OH, OK, SD, TN, TX, WI, and WY.

MC 128117 (Sub-45), filed June 17, 1981. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J. Ortman, 4401 East West Hwy., Suite 404, Washington, DC 20014, (301) 986-9030. Transporting *food and related products*, between points in St. James County, LA, on the one hand, and, on the other, points in KY and TN.

MC 133917 (Sub-13), filed June 17, 1981. Applicant: CARTHAGE FREIGHT LINES, INC., P.O. Box 10102, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004, (202) 347-8862. Transporting *general commodities* (except classes A and B explosives), between points in Appling, Jeff Davis, and Telfair Counties, GA, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack.

MC 138627 (Sub-119), filed June 19, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting *salt*, between points in Rice County, KS, on the one hand, and, on the other, points in the U.S.

MC 138627 (Sub-120), filed June 18, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting *chemicals and related products*, between points in Reno County, KS, on the one hand, and, on the other, points in the U.S.

MC 148517 (Sub-3), filed June 10, 1981. Applicant: CENTRAL MICHIGAN TRUCKING, INC., 3801 36th Street SE., Grand Rapids, MI 49508. Represenative: Michael P. Zell, P.O. Box 175, Grand Rapids, MI 49503, (616) 456-5351. Transporting (1) *furniture and fixtures*, (2) *appliances and fixtures*, and (3) *such commodities* as are dealt in or used by department stores, between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 5331.

MC 147027 (Sub-4), filed June 18, 1981. Applicant: REEVES' TRUCK LINES, Rt. 2, Honoraville, AL 36042. Representative: J. Douglas Harris, 200 So. Lawrence St., Montgomery, AL 36104, (205) 265-0251. Transporting *lumber and wood products*, between points in Pike, Butler, and Lee Counties, AL, on the one hand, and, on the other, points in WV, VA, NC, SC, GA, FL, MS, KY, TN, LA, and TX.

MC 149137 (Sub-7), filed June 18, 1981. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming, Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941-5313. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Stanley Works Company, of New Britain, CT.

MC 1511087 (Sub-6), filed June 22, 1981. Applicant: AREA INTERSTATE TRUCKING, INC., 15224 Dixie Hwy, Harvey, IL 60426. Representative: Leonard R. Kofkin, 39 So. LaSalle St., Chicago, IL 60603 (312) 236-9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Barry Enterprises, Inc. of Markham, IL, Wilson Enterprises, Inc. of Elk Grove Village, IL, Lock Joint Tube Company of South Bend, IN, and Lally Brothers Division of Fire-Trol Corporation of Orland Park, IL.

MC 151357 filed June 18, 1981. Applicant: ANTHONY N. PRIZIO d.b.a. FINAST TRANSPORTATION COMPANY, 22 Makepeace St., Saugus, MA 01906. Representative: Hughan R. H. Smith, 26 Kenwood Pl., Lawrence, MA 01841 (617) 241-8296. Transporting *general commodities* (except classes A and B explosives), between (a) points in MA, on the one hand, and, on the other, points in CT, MA, ME, NH, RI, VT and NY, (b) between points in NY, on the one hand, and, on the other, points in CT, ME, NH, RI, and VT, (c) between points in RI, on the one hand, and, on the other, points in CT, ME, NH and VT, and (d) between points in CT, on the one hand, and, on the other, points in ME, NH, and VT.

MC 151667 (Sub-5), filed June 18, 1981. Applicant: J. F. LOMMA, INC., 125 Adams St., South Kearny, NJ 07032. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528 (914) 835-4411. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Hitachi Seiki Corporation, of Commack, NY.

MC 153077 (Sub-1), filed June 22, 1981. Applicant: TOTAL TRANSPORTATION, INC., 1601 99th Lane NE, Minneapolis, MN 55434. Representative: Stanley C. Olsen, Jr., 5200 Wilson Rd., Ste. 307, Edina, MN 55424 (612) 927-8855. Transporting *food and related products*, (a) between points in MN, ND, SD, IA, NE, MO, IL, and WI and (b) between points in MN, ND, SD, IA, NE, MO, IL and WI, on the one hand, and, on the other, points in the U.S.

MC 154107, filed June 23, 1981. Applicant: DIXIE WEST TRUCKING, INC., P.O. Box 2526, Bismarck, ND 58502. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126 (701) 235-4487. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sprenger Midwest, Inc. of Sioux Falls, SD, Ownes Forest Products Co. of Duluth, MN, Intermountain Orient, Inc. of Boise, ID, American Target Co. of Glenwood, MN, and Hubbard Milling Company of Minnetonka, MN.

MC 154787 (Sub-1), filed June 16, 1981. Applicant: RAY JERREL, INC., P.O. Box 69, Miles City, MT 59301. Representative: William E. Seliski, P.O. Box 8255, Missoula, MT 59807 (406) 543-8369. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Feed and Fertilizer Depot and Recycled Energy Corporation, both of Miles City, MT.

MC 155207 (Sub-1), filed June 16, 1981. Applicant: TRANS EAST, INC. Rural Route No. 4, Box 154, Rockport, MO. Representative: Arthur J. Cerra, 2100 Charter Bank Center, P.O. Box 19251

Kansas City, MO 64141 (816) 842–8600. Transporting *pneumatic rubber tires*, between points in the U.S., under continuing contract(s) with Harmon Tire Company, Inc., of Raymore, MO.

MC 155957, filed June 22, 1981. Applicant: NATIONWIDE DRIVEAWAY, INC., 3400 South Federal Blvd., Englewood, CO 80110. Representative: Steven E. Napper, 718 17th St., Suite 1700, Denver, CO 80202. Transporting *transportation equipment*, between points in CO, on the one hand, on the other, points in the U.S.

MC 156427, filed June 11, 1981. Applicant: OMTVEDT OIL COMPANY, 1807 6th Ave. Two Harbors, MN 55616. Representative: Andrew R. Clark, 121 S. 8th St., 1600, TCF Tower, Minneapolis, MN 55402 (612) 333–1341. Transporting *food and related products*, between Milwaukee, WI, on the one hand, and, on the other, the facilities of Svee Distributing Company, Inc., at points in Lake County, MN.

MC 156717, filed June 22, 1981. Applicant: HARLAN WAGNER, d.b.a. HARLAN WAGNER TRUCKING, Merrill, IA 51038. Representative: Robert A. Wichser, 920 West 21st St., P.O. Box 155, South Sioux City, NE 68776 (402) 494–5466. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Wilson Trailer Company and Marx Truck Trailer Sales, both of Sioux City, IA.

MC 156757, filed June 23, 1981. Applicant: J. GOULD TRUCK LINES, 3007 W. Edgewood Ave., P.O. Box 12323, Jacksonville, FL 32209. Representative: Leroy Randolph (Same address as applicant) (904) 768–8179. Transporting *general commodities* (except classes A and B explosives), between points in Duval County, FL, on the one hand, and, on the other, points in AL, FL, GA and SC.

Volume No. OPY–4–235

Decided: July 1, 1981.

MC 109307 (Sub-18), filed June 18, 1981. Applicant: K–A EXPRESS, INC., 1007 W. Beverly Blvd., P.O. Box 639, Montebello, CA 90640. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., NE, 5th Floor-Lenox Towers South, Atlanta, GA (404) 262–7855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with George A. Hormel & Co., of Austin, MN.

MC 117427 (Sub-86), filed June 11, 1981. Applicant: G. G. PARSONS TRUCKING CO., P.O. Box 1085, North Wilkesboro, NC 28659. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760 (301) 840–8565. Transporting *general commodities* (except classes A and B explosives), between points in NC, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 5337.

MC 128837 (Sub-39), filed June 11, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 61626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62702 (217) 544–5468. Transporting (1) *furniture*, between the facilities of Simmons U.S.A., at points in Fulton and Gwinnett Counties, GA, Duval County, FL, Union County, NJ, Franklin County, OH, Dallas County, TX, Wyandotte County, KS, and Rock County, WI, on the one hand, and, on the other, points in the U.S., and (2) *such commodities* as are dealt in or used by manufactures and distributors of agricultural equipment, between points in Black Hawk County, IA, Allen County, IN, Broome County, NY, Snohomish County, WA, and Tazewell County, IL.

MC 146807 (Sub-28), filed June 8, 1981. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, P 18702. Representative: Paul Seleski (Same address as applicant) (717) 735–0188. Transporting *cocks and valves*, between points in PA, on the one hand, and, on the other points in the U.S.

MC 156627, filed June 18, 1981. Applicant: KPI TOURS AND TRAVEL, INC., 810 7th Ave., New York, NY 10019. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10017 (212) 755–9500. As a *broker* at New York, NY in arranging for the transportation by motor vehicle of *passengers and their baggage*, in special and charter operations, between points in the U.S. (including AK and HI).

MC 156677, filed June 18, 1981. Applicant: FIVE BORO TRUCKING CORP., 34–51 48th St., Long Island City, NY 11101. Representative: Bruce J. Robbins, 18 E. 48th St., New York, NY 10017 (212) 755–9400. Transporting *food and related products* between New York, NY, on the one hand, and, on the other, points in NJ, NY, PA, MD and DC.

[FR Doc. 81–20081 Filed 7–8–81; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte MC 82]

Provisions for Foreseeable Future Costs

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Procedure.

SUMMARY: The Commission is proposing to permit motor carriers to provide for the recovery of foreseeable future costs in their general increase filings Procedures for recovery of foreseeable future costs were authorized by Section 13(a) of the Motor Carrier Act of 1980. Under the proposed procedures, foreseeable future costs will be recoverable at 6 month intervals. In addition, the Commission is proposing to require the submission of data reflecting non-issue general commodity traffic handled by each rate bureau.

DATE: Comments on the proposed procedure are due August 10, 1981.

ADDRESS: An original and 15 copies of comments should be submitted to: Section of Rates, Room 5340 Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Paul R. Meder (202) 275–7457;
or
Richard B. Felder (202) 275–7693.

SUPPLEMENTARY INFORMATION:

Foreseeable Future Costs

Prior to the passage of the Motor Carrier Act of 1980 (Act), the Commission permitted the Carriers to recoup only provable increased costs. The Motor Carrier Act allows the Commission to implement new provisions ". . . to take into account reasonable estimated or foreseeable future costs".[1] However, the Act did not designate the time periods for projecting foreseeable future costs.

Background

In recent years, rate bureaus have filed general rate increases to become effective on April 1 to coincide with the Teamster's annual wage contract, and on October 1 to coincide with the Teamster's cost of living adjustment and other adjustments and cost related increases. Labor expenses generally range between 65 percent and 70 percent of total expenses and Teamster

[1] Section 13(a) of Pub. L. 96–296, amending 49 U.S.C. 10701.

wages represent approximately 75 percent of all wage and wage related expenses.

In compliance with the provisions of the Motor Carrier Act of 1980, we propose to permit the motor rate bureaus to provide additional and reasonable estimated or foreseeable future cost increases for a six-month period following the effective date of any general increase filing. For example, general rate increase proposals set to become effective on April 1 can include reasonable estimated or foreseeable future cost increases for the period April 1 to October 1. This provision will have the advantage of reducing regulatory lag.

If a rate bureau elects to include future cost projections for the six-month period, as outlined below, and in turn files another general increase during that six-month period, the only acceptable justification for the recoupment of additional future costs would be for projection errors.

Methodology

Future costs can be divided into two broad categories, namely: (1) wage and wage related increases and (2) non-labor expenses. Wage and wage-related increases are generally scheduled, with some occurring simultaneously with the effective date of a general increase while others occur at various times after the effective date. Although the amount of both types of scheduled wage increases are known, a slightly different methodology is required for each. Non-labor expenses are unscheduled and fluctuate on an irregular basis. This requires estimates of future cost increases. Because of these differences, future costs will be divided into three categories namely (1) simultaneously scheduled wage and wage related increases, (2) interim scheduled wage and wage related increases, and (3) non-labor expenses excluding fuel increases. Fuel increases are currently handled through Ex Parte No. 311. In the event this procedure is discontinued, we will consider whether to include fuel and fuel tax expense increases within unscheduled expense increases.

A. *Simultaneously Scheduled Wage and Wage Related Increases.* Future cost increases associated with wage and wage related expenses which are scheduled to start simultaneously with the effective date of the general increase are and will continue to be allowed in the projected pro forma expense level from the date of the increase. For example, if a motor rate bureau files a general increase effective on April 1 to recover wage or wage related increases scheduled for the same effective date, the total cost of the wage increase will be includable in the projected pro-forma year costs.

Cost increases in this category have historically become effective on April 1 and consist almost wholly of increases relative to Teamster contracts. However, it is possible that other labor expense categories may increase on the effective date of the general increase. If so, they will be handled in the same way.

B. *Interim Scheduled Wage and Wage Related Increases.* To be consistent with the proposed 6 month future cost time period, interim scheduled wage and wage related increases may be included for the same period. Since this category consists primarily of non-Teamster wage and wage related costs, which increase by varying amounts on varying dates, it will be necessary for the motor rate bureaus to design special labor studies to determine what impact these increases have on total expenses. The rate bureaus will be permitted to rely on any reasonable forecasting methodology.

Table 1 below provides an illustration of how the computation of the total impact of these increases can be applied. The illustration assumes that there will be five separate interim wage increases. Each increase amounts to 8 percent, and each applies to 5 percent of total expenses, and each occurs at different dates between April 1 and October 1. The impact of the wage increases can be calculated as follows:

Table 1.—*Development of Impact of Interim Scheduled Wage and Wage Related Increases (Based on General Increase To Become Effective Apr. 1)*

Effective date of wage increase	Rate of increase (percent)	×	Portion of total expense (percent)	=	Impact to total expense (percent)	×	Portion of 6-mo. period in effect (percent)	=	Impact on total expense (percent)
May 1	8		5		40		5/6 or 83.3		33
June 1	8		5		40		4/6 or 66.7		27
July 1	8		5		40		3/6 or 50.0		20
Aug. 1	8		5		40		2/6 or 33.3		13
Sept. 1	8		5		40		1/6 or 16.6		07
Total							—D		100

[1] (5 individual increases applicable to 25 percent of total expenses = 1.0%).

The increase need not be applied in the manner indicated above but the impact cannot exceed an amount developed as indicated.

These projected increased costs for the six month future time period may be included in the data for the "future pro-forma" costs.

C. *Unscheduled Expense Increases (Non-labor Excluding Fuel and Fuel Related Expenses).* Unscheduled cost increases will be allowed on the basis of one-half of the estimated increase in the expenses at the end of the 6-month future period. For example, if the estimated future unscheduled cost increase for the period is 18 percent, a cost increase of 9 percent will be allowed over the length of the period. This approach will permit a reasonable recovery of short-run, non-scheduled expense increases, since it will assume a single cost increase over the entire six-month future cost period that is equivalent to the steadily rising costs covered by this section.

The Commission will accept estimates based on Teamster related wage increases (Trucking Employers, Inc. (TEI)), studies based on non-Teamster and non-union wage contracts, and the Motor Carrier Non-Labor Index or other reasonable methods. Regardless of the methodology relied upon, the burden of proof as to the reasonableness of the methodology rests with the MC–82 motor rate bureaus. Studies must be adequately supported. The bureaus shall also include with their submission an expanded "Appendix A" for all carriers. It shall reflect the revenue/expense comparisons for all future costs that are being recovered. The impact of these changes shall be shown separately for system and issue traffic and shall be in addition to the presently required revenue/expense comparisons. Data reflecting future costs shall be identified as such.

Update Study Carrier Data

Two related matters require consideration at this time. The level of the general increases authorized are determined in relation of study carrier revenue levels on a date no later than 45 days prior to the tariff filing date. As a result of the Motor Carrier Act of 1980 and our decision in Ex Parte No. 297 (Sub-No. 5), *Motor Carrier Rate Bureaus—Implementation of P. L. 96–296* (decided December 19, 1980; corrected and clarified January 29, 1981), it is anticipated that greater use of independent actions will occur. If

independent action rate changes are filed by study carriers during the 45-day period after the general increase proposal is filed, the general increase data may not accurately reflect prevailing conditions.

We believe that the majority of independent actions will result in decreases rather than increases. We also believe that individual carrier independent rate actions, filed during the 45-day period, should not have a substantial effect on the overall rate structure and issue traffic relied on by the respective motor rate bureaus. Therefore we will not require, at this juncture, any restated revenue showings beyond the current 45 day period. Our findings are based principally on conclusions established in Ex Parte No. MC–82 (Sub-No. 3), which disallows the filing of additional data subsequent to the filing date of the original proposal. However, if significant increases or decreases from independent actions occur they must be reflected in the projected and/or future revenue levels as appropriate. A statement, indicating the absence of significant impact, should be included in the justification if appropriate.

'Issue' Traffic

Decisions in recent general increase proceedings have considered, among other things, the profitability of issue traffic. The definition of issue traffic stated at 340 ICC 1, 28 is: " 'Issue traffic' consists of those shipments on which the freight rates or charges are to be affected by the rate proposal." Because the Commission may wish to consider the impact of issue traffic increases on total bureau general commodity traffic (subject to Commission jurisdiction), we believe that data reflecting all non-issue general commodity traffic handled by each bureau may be useful. We propose adding Part III to Appendix A,—which now contains Part I, Revenue Need and Part II, Allocation to Traffic at Issue. Part II reflecting cost and revenue for non-issue bureau general commodity traffic would be shown for all time frames and conditions currently provided in Appendix A. A table relecting the format in which this data would be submitted is attached as Attachment 1.

Part IV, also shown in Attachment 1 combines bureau issue traffic with bureau non-issue general commodity traffic. In addition, a footnote is provided to identify all other bureau revenues not potentially includable as issue traffic.

In order to account for total system revenues, Part V would be added to Appendix A. This part merely separates system revenues among the respective rate bureaus from which it is generated. These data are to be submitted in the form shown as Attachment 2. These data required in Part V have been provided informally in the past.

All data in Attachments 1 and 2 would be submitted as a part of the justification statement in each general increase filed under the provisions of Ex Parte No. MC–82, *supra*. This information is available to the bureaus and does not appear to represent a significant additional reporting burden. Given the sampling techniques employed in the CTS, the non-issue traffic will be at least as statistically valid as the issue. We request comments on any perceived problems with the preparation or usefulness of these data.

Since future cost projections are permitted but not mandatory, we do not propose to change the present wording in section 1104.3(a) of Chapter X, Subchapter B, Title 49 of the Code of Federal Regulations.

It does not appear that this study will significantly affect the quality of the human environment, energy consumption, or have an adverse effect on small business. Comments, however, on these matters are also invited.

Authority: 49 USC 10321, 10701 and 10706; section 13(a) of the Motor Carrier Act of 1980, Pub. L. 96–296; and 5 U.S.C. 553.

Dated: June 10, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

BILLING CODE 7035-01-M

Attachment 1

Ex Parte No. MC-82
Appendix A - Section 1
Revenue Need and Allocation of Bureau Traffic

LINE NO.	ITEM (1)	SOURCE (2)	BASE CALENDAR YEAR- ACTUAL (3)	PRESENT PROFORMA YEAR PRESENT LEVEL (4)	RESTATED PROFORMA YEAR: PRESENT REVENUE AND Projected EXPENSE (5)	RESTATED PROFORMA YEAR: PRESENT REVENUE AND Future EXPENSE (5A)	RESTATED PROFORMA YEAR: PROPOSED REVENUE AND Projected EXPENSE (6)	RESTATED PROFORMA YEAR: PROPOSED REVENUE AND Future EXPENSE (6A)	RESTATED PROFORMA YEAR: PROJECTED EXPENSE AND CONSTRUCTED REVENUE NEED (7)
	PART I. REVENUE NEED								
1.	Operating revenues.....	A.R. Sch. 2998 L. 3							
2.	Operating expenses.....	A.R. Sch. 2998 L.10							
3.	Lease of distinct operating unit (net).....	A.R. Sch. 2998 Net of Ls. 12 & 13....							
4.	Misc. deductions less other income.....	A.R. Sch. 2998 (L.27 minus L. 20).....							
5.	Interest included in misc. deductions	A.R. Sch. 2998 L. 23							
6.	Income taxes on ordinary income.....	A.R. Sch. 2998 L. 29							
7.	Extraordinary and prior period items.....	A.R. Sch. 2998 L. 34							
8.	Net income or loss.....	A.R. Sch. 2998 L. 35							
9.	Sum of money above operating expenses....	Sum of Ls. 4, 6 & 8							
10.	Percent owned and leased property to net tangible property (3 decimals)..	A.R. Sch. 160, Col. (c) (L. 21 + L. 23) ÷ L. 20.....							
11.	Sum of money related to transportation.....	(L. 9 x percent in L. 10) plus L. 3.....							
12.	System revenue need items and projected revenue need.....	L. 2 plus L. 11....							

(PROPONENT BUREAU ONLY)

	PART II. ALLOCATION TO TRAFFIC AT ISSUE								
13.	Constant costs and sum of money allocated to issue traffic.....	See Method A ( ) and Method B ( ) Check one: Provide both							
14.	Variable expenses from traffic at issue (90% variable excluding return on investment)	From traffic and cost study.....							
15.	Operating revenues from traffic at issue.....	From traffic study							
16.	Constant costs and sum of money allocated to issue traffic plus variable expenses....	L. 13 plus L. 14...							
17.	Revenue to cost comparison (1 decimal).....	L. 15 ÷ L. 16.....							

(PROPONENT BUREAU ONLY)

18.	PART III. ALLOCATION TO NON-ISSUB TRAFFIC Variable expenses from traffic not at issue (90% variable excluding return on investment).....								
19.	Operating revenues from traffic not at issue								

(PROPONENT BUREAU ONLY)

20.	PART IV. ALLOCATION TO ALL POTENTIAL ISSUE TRAFFIC Variable expenses from all potential issue (90% variable excluding return on investment...								
21.	Operating revenues from all potential issue 1/.....								

1/ Excludes revenues from other tariffs published by proponent bureau not potentially includable as issue traffic subject to I.C.C. jurisdiction. Revenues from these tariffs for base year were:

Intrastate $_____
Section 22 _____
Independent Tariffs _____
Other (identify) _____
TOTAL $_____

ATTACHMENT 2

EX PARTE NO. MC-82 APPENDIX A-SECTION 2 (PART V)
COMPOSITION OF THE FRAME CARRIERS' SYSTEM
TRAFFIC REVENUES (PART I LINE 1) FOR THE
BASE YEAR ACTUAL, PRESENT AND PROJECTED
LEVELS SEPARATED BETWEEN LTL, TL AND TOTAL
(AMOUNTS IN THOUSANDS)

	TRAFFIC MOVING IN TERRITORY COVERED BY:	BASE YEAR ACTUAL			PRESENT LEVEL			PROJECTED LEVEL		
		LTL	TL	TOTAL	LTL	TL	TOTAL	LTL	TL	TOTAL
1.	Interstate - Central & Southern	$	$	$	$	$	$	$	$	$
2.	- Central States									
3.	- Eastern Central									
4.	- Middle Atlantic									
5.	- Middlewest									
6.	- New England									
7.	- Niagara Frontier									
8.	- Pacific Inland									
9.	- Rocky Mountain									
10.	- Southern									
11.	- Steel Carriers									
12.	-									
13.	-									
14.	-									
15.	-									
16.	Intrastate Traffic									
17.	-									
18.	-									
19.	-									
20.	-									
21.	-									
22.	Total Inter - Intrastate Traffic									
23.	All Other Operating Revenue:									
	(A) Contract Carrier Rev. (3200)									
	(B) Local Cartage Rev. (3300)									
	(C) Transportation Other Carriers (3400)									
	(D) Other Revenue (3900)									
24.	TOTAL SYSTEM REVENUE									

[FR Doc. 81-20019 Filed 7-8-81; 8:45 am]
BILLING CODE 7035-01-C

Motor Carriers; Permanent Authority Decisions; Decision—Notice

Correction

In FR Doc. 81-14401, appearing on page 26576, in the issue of Wednesday, May 13, 1981, make the following correction.

On page 26581, third column, seventeenth line, "MC 153889" should have read "MC 153899".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 81-16207 appearing on page 29355, in the issue of Monday, June 1, 1981, make the following correction to the entry for MC 111729 (Sub-1-12TA), *Purolator Courier Corp.:*

On page 29357, in the third column, in the tenth line from the bottom of the page, ". . . AL, FL, MS, NC and TN . . ." should have read ". . . AL, FL, MS, NC, SC and TN . . .".

BILLING CODE 1505-01-M

[Finance Docket No. 29618]

Delray Connecting Railroad Co., Abandonment in the City of Detroit, MI

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment by the Delray Connecting Railroad Company (Delray) of less than 1 mile of railroad track, known as the "Old Main", and Tracks D-2A & D-3, in Detroit, MI, from the requirement of prior approval under 49 U.S.C. 10903.

DATE: This exemption is effective 30 days after the date of this publication in the **Federal Register.** Petitions for reconsideration must be filed within 20 days after this publication.

ADDRESS: Send pleadings to:

(1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th and Constitution Avenue NW., Washington, DC 20423

and (2) Petitioner's Representative:

Edward N. Durand, 2900 Grant Building, Pittsburgh, PA 15219.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION: .

Exemption Request

Delray filed a petition under 49 U.S.C. 10505 on March 30, 1981, to exempt the proposed abandonment of three line segments, designated as track D-2A, track D-3 and "Old Main," in Detroit, MI. Track D-2A and D-3 are parallel tracks which connect with the "Old Main". "Old Main" is 1648 feet in length and involves six street crossings. Track D-2A is 1342 feet long, while track D-3 is 1678 feet long.

A line belonging to Norfolk and Western Railway Company (N&W) meets the line which extends to the east from tracks D-2A and D-3. "Old Main" is a connecting track with N&W, at a point near West End Avenue, and with Consolidated Rail Corporation (Conrail) and Detroit, Toledo and Ironton Railroad Company (DT&I), at a point near the Short Cut Canal Bridge. The "Old Main" will remain in operation below an area know known as the "Heel of Frog," which crosses Jefferson Avenue, and the River Rogue into Delray's main yard at Zug Island, and continues about 1 mile to the Conrail and DT&I lines at the Short Cut Canal Bridge.

Delray seeks to abandon these tracks because they no longer serve the purposes for which they were acquired—to provide over-flow relief for Delray's nearby yard and to provide rail service to two shippers located on the line. Although "Old Main" can be used as a connecting track between N&W, Conrail and DT&I, other nearby rail connections are more convenient, rendering "Old Main" obsolete as a connection. One of the two shippers located on the line has not transportated freight over the line in 2 years, while the other one ships only 12 carloads annually. Since the line is not being used as a connecting link between railroads, and the traffic of the two shippers has diminished, Delray concludes that abandonement through use of the section 10505 exemption is appropriate.

The Statute

Rail abandonments require the approval and authorization of this 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).

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), the Commission is authorized to exempt a transaction when we find 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.

Regulation of the proposed abandonment by Delray is not necessary to carry out the goals of the rail transportation policy of 49 U.S.C. 10101a. The line no longer performs its original functions, and is rarely used. Abandonment of the line will not affect Delray's overall ability to provide rail service. Elimination of unnecessary and inefficient facilities furthers the rail transportation policy of fostering sound economic conditions and efficiency in the operations of rail carriers.

The proposed abandonment is of limited scope. Since congestion at Zug Island has diminished, the line is no longer being used for the purpose for which it was acquired. The only other function this line could serve is as a connecting railroad where freight would travel from N&W lines over lines D-2A, D-3, and "Old Main," to the DT&I or Conrail lines at the Short Cut Canal. However, the tracks of N&W, Conrail and the Chesapeake & Ohio Railroad Company connect at a point one-half mile to the west of the Delray tracks. Since the line is not used as a connecting railroad, other carriers would not be affected by the abandonment.

The line is rarely used to provide rail service to the two industries located on it. We believe that a grant of Delray's petition will not have a significant adverse effect on Shippers. However, in order to protect shipper interests, we will require Delray to serve a copy of the Federal Register publication, within 5 days of that publication, on all shippers it has served on this line within the last 12 months. Delray shall certify to us that this notification has taken place. After the exemption is granted, but before it becomes effective, shippers can file a petition to reopen.

Having concluded that the proposal is of limited scope, we need not consider whether regulation is needed to protect shippers from the abuse of market power.

Labor Protection

Because of the infrequent usage of these short tracks, Delray stations no employees on the tracks; therefore, no employees would be affected by the abandonment. Nevertheless, 49 U.S.C. 10505(e) provides that we cannot relieve a carrier of its obligaton to protect employees. Therefore, we will condition

the exemption on the employee protection embodied in *Oregon Short Line R. Co. Abandonment—Goshen*, 354 I.C.C. 76 (1977), as modified in 354 I.C.C. 584 (1978), and as finally modified in 360 I.C.C. 91 (1979) (*Oregon III*), in the event an employee is adversely affected.

Energy and Environmental Consideration

The Commission notified the appropriate Michigan officials of the proposed exemption to solicit comments on the impact the abandonment would have on the energy consumption and the quality of the human environment. These officials expressed the opinion that the proposal would have no impact in those areas.

This decision is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

It is ordered:

(1) Delray Connecting Railroad is exempted under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 10903 for the limited purpose of abandoning the tracks designated D–2A, D–3 and the "Old Main", subject to the conditions for the protection of employees in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 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. Delray shall serve a copy of the **Federal Register** publication, within 5 days of publication on all shippers it has served on this line within the last 12 months.

(3) This exemption will continue in effect for one year from the effective date of this decision. The abandonment of the line must occur during that time in order to use 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 the decision must be filed no later than 20 days after the date of publication in the **Federal Register**.

Decided: July 1, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20079 Filed 7-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY5-95]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 30, 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 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, 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 become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

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".

Please direct all status telephone inquiries to the Ombudsman Office 202–275–7440.

MC 5619 (Sub-10), filed June 17,1981. Applicant: CLEVELAND GENERAL TRANSPORT CO., INC., 1 Van Street, Staten Island, NY 10310. Representative: Edward F. Bowes, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. (212) 575–7700. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156538, filed June 12, 1981. Applicant: AN-TRAN, INC., 6116 North Central Expressway, Suite 909, Dallas, TX 75206. Representative: Michael E. Smoller, 4314 North Central Expressway, Dallas, TX 75206, (214) 821–0892. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156548, filed June 16, 1981. Applicant: TAYLORMADE TRUCKING CO., INC., P.O. Box "G", Baldwin Park, CA 91706. Representative: John Bilyeu (same address as applicant), (213) 960–2855. 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.

[FR Doc. 81-20060 Filed 7-8-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

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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 signficantly 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 rebutal 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. 3, Members Krock, Joyce, and Dowell.

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".

Please direct all status telephone inquiries to the Ombudsman Office 202–275–7440.

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Decided: July 2, 1981.

MC 28088 (Sub-60), filed June 23, 1981. Applicant: NORTH & SOUTH LINES, INC., 2710 N. Main St., P.O. Box 49, Harrisonburg, VA 22801. Representative: Henry E. Seaton, Suite 929, 425 13th St., NW, Washington, DC 20004, (202) 347–8862. Transporting *such commodities* as are dealt in by wholesale and retail grocery houses, between the facilities of Pet, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 37918 (Sub-14), filed June 17, 1981. Applicant: DIRECT WINTERS TRANSPORT LIMITED, 2 Tippett Rd., Downsview, Ontario, Canada M3H 5X3. Representative: Gary R. Stanley, 175 Katherine St., Buffalo, NY 14210, 416–635–2991. Transporting *pulp, paper and related products,* between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in the U.S.

MC 99019 (Sub-14), filed June 12, 1981. Applicant: KILLIAN BULK TRANSPORT, INC., 100 Katherine St., Buffalo, NY 14210. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. Transporting *commodities in bulk,* between those points in the U.S., in and east of MI, OH, WV, VA, NC, and SC.

MC 119399 (Sub-148), filed June 22, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64802. Representative: Keith R. McCoy (same address as applicant), (417) 623–5229. Transporting *chemicals and related products,* between points in the U.S.

MC 121509 (Sub-13), filed June 16, 1981. Applicant: DAUFELDT TRANSPORT, INC., 618 Clay St., Muscatine, IA 52761. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–2525. Transporting *commodities in bulk* between points in IL, IA, and MO, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, OH, PA, SD, TN, TX, and WI.

MC 135678 (Sub-32), filed June 22, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting *textile mill products,* between points in OK, NM, TX, AZ, NV, and CA.

MC 142508 (Sub-170), filed June 23, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137, 402–895–3588. Transporting *Food and related products* between points in the U.S., under continuing contracts(s) with Swift Independent Packing Company, of Chicago, IL.

MC 146078 (Sub-47), filed June 22, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753, 501–846–2185. Transporting *electronic equipment* between points in AL, AR, CA, CO, GA, IL, IN, KS, KY, LA, MS, ME, MO, OK, TN, TX, WA, WI, MI, and PA, on the one hand, and, on the other, the facilities of Zenith Radio Corporation in the 20 States named above.

MC 148208 (Sub-11), filed June 22, 1981. Applicant: FUR BREEDERS AGRICULTURAL COOPERATIVE, A corporation, P.O. Box 295, Midvale, UT 84047. Representative: Bruce W. Shand, Suite 280, Western Home Bank Bldg., 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting *chemicals and petroleum products,* between points in the U.S., under continuing contracts(s) with Bill Roderick Distributing of Midvale, UT.

MC 148479 (Sub-23), filed June 19, 1981. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchinson, KS 66002. Representative: Kenneth E. Smith (same address as applicant), (913) 367–1480. Transporting *such commodities* as are dealt in or

used by manufacturers and distributors of charcoal products, between points in the U.S., under continuing contracts(s) with Cotter Charcoal Co., of Cotter, AR.

MC 149138 (Sub-3), filed June 17, 1981. Applicant: COLORADO, KANSAS, MISSOURI EXPRESS COMPANY, d.b.a. CKM EXPRESS CO., INC., 4250 Oneida, Suite 130, Denver, CO 80238. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, 303–320–6100. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in St. Louis County, MO, on the one hand, and, on the other, points in AR, IA, CO, MN, NE, and TX.

MC 149199 (Sub-9), filed June 22, 1981. Applicant: FRONTIER EXPRESS, INCORPORATED, d.b.a. D & M TRANSPORTATION, 905 S.W. Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plumbing fixtures and supplies, between the facilities of Delta Faucet Company, a Division of Masco Corporation of Indiana, and its affiliates at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152688, filed June 22, 1981. Applicant: CHEMICAL DISPOSAL CO., INC., P.O. Box 397, Rillito, AZ 85246. Representative: A Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *hazardous waste and hazardous waste materials*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in CA, CO, ID, NM, NV, TX, and UT. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application for common control to Team 5, Room 6370.

MC 154698, filed June 19, 1981. Applicant: LEO S. DORZWEILER, 1316 Steven, Hays, KS 67601. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *textile mill products* and *lumber and wood products*, between points in the U.S., under continuing contract(s) with Developmental Services of Northwest Kansas, Inc., of Hays, KS.

MC 156548 (Sub-1), filed June 16, 1981. Applicant: TAYLORMADE TRUCKING CO., INC., P.O. Box G, Baldwin Park, CA 91706. Representative: John Bilyeu (same address as applicant), (213) 960–2855. Transporting *machinery* between points in Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 156579, filed June 16, 1981. Applicant: REICHHOLD CHEMICALS, INC., Emulsion Polymer Division, P.O. Drawer K, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005, 202–296–3555. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with International Playtex, Inc., of Dover, DE.

MC 156609, filed June 16, 1981. Applicant: A & G TRUCKING, INC., 6981 74th Ave., Salem, OR 97303. Representative: Gerald D. Biggins (same address as applicant), (503) 393–1764. Transporting *foodstuffs* between Salem, OR, on the one hand, and, on the other, points in CA and WA.

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Decided: July 2, 1981.

MC 36979 (Sub-1), filed June 18, 1981. Applicant: RUZILA'S EXPRESS SERVICE, INC., 602–604 Midland Ave., Garfield, NJ 07026. Representative: John Ruzila (same address as applicant), (201) 478–0150. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster and Westchester Counties, NY, and points in NJ, CT, MA, ME, NH, and RI.

MC 88088 (Sub-5), filed June 24, 1981. Applicant: 3 B'S MOVING & STORAGE, INC., P.O. Box 358, Clarkston, WA 94403. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting (1) *forest products*, (2) *lumber and wood products*, and (3) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Potlatch Corporation, of Lewiston, ID.

MC 124408 (Sub-21), filed June 19, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Sprenger Midwest, Inc., of Minneapolis, MN and Sioux Falls, SD.

MC 126899 (Sub-142), filed June 22, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., Paducah, KY 42001. Representative: William L. Willis, Suite 708 McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *malt beverages*, between Pittsburgh, PA, on the one hand, and, on the other, points in KY, MD, MO, NC, NJ, NY, OH, VA, and WV.

MC 143059 (Sub-181), filed June 18, 1981. Applicant: MERCER TRANSPORTATION CO., 12th and Main Streets, P.O. Box 35610, Louisville, KY 40232. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave., & 13th St., N.W., Washington, DC 20004, 202 628–4600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 144069 (Sub-30), filed June 19, 1981. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant), (704) 372–1610. Transporting (1) *metal products*, and (2) *building materials*, between points in Mecklenburg and Union Counties, NC, on the one hand, and, on the other, those points in the U.S. in and east of LA, AR, KY, IL, and WI.

MC 148428 (Sub-21), filed June 22, 1981. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 121 South 8th Street, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *printed matter*, between points in Polk County, IA, on the one hand, and, on the other, points in the U.S.

MC 148428 (Sub-22), filed June 23, 1981. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 121 South 8th Street, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *furniture and fixtures*, between points in MN, ND, SD, and WI, on the one hand, and, on the other, points in NC, TN, VA, MS, IL, IN, AR, and GA.

MC 148589 (Sub-8), filed June 22, 1981. Applicant: STOREY TRUCKING COMPANY, INC., P.O. Box 126, Henegar, AL 35978. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402, (615) 267–1135. Transporting (1) *food and related products*, between points in the U.S., under continuing contract(s), with Chef Francisco, Inc., of Eugene, OR, (2) *chemicals and related products*, between points in the U.S., under

continuing contract(s) with Hart Chemials, Inc., of Berkeley, CA, and (3) *carpet and floor coverings*, between points in the U.S., under continuing contract(s) with World Carpet, Inc., of Dalton, GA.

MC 152458 (Sub-3), filed June 22, 1981. Applicant: KNOWLES TRUCKING CO., INC., P.O. Box 309, Tyrone, GA 30290. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996-6266. Transporting *such commodities* as are dealt in or used by manufacturers of artists' materials, between points in Gwinnett County, GA, on the one hand, and, on the other, points in the U.S.

MC 152509 (Sub-6), filed June 24, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., a Corp., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant), (216) 566-2677. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Nationwide Shippers Cooperative Association, Inc., of Cincinnati, OH.

MC 152849 (Sub-4), filed June 22, 1981. Applicant: S.T.S. TRANSPORT SERVICE, INC., 12400 South Keeler, Alsip, IL 60658. Representative: Patrick H. Smyth, 19 South LaSalle Street, Chicago, IL 60603, (312) 263-2397. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Bunge Edible Oil Corporation, of Kankakee, IL.

Volume No. OPY-5-99

Decided: July 2, 1981.

MC 56799 (Sub-9), filed June 16, 1981. Applicant: CLAXON TRUCK LINE, INC., Post Office Box 678, Frankfort, KY 40602. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601, 502-227-7384. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Louisville and Munfordville, KY, over U.S. Hwy 31W, serving all intermediate points, (2) between Elizabethtown and Cub Run, KY, from Elizabethtown over KY Hwy 61 to junction U.S. Hwy 31E, then over U.S. Hwy 31E to junction KY Hwy 88, then over KY Hwy 88 to Cub Run, KY, serving all intermediate points, and serving Buffalo, KY, as an off-route point, (3) between Sonora and Hodgenville, KY, over U.S. Hwy 84 serving all intermediate points, (4) between Campbellsville and Lousiville, KY, from Campbellsville, KY, over U.S. Hwy 68 to junction KY Hwy 61, then over KY Hwy 61 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Lousiville, KY, serving no intermediate points, (5) between Elizabethtown and Lexington, KY, from Elizabethtown over Blue Grass Parkway to junction U.S. Hwy 60, then over U.S. Hwy 60 to Lexington serving no intermediate points but serving junction Blue Grass Parkway and U.S. Hwy 127 for joinder only, and (6) between Frankfort, KY, and junction U.S. 127 and Blue Grass Parkway, over U.S. Hwy 127, serving no intermediate points but serving junction U.S. 127 and Blue Grass Parkway for joinder only.

Note.—Applicant proposes to tack Routes 1 through 6 above with each other and with applicant's existing regular route authority at Louisville, Frankfort, and Lexington, KY, to provide direct service.

MC 92319 (Sub-6), filed June 24, 1981. Applicant: KENNETH GRAHAM, Route No. 1 Box 41-A, Brimley, MI 49715. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, 517-489-5724. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with H. W. Elson Bottling Company of Marquette, MI.

MC 111749 (Sub-2), filed June 19, 1981. Applicant: H. E. ROHRER, INC., d.b.a. ROHRER BUS SERVICE, P.O. Box 1062, Duncannon, PA 17020. Representative: Robert J. Brooks, Suite 1115, 1828 L St., NW., Washington, DC 20036, (202) 466-3892. Transporting *passengers and their baggage*, in special and charter operations, between points in PA, on the one hand, and, on the other, points in the U.S.

MC 115648 (Sub-38), filed June 16, 1981. Applicant: LOCK TRUCKING, INC., P.O. Box 278, Wheatland, WY 82201. Representative: Ward A. White, P.O. Box 568, Cheyenne, WY 82001, 307-634-2184. Transporting (1) *lumber and wood products, and building materials*, between points in Lincoln County, WY, on the one hand, and, on the other, points in CO, MT, UT, NE, IA, ND, SD, and KS, and (2) *feed, fertilizer, agricultural chemicals, dairy equipment, and steel buildings*, between those points in and west of MN, IA, MO, AR, and LA.

MC 140829 (Sub-372), filed June 18, 1981. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant), (402) 494-5141. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 142008 (Sub-3), filed June 22, 1981. Applicant: WILLIAM C. THOMAS, d.b.a. THOMAS BROTHERS TRUCKING, Route 1 Box 260, Trappe, MD 21673. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, 412-281-9494. Transporting *electrical equipment*, between points in the U.S. under continuing contract(s) with Thepitt Manufacturing Company of Carnegie, PA.

MC 142019 (Sub-1), filed June 19, 1981. Applicant: FORREST FREEZE TRUCKING, INC., 1498 E. Merced Ave., Mercede, CA 95340. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, 714-738-3889. Transporting *general commodities* (except classes A and B explosives), between points in CA, AZ, NV, NM, UT, ID, MT, OR, WA and WY.

MC 144428 (Sub-15), filed June 22, 1981. Applicant: TRUCKADYNE, INC., Route 16, P.O. Box 308, Mendon, MA 01756. Representative: Joseph A. Reed (same address as applicant), (617) 966-2400. Transporting *rubber*, between points in the U.S., under continuing contract(s) with Baker Rubber Inc., of South Bend, IN.

MC 144509 (Sub-6), filed June 22, 1981. Applicant: HOLSTON MOTOR EXPRESS, INC., P.O. Box 1670, Kingsport, TN 37662. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th, St., NW., Washington, D.C. 20004, (202) 347-8862. Transporting *general commodities* (except classes A and B explosives), between points in Shelby, Davidson, and Hawkins Counties, TN, on the one hand, and, on the other, points in NC, VA, MD, DC, and Wood County, WV.

Note.—Applicant intends to tack with it authority in No. MC-144509, and Subs 3 and 4.

MC 144858 (Sub-45), filed June 22, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102, 402-348-0832. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Keebler Company, of Elmhurst, IL.

MC 145789 (Sub-1), filed June 19, 1981. Applicant: SWOPE BOAT REPAIR AND TRANSIT COMPANY, INC., Route 1, Lexington Rd., Winchester, KY 40391. Representative: Herbert D. Liebman, 403 West Main St., P.O. Box 478, Frankfort, KY 40602, 502-875-3493. Transporting *used boats*, between points in KY, on the one hand, and, on the other, points in the U.S.

MC 145828 (Sub-4), filed June 22, 1981. Applicant: RONALD L. JONES d.b.a. ALGOMA FARMS, 1762 Leonard Rd., North, Oshkosh, WI 54901.

Representative: James A. Spiegal, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, 608–273–1003. Transporting *concrete products*, between points in the U.S., under continuing contract(s) with Duwe Concrete Industries, Inc., and Duwe Mausoleum Sales, of Oshkosh, WI.

MC 146758 (Sub-13), filed June 24, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant), 800–533–6038. Transporting *food and related products*, between the facilities used by Farmland Foods, Inc., in Crawford, Carroll, Hardin, Cherokee, Polk, Webster and Woodbury Counties, IA; and Lancaster, Douglas, and Saline Counties, NE, on the one hand, and, on the other, points in WI, IL, AR, LA, MO, MN, ND, SD, NE, KS, OK, TX, NM, CO, WY, MT, ID, UT, AZ, NV, OR, WA, and CA.

MC 150939 (Sub-19), filed June 24, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with David Weis Wholesale Jewelers, Inc., of Monroeville, PA.

MC 152509 (Sub-5), filed June 17, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., a Corp., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant), (216) 566–2677. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with National Transportation Consultants, Inc., of Brecksville, OH.

MC 152589 (Sub-2), filed June 22, 1981. Applicant: WHITELIGHTNIN' EXPRESS, INC., P.O. Box 167, Ft. Smith, AR 72902. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Advance Coating Technology, Inc., of Franklin, TN.

MC 155398, filed June 11, 1981. Applicant: TISCHHAUSER TRUCKING, INC., R.R. 1, White City, KS 66873. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 223–9629. Transporting (1) *animal feed and feed supplements*, and (2) *fertilizer*, between points in Marion, Dickinson, McPherson, Harvey, Butler, Sedgwick, and Morris Counties, KS, on the one hand, and, on the other, points in the U.S.

MC 156559, filed June 16, 1981. Applicant: W. B. DAVIDSON TRANSPORT LTD., 7828 Bowcliff Crescent NW., Calgary, Alberta, Canada T3B 2S7. Representatives: John A. Anderson, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224–5525. Transporting (1) *such commodities* as are dealt in or used by manufacturers of stoves and fireplaces, between points in Orange and Riverside Counties, CA, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, in WA, ID, and MT, (2) *pulp containers*, between points in Benton County, OR, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada in WA, ID, and MT, and, (3) *fertilizer and hydrated lime*, between Salt Lake City, UT, and points in Alameda County, CA, Gem County, ID, Yellowstone County, MT, Hood River and Umatilla Counties, OR, and Clark, Chelan, and Yakima Counties, WA, on the one hand, and, on the other, ports of entry on the international boundary line between United States and Canada in WA, ID, and MT.

MC 156598, filed June 17, 1981. Applicant: SMITH TRANSPORT R.D. #1, Box 35 Roaring Spring, PA 16673. Representatives: Barry F. Smith (same address as applicant) (814) 224–4878. Transporting (1) *pulp, paper and related products*, and *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Fonda/Royal Lace Group, of Williamsburg, PA.

MC 156608 filed June 16, 1981. Applicant: ROBIN TRANSPORT, INC., 9 Hartshorne Rd., Wayside, NJ 07712. Representatives: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives), between points in MA, RI, CT, NY, PA, NJ, DE, MD, VA, NC, SC, and DC.

[FR Doc. 81-20174 Filed 7-8-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 116]

Motor Carrier; Permanent Authority Decisions, Restriction Removals; Decision-Notice

Decided: July 6, 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 5619 (Sub-9)X, filed June 4, 1981. Applicant: CLEVELAND GENERAL TRANSPORT, CO., INC., One Van St., Staten Island, NY 10310. Representative: Edward F. Bowes, P.O. Box 1409, Fairfield, NJ 07006. Applicant seks to remove restrictions from the lead and Sub-No. 3 permits to (1) broadden the commodity description from contractor's and factor equipment, including heavy machinery: steel and other materials and supplies (including fuel) such as are used in construction erection and building operations automotive display vehicles, airplanes, tractors, chassis and other automotive equipment, forest products (such as poles and piling), metals, oils and greases, pipe, electrical equipment, and building materials of various kinds such as are ordinarily transported in flat-bed vehicles to "such commodities which because of size or weight require special handling or equipment, machinery, metal products, transportation equipment, lumber and wood products, petroleum, natural gas and their products, food and related products, chemicals and related products, and building materials" and, from building materials and other commodities ordinarily transported in

dump trucks, such as common brick, ashes, cinders, and pig iron to "clay, concrete, glass or stone products, waste or scrap materials not identified by industry producing" in the lead, and, from ores, iron pyrites, welding compounds, foundry sand, and ferro alloys to "ores and minerals, chemicals and related products, metal products, and clay, concrete, glass or stone products," in Sub-No. 3 and (2) broaden territorial description to between points in the U.S. under contract(s) with a named shipper in Sub-No. 3 and unnamed shippers in the lead.

MC 6516 (Sub-4)X, filed June 26, 1981. Applicant: TRIBORO TRUCKING, INC., 200 Raymond Boulevard, Newark, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its lead and Sub-No. 2 certificates to (A) broaden the commodity description to (1) "food and related products, petroleum, natural gas and their products, forest products and chemicals and related products" from watermelons, food products, oil, seed, cocoanuts, arabic and karaya gum, paint material, enamel, lacquer, varnish, stain, paint, varnish remover, and printing paper, in the lead, and (2) "petroleum, natural gas and their products and chemicals and related products" from grease, soap, oil paint, varnish, disinfectant and water proofing material, in Sub-No. 2; (B) replace city-wide authority with county-wide authority (1) Kearny, NJ with Hudson County, NJ, in the lead, and, (2) Belleville, NJ with Essex County, NJ, in Sub-No. 2; and (C) authorize radial authority to replace existing one-way service between points in (1) NJ and NY, in the lead, and (2) NJ, NY, CT and PA, in Sub-No. 2.

MC 31357 (Sub-1)X, filed June 29, 1981. Applicant: GEROSA INCORPORATED, 101 Lincoln Avenue, Bronx, NY 10454. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NY 07006. Applicant seeks to remove restrictions in MC-31357 certificate and MC-84784 permit to (1) broaden the commodity descriptions from (a) Steel, and contractors' equipment and supplies, (except gypsum, lime, gypsum and lime products, mineral wool, metal lath and accessories, paint and paint products, wallboard, pulpboard, and insulating board), machinery and machinery parts, and commodities which, because of their weight or size, require the use of special equipment, to "contractor's equipment and supplies, metal and metal products, machinery, transportation equipment, and those commodities which because of their size or weight require the use of special handling or equipment" in MC-31357; (b) pulpboard, scrap paper, gypsum, lime, gypsum and lime products, mineral wool, metal lath and accessories, paint and paint products, wallboard, pulpboard, insulating board, to "ores and minerals, lumber and wood products, pulp, paper and related products, chemicals and related products, clay, concrete, glass or stone products, metal products, and scrap or waste materials" in MC-84784 (2) authorize service between all points in the U.S., under continuing contract(s) with unnamed shippers in MC-84784; (3) delete the restriction against the transportation of petroleum and petroleum products, in bulk, from points in New Jersey in MC-84784; (4) remove the restriction against the transportation of (1) any shipment which originates at Baltimore, MD, Washington, DC, Rosslyn, VA, Chester, Philadelphia, or Pittsburgh, PA, and which is destined to any point or place in an area embracing Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, or the District of Columbia, except points and places within 40 miles of the city hall, New York, NY, including New York, NY, or (2) any shipment which originates at any point or place in an area embracing Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, or the District of Columbia, except points and places within 40 miles of the city hall, New York, NY, including New York, NY, and which is destined to Baltimore, Washington, Rosslyn, Chester, Philadelphia, or Pittsburgh, in MC-31357.

MC 88368 (Sub-53)X, filed June 16, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Applicant seeks to remove restrictions in its Sub-No. 47F certificate by broadening the commodity description in parts (1) and (2) from painting equipment and fixtures, and finishing equipment, fixtures and systems, material handling equipment and systems (except commodities in bulk), to "machinery and metal products," in connection with its radial operations between points in CA, IL, IN, MN, MO, NV and OH and points in the U.S.

MC 106088 (Sub- 11)X, filed June 11, 1981. Applicant: WM. O. HOPKINS INC., R.R. #1, Box 16A, Rensselaer, IN 47978. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 5, 6, 8, and 9 to (1) broaden the commodity description (a) from agricultural commodities to "farm products", feed to "food and related products", fertilizer to "chemicals and related products", farm machinery to "machinery" in its lead; (b) from steel springs, wire spring assemblies, box spring constructions, and component parts therefor, to "metal products, and lumber and wood products"; (b) from such commodities as are used in the manufacture of steel springs, wire spring assemblies, and box spring constructions, and component parts therefor, to "metal products, and lumber and wood products"; (c) from wire to "metal products", and from lumber and paper products to "lumber and wood products and pulp, paper and related products" in its Sub-No. 2; (c) from wire spring assemblies, box spring constructions, paper products, lumber, wire, cord, and machinery used in the manufacture of steel springs, to "metal products, pulp, paper, and related products, lumber and wood products, textile mills products, and machinery" wire, cord, springs and machinery used in the manufacture of steel springs, to "metal products, pulp, paper and related products, textile mill products, and machinery"; used lumber to "lumber and wood products"; damaged spring units, to "metal products"; steel springs, wire spring assemblies, box spring constructions, and component parts therefor, to "metal products, and lumber and wood products"; wire cord and machinery used in the manufacture of steel springs, to "metal products, pulp, paper and related products, textile mill products, and machinery"; used lumber, to "lumber and wood products"; damaged spring units, to "metal products"; feed, to "chemicals and related products, and food and related products", and agricultural salt, to "ores and minerals, food and related products, chemicals and related products" in Sub-No. 3; (d) from lumber and wood composition board, to "lumber and wood products and building materials"; from paint and paint supplies, to "chemicals and related products and building materials", and from hardware, to "metal products, building materials, rubber and plastic products", in Sub-No. 5; (e) from wire spring assemblies, box spring constructions, paper products, lumber, wire, cord, and machinery used in the manufacture of steel springs, to "metal products, pulp, paper and related products, lumber and wood products, textile mill products, and machinery"; from wire, cord springs, and machinery used in the manufacture of steel springs, to "metal products, pulp, paper and related products, textile mill products, and machinery"; and from wire carriers

and damaged or rejected wire, to "metal products" in Sub-No. 6; (f) from wire spring assemblies, box springs, frames, bed frames, bed frames, and plastic articles, and parts and components of wire spring assemblies, box spring frames, bed frames, and plastic articles, wire carriers and damaged and rejected wire, to "metal products, lumber and wood products, rubber and plastic products"; from such machinery, equipment, materials and supplies as are used by manufacturers and distributors of wire spring assemblies, box spring frames, bed frames, and plastic articles, and parts and components of wire spring assemblies, box spring frames, bed frames, and plastic articles, to "machinery, equipment, materials, and supplies"; from wire and wire carriers and damaged and rejected wire, to "metal products", and from wire spring assemblies, box spring frames, bed frames, and plastic articles, and parts and components of wire spring assemblies, box spring frames, bed frames, and plastic articles, to "metal products, lumber and wood products, rubber and plastic products" in Sub-No. 8; and from iron and steel articles to "metal products" in Sub-No. 9; (2) remove facilities limitations at or change Danville, IL, to Vermilion County, IL; Sheldon, IL, to Iroquois County, IL; Streator, IL, to LaSalle County, IL; Demotte, IN, to Jasper County, IN; Chicago Heights, IL, to Cook County, IL, Gibson City, IL, to Ford County, IL; Peoria, IL, to Peoria County, IL, and Calumet City, IL, to Cook County, IL, in its lead; Rensselaer, IN, to Jasper County, IN; Rosemont, IL, to Cook County, IL; Allston, MA, to Suffolk County, MA; Albany, NY, to Albany County, NY; Rochester, NY, to Monroe County, NY; Bluefield, VA, to Tazewell County, VA; Chester, PA, to Delaware County, PA; Pittsburgh, PA, to Allegheny County, PA; Reading, PA, to Berks County, PA;

Lexington, NC, to Davidson County, NC; Medina, OH, to Medina County, OH; Oakville, CT, to Litchfield County, CT; Paterson, NJ, to Passaic County, NJ; Joliet, IL, to Will County, IL; Waukegan, IL, to Lake County, IL; Alton, IL, to Madison County, IL; Grand Rapids, MI, to Kent County, MI; Monroe, MI to Monroe County, MI; Aliquippa, PA, to Beaver County, PA; Trenton, NJ, to Mercer County, NJ; Portsmouth, OH, to Scioto County, OH, and Dover, OH, to Tuscarawas County, OH, in Sub-No. 2; Rensselaer, IN, to Jasper County, IN; Tucker, GA, to De Kalb County, GA; Denver, CO, to Denver County, CO; Brenham, TX, to Washington County, TX; Delano, PA, to Schuylkill County, PA; Sparrows Point, MD, to Baltimore County, MD; Philadelphia and Johnstown, PA, to Philadelphia and Cambria Counties, PA; Newark, OH, to Licking County, OH; Quincy, MA, to Norfolk County, MA; Kenosha, WI, to Kenosha County, WI; Carthage, MO, to Jasper County, MO; Randolph, MA, to Norfolk County, MA; Albany and Rochester, NY, to Albany and Monroe Counties, NY; Bluefield, VA, to Tazewell County, VA; Chester, Pittsburgh and Reading, PA, to Delaware, Allegheny and Berks Counties, PA; Lexington, NC, to Davidson County, NC; Medina, OH, to Medina County, OH; Oakville, CT, to Litchfield County, CT; Paterson, NJ, to Passaic County, NJ; Tucker, GA, to De Kalb County, GA; Denver, CO, to Denver County, CO; Danville, Champaign, Springfield, Decatur, Kankakee, Rochelle, and Wilmington, IL, to Vermilion, Champaign, Sangamon, Macon, Kankakee, Ogle and Will Counties, IL; Clinton, IA, to Clinton County, IA; LaCrosse, WI, to LaCrosse County, Blissfield, MI, to Lenawee County, MI, and Port Huron and St. Louis, MI, to St. Clair and Gratiot Counties, MI, in Sub-No. 3; Calumet Harbor, IL, to Cook County, IL; Grand Rapids, MI, to Kent County, MI; Canton, OH, to Stark County, OH; Bridgeport, CT, to Fairfield County, CT, and Rensselaer, IN, to Jasper County, IN, in Sub-No. 5; Rensselaer, IN, to Jasper County, IN; Middletown, OH, to Butler County, OH; Grand Rapids, MI, to Kent County, MI; Hialeah and Orlando, FL, to Dade and Orange Counties, FL; Delano, PA, to Schuylkill County, PA; Medina, OH, to Medina County, OH; Tucker, GA, to De Kalb County, GA; Cleveland and Archbold, OH, to Cuyahoga and Fulton Counties, OH; Pueblo, CO, to Pueblo County, CO; Waukegan, IL, to Lake County, IL; Joliet and Alton, IL, to Will and Madison Counties, IL; Aliquippa and Johnstown, PA, to Beaver and Cambria Counties, PA; Portsmouth, OH, to Scioto County, OH; and Roebling, NJ, to Burlington County, NJ, in Sub-No. 6; Delano, Pa, to Schuylkill County, PA; Rensselaer, IN, to Jasper County, IN; Pueblo, CO, to Pueblo County, CO; Richmond, CA, to Contra Costa County, CA; Portland, OR, to Multnomah County, OR; Phoenix, AZ, to Maricopa County, AZ, and Denver, CO, to Denver County, CO, in Sub-No. 8; and Kouts, IN, to Porter County, IN, in Sub-No. 9; (3) remove originating at or destined to restrictions in Sub-Nos. 2 and 8; and (4) remove a restriction against bulk commodities in Sub-No. 5.

MC 109533 (Sub-141)X, filed June 2, 1981. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Avenue, Richmond, VA 23224. Representative: C. H. Seanson, P.O. Box 1216, Richmond, VA 23209. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 6, 8, 13, 14, 16, 22, 23, 24, 28, 31, 33, 36, 37, 39, 41, 42, 44, 45, 48, 50, 54, 55, 60, 61, 63, 64, 65, 67, 68, 70, 71, 74, 77, 78, 79, 80, 84, 85, 88, 89, 91, 93, 94, 99, 101, 102F, 104F, 105, 106F, 108F, 110F, 111F, 112F, 113F, 114F, 115F, 116F, 119F, 120, 121, 122F, 125F, 126F, 127F, 129F, 130F, 131, 132F, 133F, 135, and 136 certificates and authority acquired in MC–F–13400 (1) to broaden the commodity description in all of the authorities from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives); (2) in lead, remove the intermediate point restrictions in its regular route authority to authorize service at all intermediate points (and in all authorities except Sub-Nos. 2, 6, 14, 16, 23, 31, 33, 37, 45, 48, 50, 54, 60, 65, 68, 70, 74, 79, 80, 84, 85, 88, 89, 91, 100, 102F, 112F, 115F, 116F, 121, 126F, 129F and 130F); (3) in the lead: remove the restriction limiting transportation to traffic moving to, from or through Charlotte, Greensboro, Raleigh or Monroe, NC, or points located on carrier's regular routes between High Point, NC and Atlanta, GA; the restriction against traffic to be transported between points in GA located on carrier's authorized irregular route territory, and points in Section (I)(E); the restriction against traffic to be transported between points in Section (I)(E) located on Routes 2, 3, 4, and 11, and points in Section (I)(E) located on Routes 1, 5, 6, 7, 8, 9, and 10; and the restriction "except that Rome, GA, is restricted against transportation of rayon yarn, rayon products, and containers for yarn and products"; (4) substitute county wide authority for the following: in the lead, Wake County for Raleigh, NC, Person County for Roxboro, NC and Halifax County for South Boston, VA; in Sub-No. 6, Clayton County for Bex and Ellenwood, GA; in Sub-No. 13, Charlotte County, VA for Drakes Branch, VA; in Sub-No. 22, Jefferson County for Cherokee Dam, TN, Hamilton County for (Volunteer Ordnance Plant) Tyner, TN, Montgomery County for Pepper, VA and Chesterfield County for Richmond Deepwater Terminal, VA, Greene and Hamblen Counties for Lowland, TN, Catoosa, Dade and Walker Counties; GA for points within 10 miles of Chattanooga, TN; Greene County for Greeneville, TN; Wise County for Wise, VA, Lee County for Dryden, VA, Floyd County for Crystal Springs, GA, Walker

County for Flintstone, GA, Smythe County for Bradford, VA; Washington County for Clinchburg and Emory, VA, York County for Meadowview, VA, Russell County for Dante, Honaker, Cleveland and Swords Creek, VA; Tazewell County, VA for Raven, Red Ash, Richlands, N. Tazewell and Burks Garden, VA; Buchanan County, VA for Grundy and Marvin, VA; Roanoke County, VA for Hanging Rock, VA; Randolph County for Asheboro, Staley, Liberty and Randleman, NC; Alamance County for Burlington, NC; Forsyth County for Kernersville, NC; Guilford County for High Point, NC; Rowan County for Salisbury, NC; and (5) remove the restriction to shipments originating at or destined to points other than Louisville, KY, etc. in Sub-No. 22; (6) in Sub-No. 36, remove the restriction against the transportation of cement and lime from the origin points of Leeds, Roberta, Ragland and North Birmingham, AL; (7) in Sub-No. 39, remove the restriction against the transportation of traffic moving from, to or through Monroe, NC or points located in the carrier's authorized regular routes between High Point, NC and Atlanta, GA, etc., and against the transportation of traffic originating at or received from connecting carriers at Savannah, GA and destined to or delivered to connecting carriers at Jacksonville, FL (also in reverse order); (8) in Sub-No. 41, substitute Dickenson County for Clintwood, VA and Rockbridge County for Buena Vista, VA; (9) in Sub-No. 44 substitute Mercer and Marion Counties, KY for Harrodsburg and Lebanon, KY; (10) in Sub-No. 50, substitute Williamson County for facility at or near Brentwood, TN; (11) in Sub-No. 54, substitute Lawrence County for Louisa, KY; (12) in Sub-No. 60, remove restriction against the interline of any shipment at Cumberland, MD having an origin or destination in Garrett County or those points in Allegany County on and west of U.S. Highway 220; (13) in Sub-No. 67, substitute county wide authority for the following: Escambia County, FL for Gonzales, FL, Jefferson County, TX for Port Arthur and Port Neches, TX, Mobile and Washington Counties, AL for Lemoyne and facility at or near Calvert, AL; (14) in Sub-No. 68, substitute Wilson County for facility at or near Nashville, TN; (15) in Sub-No. 70, substitute Powhatan County for facility near Beaumont, VA; (16) in Sub-No. 71, substitute Grant County for Crittenden, KY; (17) in Sub-No. 77, substitute Nelson County for Gethsemane, New Hope and Balltown, KY; (18) in Sub-No. 78, substitute Scott County, KY for Georgetown, KY; (19) in Sub-No. 79, substitute Lancaster County for facility at or near East Hempfield Township, PA; (20) in Sub-No. 84, remove the restriction against the transportation of traffic between points in PA and various counties in WV; (21) in Sub-No. 85, remove restriction against the transportation of traffic originating at or destined to, or interchanged at Memphis, TN; (22) in Sub-No. 88, remove the restriction against service to points in NC within the commercial zone of Virgina Beach, VA;

(23) in Sub-No. 91, substitute Nassau County for Fernandina Beach and Yulee, FL; (24) in Sub-No. 93, remove restrictions in (1) through (8) to the transportation of traffic moving from, to, or through points in MD; and to the transportation of shipments which both originate at and are destined to points in DE, NJ and PA, and authorize off-route service at all points in PA Counties in which only partial service is now authorized (25) in Sub-No. 94, substitute Magoffin County, KY for Royalton, Burning Fork, Bradley, Sublett, Hendricks, Bloomington and Swampton, KY and Morgan County, KY for Wrigley, KY; and remove the restriction against the pickup and delivery of traffic originating at, destined to, or interchanged at either Lexington or Louisville, KY; (26) in Sub-No. 100, remove the in bulk restriction; (27) in Sub-No. 101, remove the restriction against the transportation of traffic (a) originating at or received from connecting carriers at Memphis, TN and destined to points on this route and (b) in reverse order; and substitute Scott County for Nickelsville, VA; (28) in Sub-No. 102F, substitute Putnam County for facility at or near Cookeville, TN; (29) in Sub-No. 106F, substitute Knox County for Vincennes, IN; (30) in Sub-No. 105, broaden off route point authority in part (12) to points in Burke, Catoosa, Coweta, Floyd and Richmond Counties, GA; (31) in Sub-No. 108, substitute Montgomery County for Dayton, OH; (32) in Sub-No. 112F, substitute Armstrong County for facility at or near Schenley, PA; (33) in Sub-No. 113F, remove the provision to serve Marion for purposes of joinder only; (34) in Sub-No. 115F, substitute St. Charles County for St. Peters, MO; (35) in Sub-No. 116F, substitute Sussex and Greensville for facility at or near Jarratt, VA; (36) in Sub-No. 120, remove the restriction precluding carrier from originating, delivering or interchanging traffic at East St. Louis and Belleville, IL when such traffic is moving between said points; replace one way with non-radial authority; substitute counties in IL for numerous off-route IL points; and Bridgeton, MO with St. Louis County, MO, and Neeley's Landing, MO with Cape Girardeau County, MO; (37) in Sub-No. 121, substitute Shelby County for Shelbyville, IN; (38) in Sub-No. 126F, substitute Burke County for facility at or near McBean, GA; (39) in Sub-No. 127F, substitute Isle of Wright County, VA for Smithfield, VA and King William County, VA for West Point, VA; (40) in Sub-No. 130F, substitute Tunica County, MS for Tunica, MS; (41) in Sub-No. 135, substitute Warren County for Kings Mills, OH; and in MC-F-13400, replace one way with two-way authority and remove the ballistic missile and launching sites, and supply points limitation; (42) in Sub-No. 63, substitute counties for numerous PA off-route points and remove the exceptions from off-route points in a described area in MD.

MC 112696 (Sub-68)X, filed June 22, 1981. Applicant: HARTMANS, INCORPORATED; 2710 South Main St., Harrisonburg, VA 22801. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-Nos. 14 and 63F certificates to (1) broaden the commodity description from frozen foods, poultry and poultry by products in Sub-No. 14 and frozen foodstuffs and agricultural exempt commodities in Sub-No. 63F to "food and related products"; (2) replace Timberville, VA with Rockingham County, VA, in Sub-No. 14, and Martinsburg, WV, with Berkeley County, WV, in Sub-No. 63F; (3) remove an originating at restriction in Sub-No. 63F; (4) remove an equipment restriction in Sub-No. 14; and (5) replace one-way with radial authority in Sub-Nos. 14 and 63F.

MC 115651 (Sub-103)X, filed June 10, 1981. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant proposes to remove restrictions from its Sub-Nos. 11, 13, 16, 17, 18, 21, 25, 27, 29, 37, 40, 41, 44, 46, 47, 48, 49, 52, 53, 56, 57, 60, 61, 62, 63, 68, 70, 78, 79, 80, 81, 82, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, and 95 certificates to (1) broaden the commodity descriptions (A) to "commodities in bulk" (a) from chemicals in Sub-No. 16 (b) from liquified petroleum gas in Sub-No. 29, (c) from liquified petroleum gas in Sub-No. 52, and (d) from sand in Sub-No. 53, (B) to "chemicals and related products" (a) from mineral spirits and salts in Sub-No. 11, (b) from acids, chemicals, fertilizer and fertilizer ingredients (except

cryogenic liquids), in Sub-No. 13, (c) from anhydrous ammonia in Sub-No. 17, (d) from diammonium phosphate in Sub-No. 18, (e) from liquid fertilizer solutions in Sub-No. 21, (f) from aqua ammonia with additives, in Sub-No. 25, (g) from liquid and dry fertilizers, and liquid fertilizer solution, in Sub-No. 27, (h) from solvents in Sub-No. 37, (i) from dicalcium phosphate in Sub-No. 41, (j) from fertilizer solutions in Sub-No. 44, (k) from liquid fertilizers in Sub-No. 49, (l) from liquid fertilizers in Sub-No. 56, (m) from liquid latex in Sub-No. 57, (n) from fertilizer and fertilizer materials in Sub-No. 60, (o) from paint, paint materials, and derivatives, driers, fillers, thickeners, thinners, and reducing or removing compounds, in Sub-No. 63, (p) from anhydrous ammonia, fertilizer solution and manufactured fertilizer in (1) and (2) of Sub-No. 78, (q) from fertilizer and fertilizer materials in Sub-No. 88, (r) from chemicals, petroleum, napthas, and solvents, in Sub-No. 89, (s) from alcohol in Sub-No. 90, (t) from fertilizer in Sub-No. 91; (C) to "petroleum, natural gas, and their products," (a) from asphalt in Sub-Nos. 40, 46, and 47, (b) from liquified petroleum gas in Sub-No. 48, (c) from liquified petroleum gas in Sub-No. 61 and 62, (d) from liquified petroleum gas in Sub-No. 68, (e) from asphalt and asphalt products in Sub-No. 70, (f) from petroleum products in Sub-No. 79, (g) from white oil in Sub-No. 80, (h) from petroleum products in Sub-Nos. 81, 82, and 84, (i) from liquifed petroleum gas in Sub-No. 86, (j) from asphalt and asphalt products in Sub-No. 87, and (k) from petroleum products in Sub-No. 92 and 95; (2) delete the in bulk restrictions in Sub-Nos. 11, 13, 17, 18, 25, 27, 37, 40, 44, 46, 47, 49, 56, 57, 60, 61, 63, 68, 70, 78, 79, 80, 81, 82, 84, 86, 87, 88, 89, 90, 91, 92, 93 and 95; (3) delete the in tank vehicles restrictions in Sub-Nos. 13, 17, 25, 29, 37, 40, 44, 46, 47, 48, 49, 52, 56, 57, 63, 68, 70, 78, 79, 80, 81, 82, 84, 86, 87, 88, 89, 90, 91, 92, 93, and 95; (4) delete the originating at or destined to restrictions in Sub-Nos. 11, 16, 18, 21, 27, 37, 53, and 57; (5) substitute county-wide or city-wide authority for a named point or facilities limitations (a) Winnebago County, IL (Rockford), in Sub-No. 11, (b) Hancock County, IL (Niota) in Sub-No. 13, (c) Clinton County, IA (Clinton) in Sub-No. 16, (d) Jackson County, IA (Bellevue), in Sub-No. 17, (e) Bureau, McLean, and Cook Counties, IL (Depue, Colfax, and Riverdale), and Dallas, Madison, Warren and Polk County, IA (Des Moines), in Sub-No. 18, (f) Wabash County, IL (Mt. Carmel) in Sub-No. 21, (g) McHenry County, IL (Union) in Sub-No. 25, (h) Whiteside County, IL (Fulton) in Sub-No. 27, (i) Sumner, Reno, and Rice Counties, KS (Hutchinson, Conway, and Little River) in Sub-No. 29, (j) Cook County, IL (Lemont) in Sub-No. 37, (k) Jo Daviess County, IL, Dubuque County, IA and Grant County, WI (Dubuque, IA) in Sub-No. 40, (l) LaSalle County, IL (Marseilles) in Sub-No. 41, (m) Rock Island County, IL (Cordova) in Sub-No. 44, (n) Lake County, IN (East Chicago) in Sub-No. 46, (o) Lake County, IN (Whiting) in Sub-No. 47, (p) Grundy and Cook Counties, IL (Morris and Lemont) in Sub-No. 48, (q) LaSalle County, IL (Ottawa) in Sub-No. 49, (r) Chickasaw County, IA (New Hampton) and Kosciusko County, IN (Milford) in Sub-No. 52, (s) LaSalle County, IL (Troy Grove) and Berrien County, MI (Bridgman) in Sub-No. 53, (t) Iroquois and Douglas Counties, IL (Watseka and Bourbon) in Sub-No. 56, (u) Cook County, IL (Alsip) in Sub-No. 57, (v) Cook, Whiteside, Boone, LaSalle and Rock Island Counties, IL (Lemont, Erie, Belvidere, Marseilles and Seneca), Cordova, IL, and Clinton County, IA (Clinton) in Sub-No. 60, (w) Cook County, IL (Lemont) and Jo Daviess County, IL, Dubuque County, IA, and Grant County, WI (Dubuque, IA), in Sub-No. 62, (x) Chicago, IL (facilities at Chicago) in Sub-No. 63, (y) Rock County, WI (Janesville) in Sub-Nos. 68 and 70, (z) Lee and Des Moines Counties, IA, and Hancock and Henderson Counties, IL (Fort Madison, IA and points within 10 miles of Fort Madison), in Sub-No. 78, (aa) Winnebago County (Rockford) and Clinton County, IA (Clinton) in Sub-No. 79, (bb) Lake County, IN (Whiting) in Sub-No. 80, (cc) Winnebago County, IL (Rockford) in Sub-No. 81, (dd) Ogle County, IL (Rochelle) in Sub-No. 82, (ee) Dane County, WI (Madison) in Sub-No. 84, (ff) Cook County, IL (Blue Island) in Sub-No. 86, (gg) Lake County, IN (East Chicago) in Sub-No. 87, (hh) LaSalle County, IL (Peru) in Sub-No. 88, (ii) Macon County, IL (Decatur) and Peoria and Tazewell Counties, IL (Peoria) in Sub-No. 90, (jj) Johnson County, IA (Iowa City) in Sub-No. 94; and (6) replace one-way with radial authorities in all of the authority except Sub-Nos. 91, 92, 93, 94, and 95.

MC 117503 (Sub-19)X, filed June 12, 1981. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, CA 95814. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Applicant seeks to remove restrictions in its Sub-No. 9 certificate to (1) broaden the commodity description by removing exceptions to general commodities (except class A explosives and except classes A and B explosives after September 8, 1982), the date applicant's class B authority expires, (2) replace Seattle-Tacoma International Airport, with Seattle and Tacoma, WA; Portland International Airport with Portland, OR; Los Angeles International Airport with Los Angeles, CA; and San Francisco International Airport with San Francisco, CA, (3) remove the restriction limiting service to "traffic having a prior or subsequent movement by air"; and (4) remove the restriction against service between the Seattle-Tacoma International Airport and the Portland International Airport.

MC 118922 (Sub-20)X, filed June 16, 1981. Applicant: CARTER TRUCKING CO., INC., Cleveland Avenue, Locust Grove, GA 30248. Representative: Robert C. Boozer, 1400 Candler Bldg., 127 Peachtree St., NE, Atlanta, GA 30043. Applicant seeks (1) to remove restrictions in its Sub-Nos. 18F and 19F permits to broaden the territorial description to between points in the United States under continuing contract(s) with named shippers.

MC 123993 (Sub-96)X, filed June 16, 1981. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representataive: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Applicant seeks to remove restriction in its Sub-No. 85 certificate to broaden the commodity description by removing exceptions to general commodities (except Class A and B explosives), in its authority between LA and the US, and remove the AK and HI exception.

MC 124117 (Sub-48)X, filed June 16, 1981. Applicant: EARL FREEMAN AND MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its lead and Sub-Nos. 19, 21, 25, 26, 28F, 29F, 32, 35F, 36F, 40F, 43F, 45F, 46F and 47F certificates by (1) broadening the commodity description (a) from malt beverages and related advertising materials to "food and related products" in its lead and Sub-Nos. 21, 26, 28F, and 40F; (b) from scrap paper in its lead; and from scrap paper and scrap cardboard in Sub-No. 25; and from paper and paper products and wood pulp in Sub-No. 36F to "pulp, paper and related products"; (c) from scrap batteries, scrap battery parts, scrap lead and recycled lead, in Sub-No. 19 to "metal and metal products, rubber and plastic products, waste or scrap materials"; (d) from materials, supplies and equipment used in the manufacture, sale and distribution of malt beverages

(except commodities in bulk) in Sub-No. 26, to "such commodities as are used in the manufacture, sale and distribution of malt beverages"; (e) from glass containers in Sub-No. 29F to "clay, concrete, glass or stone products," (f) from foodstuffs in Sub-No. 32 to "food and related products," (g) from materials, supplies and equipment used in the manufacture and distribution of glass containers in Sub-No. 35F to "such commodities as are dealt in or used by manufacturers and distributors of clay, concrete, glass or stone products"; (h) from materials, equipment and supplies used in the manufacture of paper, paper products and wood pulp (except commodities in bulk) in Sub-No. 36F to "such commodities as are dealt in or used by manufacturers and distributors of pulp, paper and related products," (i) from metal and plastic castings and component parts for fuel dispensing equipment in Sub-No. 43F to "metal products, rubber and plastic products," (j) from containers in Sub-No. 45F to "rubber and plastic products, clay, concrete, glass or stone products, and metal products"; (2) change the territorial description from one-way authority to radial authority in its lead and Sub-Nos. 21, 25, 26, 35F, 36F and 40F; (3) broaden the territorial description by substituting county-wide authority for named facilities and cities (a) in its lead: Vanderburgh County for Evansville, IN; Forsyth County for Winston-Salem, NC; Putnam County for Cookville, TN; Buchanan County for St. Joseph, MO; Allen County for Ft. Wayne, IN; Giles County for Pulaski, TN; Liberty County for Cleveland, TX; Sequatchie County for Dunlap, TN; Moore County for Tullahoma, TN; Madison County for Huntsville, AL; Dougherty County for Albany, GA; Maury County for Columbia, TN; Green County for Eutaw, AL; Lee County for Opelika, AL; Montgomery County for Montgomery, AL; Houston County for Dothan, AL; Warren County for Bowling Green, Ky; Henderson County for Henderson, KY; Christian County for Hopkinsville, KY; Marion County for Lebanon, KY; Madison County for Richmond, KY; Franklin County for Frankfort, KY; Nelson County for Bardstown, KY; Fayette County for Lexington, Ky; Weakley County for Dresden, TN; Dyer County for —— Dyersburg, TN; Houston County for Perry, GA; Madison County for Jackson, TN; Weakley County for Martin, TN; Williamson County for Franklin, TN; Maury County for Mt. Pleasant, TN; White County for Sparta, TN; Bedford County for Shelbyville, TN; Wilson County for Lebanon, TN; Lincoln County for Fayetteville, TN; Madison County, for Alton, IL; (b) in Sub-No. 19, Vanderburgh County for Evansville, TN; McCracken County for Paducah, KY; Pike County for Troy, AL; Fayette County for Lexington, KY; Berks County for Reading, PA; Spartanburg County for Spartanburg, SC; and Greenville County for Greenville, SC; (c) in Sub-No. 19, Williamson County for College Grove, TN; Kanawha County for Charleston, WV; (d) in Sub-No. 25, Polk County for Cedartown, GA; (e) in Sub-No. 28, Rockingham County for Eden, NC; (f) in Sub-No. 28F, Oswego County for facilities at or near South Volney, NY; (g) in Sub-Nos. 29F and 35F, Houston County for the facilities at or near Warner Robbins, GA; (h) in Sub-No. 35F, Vigo County for Terre Haute, IN; (i) in Sub-No. 36F, McMinn County for facilities at or near Calhoun, TN; (j) in Sub-No. 40F, Dougherty County for Albany, GA; (k) in Sub-No. 43F, Marshall County for Lewisburg, TN; (4) remove restrictions against service at Eden, NC in Sub-No. 29F; (5) remove restriction limiting transportation to traffic destined to named facilities, in Sub-No. 25; (6) remove restrictions against the transportation of commodities in bulk in Sub-No. 40F; and (7) remove the restriction excepting AK and HI in connection with its authority to serve radially between points in Portage County, WI and points in the US, in Sub-No. 32.

MC 129263 (Sub-4)X, filed June 26, 1981. Applicant: AIRPORT DRAYAGE CO., INC., Air Cargo Building, Seattle-Tacoma Airport, Seattle, WA 98158. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 3 to (1) broaden its commodity description in both certificates, to "general commodities (except classes A and B explosives)", from general commodities (with exceptions); and (2) eliminate the restrictions in Sub-Nos. 2 and 3, limiting transportation to traffic having an immediately prior or subsequent movement by air and/or in vehicles equipped with mechanical refrigeration.

MC 138420 (Sub-54)X, filed June 22, 1981. Applicant: CHIZEK ELEVATOR & TRANSPORT INC., Route 1, P.O. Box 147, Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-No. 35F certificate to (1) broaden the commodity description from paper and paper products and plastic products to "pulp, paper and related products and rubber and plastic products"; (2) remove facilities limitations at and replace Ashland, Green Bay, Menasha, Neenah, and Wausau, WI, with Ashland, Brown, Outagamie, Winnebago, and Marathon Counties, WI; (3) remove an originating at restriction and (4) replace one-way with radial authority.

MC 139014 (Sub-3)X, filed June 23, 1981. Applicant: COHEY TRUCKING COMPANY, INC., 3015 Vermont Avenue, Baltimore, MD 21227. Representative: John R. Sims, Jr., Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. Applicant seeks to remove restrictions from its lead and Sub-No. 2 certificates to (1) in part (A) of its lead remove all exceptions except classes A and B explosives, other than small arms ammunition and in part (B) of its lead remove all exceptions except classes A and B explosives; (2) in Sub-No. 2, broaden the commodity description from suspension ceiling grid systems and components of suspension ceiling grid systems to "metal products"; (3) in part (A) of its lead, replace the radial base points on U.S. Hwy 1 between Baltimore, MD, and the Maryland-Pennsylvania state line with Baltimore (except the city of Baltimore), Harford, and Cecil Counties, MD; and in part (B) replace West Grove, PA, and points in Pennsylvania within 5 miles of West Grove, with Chester County, PA; (4) in Sub-No. 2, remove the facilities limitation at Baltimore, MD; (5) in Sub-No. 2, replace existing one-way authority with radial authority between Baltimore, MD, and, points in VA, NJ, NY, PA, MD and DC; and (6) remove the tacking restriction in its lead certificate.

Note.—Applicant's authority to tack will be governed by CFR 1042.10(b).

MC 142359 (Sub-11)X, filed June 19, 1981. Applicant: PORT EAST TRANSFER, INC., Pulaski Highway & 68th St., Baltimore, MD 21237. Representative: Mel P. Booker, Jr., P.O. Box 1281, Alexandria, VA 22313. Applicant seeks to remove restrictions in its Sub-No. 7F certificate to: (1) broaden its commodity description in part one by removing exceptions from general commodities except classes A and B explosives and in parts two and three, from empty trailers (except those designed to be drawn by passenger automobiles) used or utilized in intermodal operations, and empty containers, hitchboxes and chassis for containers to "transportation equipment" between 10 States and (2) remove the restriction limiting part one of the authority to the transportation of traffic in containers or trailers having an

immediately prior or subsequent movement by rail or water.

MC 142364 (Sub-51)X, filed June 8, 1981. Applicant: KENNETH SAGELY TRUCKING COMPANY, P.O. Box 368, Van Buren, AR 72956. Representative: E. Lewis Coffey, 26 Kingspark Drive, Maumelle, AR 72118. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3F, 7F, 24F, 25F, 28F, 35F, and 44F certificates as follows: (1) in Sub-No. 2F replace facility limitation at Ft. Smith, AR with county wide (Sebastian County) authority; (2) in Sub-No. 3F in (1) replace facilities at Van Buren, AR with Crawford County, AR and at Beaumont, TX with Jefferson County, TX; and replace one way with radial authority; (3) in Sub-No. 7F, broaden the commodity description from aluminum folding furniture and wood folding furniture and aluminum institutional furniture, to "furniture and fixtures"; replace facilities at Ft. Smith, AR with Sebastian County and replace one way with radial authority; (4) in Sub-No. 24F, replace facilities with county wide authority: Columbus, OH with Franklin County and Mattoon, IL with Coles County; (5) in Sub-No. 25F, replace one way with radial authority; broaden the commodity description from canned foodstuffs to "food and related products"; and replace city wide with county wide authority: Alma, Ft. Smith, and Van Buren, AR with Crawford and Sebastian Counties, AR; (6) in Sub-No. 28F, replace one way with radial authority; broaden commodity description from petroleum products, in packages, to "petroleum products"; and replace Maryland Heights, MO with St. Louis County, MO; (7) in Sub-No. 33F, replace one way with radial authority; replace facilities at Ft. Smith, AR with Sebastian County, AR; and (8) in Sub-No. 44F, replace facilities at Van Buren, AR with Crawford County, AR.

MC 143230 (Sub-3)X, filed June 24, 1981. Applicant: LUCK TRUCKING, INC., Rural Route No. 1, Box 190, Wolcott, IN 47995. Representative: Norman R. Garvin, Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden its commodity description to "chemicals and related products", from anhydrous ammonia and liquid fertilizer, in bulk in tank vehicles; and (2) eliminate the restriction against the transportation of traffic to Van Wert, OH.

MC 144621 (Sub-53)X, filed June 22, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 52275 U.S. Hwy. 31N., South Bend, IN 46637. Representative: Jack B. Wolfe, 1600 Sherman, Suite 665, Denver, CO 80203. Applicant seeks to remove restrictions in its certificates MC-144621 (Sub-Nos. 4F, 21F and 22F), acquired in MC-F-14491F to (A) broaden the commodities descriptions: (a) from confectionery to "food and related products", in Sub-No. 21F; and (b) from (1) buffing, polishing and cleaning compounds, personal care products, and foodstuffs and (2) materials, equipment and supplies used in the manufacture and distribution of those commodities to "(1) such commodities as are dealt in by manufacturers or distributors of buffing, polishing and cleaning compounds and personal care products, (2) food and related products and (3) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) and (2) above" in Sub-No. 22F; (B) replace authority to serve specified facilities at named points and authority to serve specified points with city or county-wide authority; in Sub-No. 4F, facilities at Jersey City, NJ with Hudson County, NJ and Sparks, NV with Washoe County, NV; in Sub-No. 21F, facilities at Cambridge, Boston and Woburn, MA, San Antonio, TX, Macon, GA, West Reading, PA, Oak Park, and Chicago, IL, Hackettstown, NJ, Elizabeth, PA, and Waco, TX with Middlesex County and Boston, MA, Bexar County, TX, Bibb County, GA, Berks County, PA, Cook County, and Chicago, IL, Warren County, NJ, Allegheny County, PA and McLennan County, TX; in Sub-No. 22F facilities at Melrose Park, IL, Sparks, NV and Atlanta, GA with Cook County, IL, Washoe County, NV and Fulton, DeKalb, Cobb and Clayton Counties, GA; (C) remove the restrictions "except foodstuffs and commodities in bulk" in Sub-Nos. 4F and 22F; (D) in all Sub-Nos. replace one-way with radial authority; and (E) in Sub-No. 4F, remove the restriction limiting transportation to traffic originating at named facilities.

MC 145485 (Sub-5)X, filed June 19, 1981. Applicant: DAVIS CARTAGE CO., 230 Sleeseman, Curunna, MI 48817. Representative: Robert H. Shertz, 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its MC-133437 (Sub-Nos. 3 and 4) permits and Sub-Nos. 1 and 2 certificates: (1) in Sub-Nos. 3 and 4 permits, to broaden the commodity description from sugar, corn syrup, dextrose, and blends thereof and dried sugar beet pulp and sugar beet molasses to "food and related products" and to broaden the territorial scope of the permits to "between points in the U.S., under continuing contract(s) with named shippers; (2) in Sub-No. 1F certificate, to broaden the commodity description from fertilizer to "chemicals and related products"; to replace facility at Chicago Heights, IL with county wide (Cook and Will Counties, IL) authority; and to replace one way with radial authority and; (3) in Sub-No. 2F certificate to remove all exceptions from general commodity authority except classes A and B explosives; and to remove the restriction except MI, AK, and HI in connection with its radial operations between points in MI and points in the U.S.

MC 145673 (Sub-7)X, filed June 25, 1981. Applicant: ROAD RAIL SERVICES, INC., 805 Skokie Highway, Lake Bluff, IL 60044. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden its commodity description from general commodities (with exceptions), to "general commodities (except commodities in bulk, and classes A and B explosives); and (2) eliminate the restriction limiting transportation to shipments having a prior or subsequent movement by rail or water and in containers or in trailers.

MC 145944 (Sub-10)X, filed June 22, 1981. Applicant: H & N TRANSPORT, INC., Route 2, Helena Road, Arena, WI 53503. Representative: James A. Spiegel, Old Towne Office Park, 6333 Odana Road, Madison, WI 53719. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 4F permits to (1) broaden the commodity description from fertilizer to "chemicals and related products"; (2) remove the "in bulk" and "except anhydrous ammonia" restrictions in Sub-Nos. 3F and 4F; (3) in Sub-No. 3F open-ended permit broaden the territorial description to between points in the U.S., under continuing contract(s); and Sub-No. 4F will be subsumed by Sub-No. 3F; and (4) remove the restriction against transportation of traffic originating at Muscatine, IA, and points in its commercial zone, and the St. Louis, MO-East St. Louis, IL, commercial zone in Sub-No. 3F.

MC 146097 (Sub-4)X, filed June 29, 1981. Applicant: LENNEMAN TRANSPORT, INC., 10 North Michigan St., Hutchinson, MN 55350. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F certificates to (1) broaden the commodity description from (a) iron or steel bars, iron or steel plates, and iron or steel rods to "metal products" in Sub-No. 1F; and (b) agricultural fertilizing equipment, and

parts and accessories to "machinery" in Sub-No. 2F; (2) expand city to county-wide authority from Sterling to Whiteside County, IL, in Sub-No. 1F, and Hutchinson to McLeod County, MN, in Sub-Nos. 1F and 2F; (3) replace one-way with radial authority between (a) Whiteside County and Chicago, IL, and, points in McLeod County, MN in Sub-No. 1F; and (b) McLeod County, MN, and, points in WI, IA, IL, IN, NE, MI, OH, ND, SD, KS, and MO, in Sub-No. 2F; and (4) remove the "originating at and destined to" restriction in each certificate.

MC 146554 (Sub-3)X, filed June 16, 1981. Applicant: GEORGE L. BRINCKS, Templeton, IA 51463. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to remove facilities limitations at and/or replace (a) Hennepin, IL, with Putman County, IL, (b) Denver, CO, with Jefferson, Arapahoe, Adams and Denver County, CO, and (c) Chicago, IL, and (2) replace one-way with radial authority.

MC 147133 (Sub-1)X, filed June 23, 1981. Applicant: TAMPA BAY MOVING SYSTEMS, INC., 5100 Tampa West Blvd., Tampa, FL 33614. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Applicant seeks to remove restrictions in its lead certificate to broaden its commodity description from household goods, to "household goods, and furniture and fixtures".

MC 149461 (Sub-1)X, filed June 18, 1981. Applicant: UNITED STATES PRIORITY TRANSPORT CORPORATION, 900 Walt Whitman Road, Suite 303, Huntington Station, NY 11746. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictidons in its No. MC-141320 Sub Nos. 2, 4, 6 and 11F permits to (1) broaden the commodity description to "chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products and instruments and photographic goods", from: radiopharmaceuticals and medical test kits, and/or radiopharmaceuticals, medical isotopes, medical test kits, and apparatus used in the administration of the named commodities in each sub; (2) eliminate the restriction against transportation of commodities in bulk in Sub-No. 11F; and (3) broaden the territorial description to between points in the United States under continuing contract(s) with named shippers in the above permits.

MC 150103 (Sub-15)X, filed June 22, 1981. Applicant: SCHWEIGER INDUSTRIES, INC., 116 West Washington St., Jefferson, WI 53549. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 5F, 6F, and 7F permits to (1) broaden the commodity description from expanded cellular plastic products in Sub-No. 2F, and cellular foam products in Sub-No. 6, to "rubber and plastic products"; from cotton fabric and cotton piece goods in Sub-No. 5F and cloth in Sub-No. 7F, to "textile mill products"; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 151001 (Sub-2)X, filed June 19, 1981. Applicant: RED ARROW CORPORATION, 4530 Woodson Rd., St. Louis, MO 63134. Representative: Robert E. McFarland, 2855 Coolidge Ste. 201A, Troy, MI 48084. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (1) remove all exceptions from its general commodities authority except classes A and B explosives in its lead and Sub-No. 1; (2) replace specified airports with city wide authority by substituting St. Louis, MO for Lambert Field (at or near St. Louis, MO), and Chicago, IL for O'Hare International Airport at or near Chicago, IL, in Sub-No. 1; (3) remove the restriction against traffic having a prior or subsequent movement by air in Sub-No. 1; and (4) remove the weight per individual package and weight per shipment restrictions from the lead.

[FR Doc. 81-20172 Filed 7-8-81; 8:45 am]

BILLING CODE 7035-01-M

Agricultural Cooperative; Notice to Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Date: July 6, 1981.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP-102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub-No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

1. Farmers Marine Transportation Cooperative: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
   - Berth 201—Port of Portland, P.O. Box 3471, Portland, OR 97208: Principal Mailing Address (Street No., City, State, and Zip Code).
   - Berth 201—Port of Portland, P.O. Box 3471, Portland, OR 97208: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).
   - James H. Sanders, P.O. Box 3471, Portland, OR 97208: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

2. Pioneer Transportation Systems, Inc.: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
   - Calle Jose Antonio Torres #1456, Colonia Independencia Mexicali Baja Calif., Mexico: Principal Mailing Address (Street No., City, State, and Zip Code).
   - Calle Jose Antonio Torres #1456, Mexicali Baja Calif., Mexico: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).
   - Oscar Reina Bustamante, Calle Jose Antonio Torres #1456, Colonia Independencia, Mexicali Baja Calif., Mexico: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

3. Scranton Equity Exchange: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
   - Box 127, Scranton, ND 58653: Principal Mailing Address (Street No., City, State, and Zip Code).
   - Central Office, East Main St., Scranton, ND 58653: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).
   - T. C. Anderson, Box 127, Scranton, ND 58653: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

4. United Agricultural Transportation Association of America Marketing Co-op: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.

South Highway 75, P.O. Box 692, Ennis, Texas 75119: Principal Mailing Address (Street No., City, State, and Zip Code).

South Highway 75, Ennis, TX 75119: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).

Howard Mecom, Gen. Mgr., South Hwy 75, P.O. Box 692, Ennis, TX 75119: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

5. Western Dairymen Cooperative, Inc.: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.

7720 South 700 East, Midvale, Utah 84047: Principal Mailing Address (Street No., City, State, and Zip Code).

7720 South 700 East, Midvale, Utah 84047: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).

Earl L. Teter, 7720 South East, Midvale, Utah 84047: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20175 Filed 7-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY3-111]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 2, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams. Member Williams not participating.

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 50935 (Sub-37), filed June 24, 1981. Applicant: WOLVERINE TRUCKING COMPANY, a corporation, 1020 Doris Rd., Pontiac, MI 48057. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649-6650. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Wolverine Aluminum Corporation, of Lincoln Park, MI.

MC 107605 (Sub-28), filed June 22, 1981. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Rd., NE, Minneapolis, MN 55413. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227-7731. Over regular routes, transporting *general commodities* (except classes A and B explosives), (A) Between Minneapolis, MN and Lincoln, NE: (1) From Minneapolis over Interstate Hwy 35 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route; and (2) From Minneapolis over Interstate Hwy 35 to junction MN Hwy 13, then over MN Hwy 13 to junction MN Hwy 101, then over MN Hwy 101 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction MN Hwy 60, then over MN Hwy 60 to the MN-IA State line, then over IA Hwy 60 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction Interstate Hwy 29, then over Interstate Hwy 29 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route; and (B) Between Milwaukee, WI and Lincoln, NE: (1) From Milwaukee over WI Hwy 15 to the WI-IL State line, then over IL Hwy 2 to junction IL Hwy 5, then over IL Hwy 5 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route; and (2) From Milwaukee over WI Hwy 15 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction IL Hwy 5, then over IL Hwy 5 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route, serving in (B) above the off-route of Cedar Rapids, IA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 3, Room 2158.

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 116805 (Sub-8), filed June 23, 1981. Applicant: REFINERS TRANSPORT, INC., 7921 Castleway Drive, P.O. Box 50854, Indianapolis, IN 46250. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204, (317) 639-4511. Transporting *petroleum or coal products*, between points in Lawrence County, IL, on the one hand, and on the other, points in IN.

MC 134234 (Sub-2), filed June 22, 1981. Applicant: GATE CITY TOWING SERVICE, INC., 4513 Drummond Rd.,

Greensboro, NC 27406. Representative: William E. Washam, (same address as applicant) (919) 292–1422. Transporting *wrecked or disabled vehicles and replacement vehicles* for wrecked or disabled vehicles, between points in NC, on the one hand, and on the other, points in the U.S. in and east of MN, IA, MO, AR and TX.

MC 135924 (Sub-29), filed June 24, 1981. Applicant: SIMONS TRUCKING CO., INC., 3851 River Road, Grand Rapids, MN 55744. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Transporting *rubber and plastic products, clay, concrete, glass or stone products, primary metal products* and *fabricated metal products*, between points in Cuyahoga and Medina Counties, OH, on the one hand, and on the other, points in IL, IA, MN, ND and WI.

MC 136774 (Sub-24), filed June 22, 1981. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting *food and related products*, between points in Marion County, IN, on the one hand, and, on the other points in the U.S.

MC 140614 (Sub-3), filed June 23, 1981. Applicant: C&C TRANSPORT, INC., P.O. Box 5875, Black Mountain, NC 28803. Representative: Henry E. Seaton, Suite 929, 425 13th Street NW., Washington, DC 20004, (202) 347–8862. Transporting *furniture and fixtures*, between points in Travis County, TX, and Claiborne, Lincoln, and Bienville Parishes, LA, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 147524 (Sub-5), filed June 23, 1981. Applicant: SINED LEASING, INC., 106 High St., Mt. Holly, NJ 08060. Representative: Frank L. Newburger, III, 17th Floor, 1234 Market St., Philadelphia, PA 19107, (215) 854–7190. Transporting *food and related products*, between points in Wayne County, NY and Wyandotte County, KS, on the one hand, and, on the other, points in the U.S.

MC 148255 (Sub-1), filed June 23, 1981. Applicant: FLORIDA-EASTERN U.S. VAN LINES, INC., 215 Wood St., Conshohocken, PA 19428. Representative: Robert J. Gallagher, 1000 Connecticut Ave., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods*, as defined by the Commission, between points in MA, RI, CT, NY, NJ, OH, PA, MD, DE, VA, WV, NC, SC, GA, FL, AL, and DC.

MC 148655 (Sub-16), filed May 21, 1981. Applicant: ERIEVIEW CARTAGE, INC.; 100 Erieview Plaza; P.O. Box 6977; Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001, (202) 628–9243. Transporting (1) *machinery*, (2) *metal products*, and (3) *chemicals and related products*, between points in the U.S. under continuing contract(s) with Carrier Corporation, of Syracuse, NY.

MC 154505, filed June 24, 1981. Applicant: DES LAURIERS TRUCKING, INC., Route 1, Box 82, Sherwood, ND 58782. Representative: Gerald Des Lauriers (same address as applicant), (701) 459–2858. Transporting *fertilizers* and *agricultural chemicals*, between points in ID, IA, MN, MT, ND, and WI.

MC 156045 (Sub-1), filed June 22, 1981. Applicant: H. P. LEASING, INC., 44 Chandler Drive, Somerset, MA 02726. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hinghem, MA 02043, (617) 749–6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hasbro Industries, of Pawtucket, RI.

MC 156084, filed June 23, 1981. Applicant: TOMPKINS & WEEKS, INC., POB 1028, Coos Bay, OR 97459. Representative: David C. White, 2400 SW Fourth, Portland, OR 97201, (503) 226–6491. Transporting *petroleum, natural gas and their products*, between points in Coos County, OR, on the one hand, and, on the other, points in Del Norte, Siskiyou, Humboldt, Trinity, Shasta and Tehama Counties, CA.

MC 156755, filed June 22, 1981. Applicant: RON C. VANETTES, d.b.a. R & F TRANSPORT SERVICES, 2656 Falcon Cr., Corona, CA 91720. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655–3573. Transporting (1) *metal products*, between points in the U.S., under continuing contract(s) with V.S.I. Fasteners, Inc., of Compton, CA; and (2) *transportation equipment*, between points in the U.S., under continuing contract(s) with American Racing Equipment Corporation of Torrance, CA.

MC 156764, filed June 18, 1981. Applicant: WELCH TRUCKING, INC., 1105 South Boulder, Portales, NM 88130. Representative: John Welch, (same address as applicant) (505) 356–8548. Transporting *metal products*, between points in TX, AZ, NM, NV, UT, CA, WA, OR, MT, ID, WY, CO, LA, and OK.

[FR Doc. 81-20173 Filed 7-8-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc 81–17390, appearing at page 30907 in the issue for Thursday, June 11, 1981, make the following correction.

On page 30909, column 2, in the paragraph "MC–61231 (Sub-186)", filed for Easter Enterprises Inc., d.b.a. Ace Lines Inc., in the 12th line, "SK" should have read "SD."

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Delegation of Authority No. 86 (Revised)]

Senior Assistant Administrator, Bureau for Science and Technology Functions and Authorities

Pursuant to the authority delegated to the Administrator by Delegation of Authority No. 1 of October 1, 1979, from the Director of the United States International Development Cooperation Agency and Executive Order 12163 of September 29, 1979, and in furtherance of my decision relating to the establishment of a new Bureau for Science and Technology as announced in AID Notice dated May 21, 1981, I hereby delegate to the Senior Assistant Administrator for Science and Technology the following authorities.

1. All of the functions and authorities which are specified in any regulation published or unpublished, Handbook, manual order, policy determination, manual circular, or circular airgram, or instruction or communication relating to:

a. Administration of centrally funded programs of research and development in the program areas listed in "c." below, subject to the prevailing procedures, and instructions of the Administrator of the Agency for International Development concerning the review and approval of such activities;

b. Development of policies, procedures, and programs under the Foreign Assistance Act of 1961, as amended, with respect to grants to research and educational institutions and implementation of such assistance to the extent subsequently authorized by the Administrator;

c. The conduct of activities in the program areas listed below other than those included in bilateral and regional assistance programs:

(1) Agriculture;

(2) Development administration;

(3) Development information;
(4) Education and human resources;
(5) Energy;
(6) Engineering;
(7) Health;
(8) International training;
(9) Nutrition;
(10) Population and family planning;
(11) Rural development;
(12) Forestry and natural resources;
(13) Urban development; and
(14) Selected labor projects.

d. The coordination of Agency activities concerning the Title XII program.

2. The authorities and functions enumerated above shall include the authority to sign or approve program implementation orders and similar implementation authorizations.

3. In connection with participant training program, authority to approve, in accordance with AID Regulation 5, the maximum rates of per diem for participants in training in the United States, and to authorize exceptional rates of per diem for distinguished participants.

4. Delegation of Authority No. 100, dated December 13, 1976, (42 FR 6942), is further amended by deleting the title "Assistant Administrator for Development Support" and inserting in lieu thereof the title "Senior Assistant Administrator for Science and Technology."

5. Currently effective redelegations of authority issued by the Assistant Administrator for Development Support with respect to projects, programs, and activities within his or her areas or responsibility are hereby continued in effect according to their terms until modified or revoked by the Senior Assistant Administrator for Science and Technology. Redelegation of Authority No. 88.1, dated November 5, 1970 (35 FR 17675), as amended, is hereby continued in effect until modified or revoked.

6. The authorities made available above may be exercised by an officer serving in an acting capacity and may be redelegated by the Senior Assistant Administrator for Science and Technology.

7. Actions heretofore taken by officials designated herein are hereby ratified and confirmed.

8. This delegation of authority amends and supersedes Delegation of Authority No. 86 (revised), dated June 13, 1978, (43 FR 28281 and 28282).

9. This delegation of authority shall be effective immediately.

Dated: June 30, 1981.

Joseph C. Wheeler,

Administrator Acting

[FR Doc. 81-20049 Filed 7-8-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Proposed Consent Judgment in Action To Enjoin Discharge of Pollutants Under the Clean Water Act

In accordance with Departmental Policy, 28 C.F.R. § 50.7, 38 Fed. Reg. 19029, notice is hereby given that a proposed consent decree in *United States* v. *New Jersey Zinc Company and Gulf and Western Industries, Inc.*, Civil Action No. 79-0114-A, has been lodged with the District Court for the Western District of Virginia. The proposed decree requires New Jersey Zinc Company and its parent corporation, Guld and Western Industries, Inc., to pay the sum of $26,000 to the United States Treasury as a civil penalty for violations of a NPDES permit issued to New Jersey Zinc Company at its facility in Austinville, Virginia.

The proposed decree may be examined at the Office of the United States Attorney, Room 324, Poff Federal Building, 210 Franklin Road, SW., Roanoke, Virginia 24008, at the Region III Office of the Environmental Protection Agency, Enforcement Division, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed judgment for thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530. The comments should refer to *United States* v. *New Jersey Zinc Company and Gulf and Western Industries, Inc.*, and should include the Department of Justice reference number 90-5-1-1-1181.

Carol E Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-20048 Filed 7-8-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Independent Areas Task Force; Fisheries Subgroup; Meeting

Pursuant to Sec. 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Fisheries Subgroup of the Independent Areas Task Force (IATF) of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet Wednesday and Thursday on July 15-16, 1981. The Subgroup will meet at the Sheraton Inn-Falmouth, at 291 Jones Road, Falmouth, MA 02540 in meeting room 201.

The sessions, which will be open to the public, will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Wednesday, July 15 and will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Thursday, July 16. The purpose of this meeting will be to establish positions of the Fisheries Task Group on various issues that will be addressed in the final report.

NACOA has initiated a study to formulate national goals and objectives for the oceans in the decade of the 1980's and beyond. To support the conduct of this study, the Secretary of Commerce has established the IATF for NACOA. The IATF will be responsible for the preparation of preliminary recommendations in the areas of energy, fisheries, marine transportation, ocean minerals, ocean operations and services, and waste management and pollution.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Subgroup on Fisheries, Jay G. Lanzillo, in advance of the meeting. The Chairperson retains the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion, or Clarence P. Idyll, the Staff Member for the Fisheries Subgroup. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington, DC 20235.

Dated: July 6, 1981.

Stephanie M. Jones,

Administrative Assistant.

[FR Doc. 81-20080 Filed 7-8-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Visual Arts Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463). notice is hereby given that a meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held on July 30, 1981 from 9:00 a.m.–5:30 p.m. in the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506, Room 1422.

This meeting will be open to the public on a space available basis. The topic for discussion will be policy and future program directions.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

July 1, 1981.

[FR Doc. 81-20128 Filed 7-8-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-28]

Reports, Recommendations, Responses; Availability

Aircraft Accident Report.—*Continental Airlines/Air Micronesia, Inc., Boeing 727–92C, N18479, Yap Airport, Yap, Western Carolina Islands, November 21, 1980 (NTSB–AAR–81–7).*—Board investigation of this accident resulted in issuance on June 3 of the following "Class I, Urgent Action" recommendations to the Federal Aviation Administration:

Require that air carriers operating applicable Boeing 727 aircraft include emergency procedures for operation of the ventral airstair door in their training programs for cabin crews. (A–81–61)

Issue an Airworthiness Directive on applicable Boeing 727 aircraft to require that the location of the emergency operating control for the ventral airstair door be readily apparent regardless of the position of the access door for the normal system control. (A–81–62)

Special Study.—*Motor Vehicle Collisions with Trees Along Highways, Roads, and Streets: An Assessment (NTSB–HSS–81–1).*—As a result of its study, the Board on May 22 issued the following "Class III, Longer Term Action" recommendations to—

Federal Highway Administration: Develop several countrywide demonstration projects to evaluate the potential of reducing the number and severity of accidents with trees, especially at curves on county roads, by improving signing and delineation in various combinations. (H–81–20)

National Highway Traffic Safety Administration: Revise the FARS form and other nationwide reporting forms to include, as a minimum, the measurement of the distance from the edge of the road to a fixed object struck and measure of road curvature (if curve is present). (H–81–21)

National League of Cities, National Association of Towns and Townships, and the National Association of Counties: Encourage the development of local programs and policies to reduce the number of accidents with trees. Programs should emphasize improvement of roadway curves and locations where trees have been struck previously through delineation, signing, and removal or shielding of trees. Policies should be developed to prevent the future placement of trees that grow large enough to become a hazard, 4 inches or more in diameter, within the warranted clear recovery areas. (H–81–22, –23, –24)

International Association of Chiefs of Police: For all fixed-object accidents, encourage the recording of distance from the edge of the road to the fixed object struck and a measure of curvature of the road (when curve is present) on accident reports at the State and local level. (H–81–25)

Recommendation.—*A–81–69 to the Federal Aviation Administration, June 29:* Issue an Airworthiness Directive to: (1) require, at appropriate periodic intervals, the performance of the altitude acceleration and stall check procedure defined in the CJ610–6 overhaul manual on Lear aircraft with General Electtic CJ610–6 engines installed; and (2) restrict the maximum operating altitude of those engines shown by the test procedure to have a reduced altitude stall margin until the manufacturer has developed a satisfactory method for recovering stall margin and it is incorporated in those engines. (Class II, Priority Action) (A–81–69)

Responses to Recommendations

From the Federal Aviation Administration: A–79–4 and –5 (June 16).—Advisory Circular (AC) 91–55, "Reduction of Electrical System Failures Following Aircraft Engine Starting," was issued Oct. 28, 1980 (A–79–4). 14 CFR Parts 23 nd 27, for normal category airplanes and helicopters, respectively, are adequate; FAA plans no regulatory amendments to require indication of operation of an electric engine starter; AC 91–55 provides equivalent gudiance for existing aircraft (A–79–5). (Ref. 44 FR 31331, May 31, 1979; 44 FR 70243, Dec. 6, 1979.)

A–79–7 and –8 (June 15).—Piper Aircraft Corporation has incorporated a production change in the PA–31 series to provide for positive locking of the stop bolt and lock nut by safety wiring the bolt and nut to airplane structure. A Piper service bulletin will recommend safety wire installation on airplanes in the field, and FAA will evaluate (A–79–7). FAA has issued three Airworthiness Alert Bulletins alerting general aviation inspectors of loosened or misadjusted control stop bolts on general aviation aircraft (A–79–8). (Ref. 44 FR 36274, June 21, 1979.)

A–79–36 through –39 and A–79–67 (June 15).—FAA will analyze whole question of survival aids in water landings, projecting risks involved and estimate of costs (A–79–36 and –67). Effective Sept. 29, 1978, 14 CFR 121.571(a)(1)(iv) requires oral briefing of all passengers before takeoff on location and use of emergency flotation means (A–76–37). Maintenance Bulletin 25–35, Life Preserver Stowage, was issued Aug. 29, 1979 (A–76–38). Draft TSO, addressing revisions to TSO–C13c (14 CFR 37.123) for lifevests, will soon be announced in the **Federal Register** (A–79–39). (Ref. 44 FR 70243, Dec. 6, 1979.)

A–81–26 through–28 (June 18).—Amending 14 CFR 23.783, 23.807(a)(1), and 23.807(b)(3), and Part 91 re external doors/emergency exists may be technically feasible but data provided with the recommendations are not sufficient either to substantiate or to justify additional rules. FAA will investigate potential safety benefits and economic impact and evaluate need for rulemaking action. (Ref. 46 FR 20011, Apr. 2, 1981.)

A–81–29 (June 24).—FAA will publish in the July General Aviation Airworthiness Alerts (AC 43–16), an article designed to alert maintenance persons to possible instrument clamp failure. All known clamp failures have occurred with Cessna airplanes. Three Cessna Service information Letters will advise customers of need for inspection and possible replacement of the MSP P/N 64311 and P/N 9963 clamps. (Ref. 46 FR 21284, Apr. 9, 1981.)

A–81–32 and –33 (June 24).—FAA does not concur in issuing an airworthiness directive to move the emergency/park brake light on Falcon 10 aircraft to a location on the instrument panel where it can be monitored more readily by both pilots; 14 CFR 25.735(d) is appropriate (A–81–32). FAA will issue an operations bulletin directing operations inspectors to review checklists used by Falcon 10 operators; the bulletin will require inclusion in the checklists or a procedure for checking emergency/park brake handle position and associated warning light prior to takeoff (A–81–33). (Ref. 46 FR 21284, Apr. 9, 1981.)

From the Federal Highway Administration: H–79–32 (June 17).—After reviewing statistics from incident reports and roadside safety inspections, FHWA continues to believe that regulations requiring fire-resistant fenders on trucks transporting hazardous materials cannot be justified. (Ref. 45 FR 18212, Mar. 20, 1980.)

H–80–58 (June 15).—Concerning State compliance with the Manual on Uniform Traffic Control Devices (MUTCD), FHWA specifies areas of nonconformance with pavement marking policies on no-passing zones in Missouri, Oregon, and Washington; Iowa and Nebraska meet or exceed MUTCD no-passing zone marking requirements on all primary and secondary highways. FHWA is pursuing resolution of deficiencies with State highway organization officials. (Ref. 45 FR 71869, Oct. 30, 1980.)

From the National Highway Traffic Safety Administration: H-81-19 (June 15).—NHTSA will examine its files for other instances of steering related accidents and inquire of manufacturers as to suitable inspection procedures. Whether an appropriate standard can or should be developed at this time is in question in view of uncertainty as to the safety consequences of wear in steering linkage ball joints and end fittings in power steering units and as to the appropriate method of inspection. (Ref. 46 FR 24333, Apr. 30, 1981.)

From the Federal Railroad Administration: R-72-14 and R-78-42 (June 12).—FRA will evaluate all railroad trespasser educational programs in 1981 to provide empirical data on program cost/effectiveness. During 1981 FRA will visit schools and their facilities located near railroad lines to discuss the trespasser problem. FRA will next conduct a demonstration project in the Northeast Corridor to compare relative merits of fencing and warning signs in reducing trespasser fatalities. (Ref. 43 FR 31248, July 20, 1978.)

From the Atchinson, Topeka and Santa Fe Railway Company: R-80-2 (June 12).—Present practice of inspecting the automatic train stop at Amtrak's Chicago facility permits the test, which requires starting and stopping the locomotive, to be accomplished before the locomotive is coupled to a train loaded with passengers, thus avoiding potential injuries from a sudden stop while the equipment is being tested. AT&SF engineers are not forbidden to preacknowledge the inductor device; the postacknowledgment requirement is a testing procedure which provides an additional safeguard. (Ref. 45 FR 22314, Apr. 3, 1980.)

From the Bay Area Rapid Transit District: R-80-47 (June 12).—Current procedures that protect scenes of an emergency are contained in District Operating Rules and Procedures Manual Emergency Sections, parts 1 and 2; Rule 604, part 1, specifies: "The responsible control center shall implement necessary protective measures and dispatch available resources." An emergency plan, nearing completion, establishes firm guidelines for designating boundaries and protecting emergency scenes. (Ref. 45 FR 85536, Dec. 29, 1980.)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies or 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.

July 2, 1981.

[FR Doc. 81-20082 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export/Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H St., N.W., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed by August 10, 1981. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this day July 2, 1981 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application No.	Material type (percent enriched uranium)	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
General Electric, June 11, 1981, June 15, 1981, XSNM01838	3.06	21,659	592	Routine reload fuel for Fukushima 2	Japan.
Transnuclear, June 17, 1981, June 18, 1981, XSNM01839	3.55	10,231.000	363.206	Routine reload fuel for Doel 1	Belgium.
Transnuclear, June 17, 1981, June 18, 1981, XSNM01840	93.3	23.285	21.725	Fuel for Saphir Research Reactor	Switzerland.
U.S. DOE, June 18, 1981, June 22, 1981, XSNM01841	19.75	30.690	6.000	Fabrication of fuel elements for RERTR Program and irradiation in HFR-Petten, Siloe-France and ORR-U.S.	France, Netherlands.
Edlow Int'l, June 23, 1981, June 25, 1981, XSNM01845	2.85	13,056	373	Routine reload fuel for Takahama Unit 2	Japan.
Edlow Int'l, June 23, 1981, June 25, 1981, XSNM01847	3.25	7,211	235	Routine reload fuel for Ohi Unit 2	Japan.
Transnuclear, June 17, 1981, June 18, 1981, ISNM81012	1.12	49,811.000	454.584	Feed material for domestic UE Contract DUE4104	From France.

[FR Doc. 81-20147 Filed 7-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-317]

Baltimore Gas and Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DRP-53 issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 1, located in Calvert County, Maryland. The amendment was effective on May 27, 1981.

The amendment authorizes continued reactor operation until June 1, 1981 with the acoustic flow monitor for pressurizer safety valve RV-201 inoperable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environment impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 27, 1981, (2) Amendment No. 56 to License No. DPR-53, 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 Calvert County Library, Prince Frederick, Maryland. 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 23rd of June, 1981.

For The Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-20148 Filed 7-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-1308 OLA (Spent Fuel Pool)]

General Electric Co. (GE Morris Operation Spent Fuel Storage Facility; Order Cancelling and Resetting Prehearing Conference

July 2, 1981.

At the request of counsel for the Applicant, General Electric Company, and for good cause shown, the prehearing conference presently scheduled for July 23, 1981 is cancelled and reset to commence at 9 a.m. on August 6, 1981 at a place near Chicago of which the parties will be notified.

It is so ordered.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland this 2nd day of July 1981.

Linda W. Little

Administrative Judge.

[FR Doc. 81-20149 Filed 7-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-259, 50-260, and 50-296]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Units 1, 2 and 3); Issuance of Director's Decision Under 10 CFR 2.206

By letter dated October 28, 1980, Messrs. Thomas W. Paul, Stewart Horn and David Ely, on behalf of the Huntsville Chapter, Safe Energy Alliance of Alabama, requested that I reconsider issuance of Amendment Nos. 60, 55 and 32 to Facility License Nos. DPR-33, DPR-52 and DPR-68, respectively, for the Browns Ferry Nuclear Plant Units 1, 2 and 3. These amendments were issued on March 17, 1980, and authorized TVA to temporarily store low-level radioactive waste in an existing covered pavilion on the Browns Ferry site. The basis for the petitioners' request is that Browns Ferry is located in an area subject to tornadoes and that the existing pavilion is not designed to withstand tornado winds of over 80 mph velocity. After a review of the relevant information, I have determined that adequate consideration was given to the possible impacts on public health and safety from low-level waste that might be stored in the pavilion, including the potential results if a tornado were to strike the building. Accordingly, the request by the Huntsville Chapter, Safe Energy Alliance of Alabama, has been *denied.*

Copies of the Director's Decision are available for inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555, and at the Local Public Document Room for the Browns Ferry Nuclear Plant located at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of this decision will also be filed with the Secretary of the Commission for review by the Commission in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As provided in 10 CFR 2.206(c), this decision will constitute the final action of the Commission twenty-five (25) days after the date of issuance, unless the Commission on its own motion institutes review of this Decision within that time.

Dated at Bethesda, Maryland, this 26th day of June 1981.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20150 Filed 7-6-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

July 6, 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 EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

- Office of Special Education and Rehabilitative Services
- Annual Count of Eligible Handicapped Children in Schools
- Operated or supported by State agencies
- ED-9052
- Annually

State or local governments
State Agen. Prov. Spec. Educ. Serv. to Handi. Children, etc.
SIC: 821
Elementary, secondary, and vocational education: 145 responses; 595 hours; $5,500 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The information needs to be collected in order to determine the amount of the grant award a State is eligible to receive. The information will be tabulated and presented in the annual report to Congress in January of each year.

- Office of Educational Research and Improvement

Twin Classification Questionnaire
ED (NCES) 2409-34
Nonrecurring
Individuals or households
Same sex twins in the 1980 sophomore and senior classes
Research and general educaton aids: 916 responses; 614 hours; $37,813 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

As part of the high school and beyond study, it is necessary to use the proposed questionnaire to differentiate between identical and fraternal twins among same sex twin pairs. This is necessary so that research can be carried out on the genetic/environmental determinants of educational attainment.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

Revisions

- Health Care Financing Administration

Request for Information—Medicare Payments for Services to a Patient Now Deceased
SSA-1660
On occasion
Individuals or households
Survivors of entitled medicare beneficiaries
Health: 100,000 responses; 25,000 hours; $262,750 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

The HCFA-1660 is now revised to process paid and unpaid bills for deceased medicare beneficiaries to determine the proper payee.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184

Reinstatements

- Community Planning and Development

Comprehensive Planning Assistance Annual Report (completion report)
Annually
State or local governments
State planning agencies, metropolitan A Community development: 300 responses; 12,000 hours; $128,000 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

P.L. 96—section P.L. 83-560, SE 814 and 701(C) require HUD to impose completion reports upon the comprehensive planning assistance (section 701 program) grantees. Since the grants are generally for one year each, these are sometimes referred to as annual reports.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

New

- Bureau of Indian Affairs

Application for Sioux Benefits Payment of Sioux Benefits
25 CFR 115
X-BIA-4210
Nonrecurring
Individuals or households
Eligible Cheyenne River Sioux Indians of Cheyenne River Res.
Multiple functions: 260 responses; 130 hours; $20,500 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202-395-7340

Required as a result of a suit brought against the BIA by South Dakota Legal Services on behalf of a Cheyenne River Sioux, claiming that the policies and regulations of the BIA unconstitutionally discriminated against women on the basis of sex. The litigation is being resolved by revising the regulations thereby permitting plaintiff to reapply for Sioux benefits under a nondiscriminatory, sex-neutral standard.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

Revisions

- Employment and Training Administration

National Longitudinal Survey of Work Exp of Youth
MT-290 (E) LGT-3101
Annually
Individuals or households
Men aged 14-24 in 1966
Training and employment: 23,100 responses; 23,390 hours; $2,100,000 Federal cost; 1 form; not applicable under 3504(h)
Arnold Strasser, 202-395-6880

The information provided in this survey will be used by the Department of Labor to help develop programs designed to ease the employment and unemployment problems faced by men in this age group.

Reinstatements

- Mine Safety and Health Administration

Minimum Roof Control Plan
2000-52
Semiannually
Businesses or other institutions
Underground coal operators
Small businesses or organizations
Consumer and occupational health and safety: 3,141 responses; 4,209 hours;

$565,380 Federal cost; 1 form; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Requires underground coal mine operators to submit roof control plans for all underground passageways. The plans are required to improve the roof control systems of each underground coal mine. The plans are used by the underground coal operators, miners and inspectors to see that supports are set.

DEPARTMENT OF TRANSPORTING

(Agency Clearance Offices—John Windsor—202–426–1887)

New

• Coast Guard
Welding and Hot-Work Permit
CG–4201
On occasion
Businesses or other institutions
Owners/operators of vessels and waterfront facilities
SIC: 441, 442, and 446
Small businesses or organizations
Water transportation: 5,000 responses; 2,500 hours; $23,750 Federal cost; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

This is a permit that allows the use of welding or other "hot work" equipment on a designated waterfront facility. It is used by the Coast Guard to insure compliance with safety regulations.

• Urban Mass Transportation Administration
Section 15 reporting system
UMTA 2710 series
Annually
Businesses or other institutions
Transit operators or designated recipients of section 5
SIC: 411
Ground transportation: 363 responses; 743,424 hours; $562,000 Federal cost; 108 forms; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Section 15 of the UMT Act of 1964 mandates a uniform system of accounts and records, and a reporting system for mass transit operators to unable the operators to compare performance with peers and to assist local, State and Federal Governments and general public in setting policy and in making investment decisions.

• Urban Mass Transportation Administration
Employee Protection (13(C)) Agreement
On occasion
State or local governments/businesses or other institutions
Public and private mass transportation agencies
Ground transportation: 750 responses; 375 hours; $60,000 Federal cost; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Each application for capital or operating assistance must contain information to assist the Secretary of Labor in certifying that fair and equitable arrangements have been made to protect employees affected by the grant.

• Urban Mass Transportation Administration
Transportation Improvement Program/ Annual Element
Annually
State or local governments/businesses or other institutions
Metropolitan planning organizations and public and private MTAS
SIC: 411
Ground transportation: 250 responses; 1,500,000 hours; $450,000 Federal cost; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

The transportation improvement program is a staged multi-year program of transportation improvement projects. It includes an annual-element consistant with the transportation plan developed 23 CFR subpart 450.118 which lists projects proposed for the coming year.

Revisions

• Federal Aviation Administration
Certification Procedures for Products and Parts—FAR 21
FAA 8110–12, 8130–1, 8130–6, and 8130–9
On occasion
Businesses or other institutions
Aircraft and aircraft parts designers, manufacturers and owners
SIC: 372
Small Businesses or Organizations
Air Transportation: 123,519 responses; 42,819 hours; $600,000 Federal cost; 4 forms; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

FAA Act of 1958, section 601 (49 U.S.C. 1421) authorizes issuance of minimum standards governing the design, materials, workmanship, and construction of aircraft, aircraft engines, propellers, and parts. 14 CFR 21 prescribes certification procedures for these products and parts. Information collected is used to determine compliance and applicant eligibility.

Extensions (Burden Change)

• Federal Aviation Administration
Air Taxi Operators and Commercial Operators—FAR 135
FAAA 8000–6
On occasion
Businesses or other institutions
Air taxi operators
SIC: 451–452
Small businesses or organizations
Air transportation: 1,121,940 responses; 237,170 hours; $2,000,000 Federal cost; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Federal Aviation Act of 1958, section 604 (49 U.S.C. 1424), authorizes the issuance of air carrier operating certificates. 14 CFR 135 prescribes requirements for air taxi operators. Information collected shows qualifications and compliance.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–254–9515

Reinstatements

• Insurance Commitment
FEMA 90–44
On occasion
State or local governments
Local government in disaster areas
SIC: all
Defense-related activities: 5,000 responses; 10,000 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Prepared by applicant to document insurance commitment required by section 314, Pub. L. 93–288 and section 201, Pub. L. 93–234. Required by FEMA Handbook DRR–3.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt, 202–389–2146

New

• Prosthetics Authorization and Invoice
10–2421
Nonrecurring
Businesses or other institutions
Contrs. providing new prosthetic devices/appliances
SIC: 384
Small businesses or organizations
Hospital and medical care for veterans: 400,000 responses; 28,000 hours; $671,200 Federal cost; 1 form; not applicable under 3504 (h)
Robert Neal, 202–395–6880

This form is a combination authorization document and invoice and is used to allow veterans to directly purchase minor prosthetic equipment and supplies (i.e. items costing less than $100.000) and secure repairs to existing appliances.

• Prosthetic Service Card Invoice
10–2520
Nonrecurring
Businesses or other institutions
Artificial limb contrs. med. eqpt. repair fac. and vet.
SIC: 384
Small businesses or organizations
Hospital and medical care for veterans: 40,000 responses; 3,200 hours; $51,240

Federal cost: 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used by vendors or veterinarians after completing repairs or providing veterinary treatment to request payment from the VA. The veteran receiving the service verifies that the invoice is accurate and that repair/treatment was satisfactory.

• Request To Firm to Submit Estimate of Cost of Purchase or Repair of Prosthetic Appliance.
FL 10–90
Nonrecurring
Businesses or other institutions
Artificial limb contr. and major medi. equip. suppliers
SIC: 384
Small businesses or organizations
Hospital and medical care for veterans: 20,000 responses; 1,600 hours; $14,220 Federal cost: 1 form, not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used to secure a written estimate from commercial vendors for a prescribed prosthetic service or device.

• Authorization and Invoice for Medical and Hospital Services
10–7078
On occasion
Businesses or other institutions
Health care providers
SIC: 801, 802, 803, 804, 805, 806, 807, 808, 809
Small businesses or organizations
Hospital and medical care for veterans: 252,500 responses; 10,100 hours; $115,111 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used in VA facilities to authorize, and process payment for, medical and hospital services for VA beneficiaries from other than Federal health care providers.

• Temporary Loan Follow-Up Letter
10–426
Nonrecurring
Individuals or households
Veterans/VA beneficiaries
Hospital and medical care for veterans: 10,000 responses; 200 hours; $5,800 Federal cost: 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used to obtain current information on a patient's continued need for a prosthetic device or appliance that was loaned to him/her by the VA

• Authority and invoice for travel by ambulance or other hired vehicle
10–2511
On occasion
Businesses or other institutions
Transportation vendors
SIC: 809
Small businesses or organizations
Hospital and medical care for veterans: 122,500 responses; 4,900 hours; $54,773 Federal cost: 1 form: not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used in VA facilities to authorize and process payment for ambulance and other hired vehicles.

• Apprenticeship and on-the-job Training Agreements and Standards and Employer's Application to provide Training
22–8863, 22–8864, 22–0065
On occasion
Individuals or households businesses or other institutions
Veteran trainees and training establishments
SIC: all
Small businesses or organizations
Veterans education, training, and rehabilitation: 1,900 responses; 1,425 hours; $23,950 Federal cost; 3 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

Information collected will be used by the VA to insure that training programs (apprenticeship and on-the-job) and agreements meet the requirements of 38 U.S.C. 1777 and 1787.

Revisions

• Claim for Payment of Cost of Unauthorized Medical Services
VA 10–583
On occasion
Individuals or households
Health care providers and veterans claiming reimbursement
Hospital and medical care for veterans: 55,000 responses; 4,565 hours; $724,950 Federal cost: 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Form is used by health care providers to claim payment for cost or treatment and by veterans to claims reimbursement for cost of treatment obtained without prior approval of the VA. Form revised to add taxpayers identification number of social security number.

• Request for Change of Program or Place of Training Survivor's and Dependents Educational Assistance
22–5495
On occasion
Individuals or households
Spouses and surviving spouses or dependents of a veteran
Veterans education, training, and rehabilitation: 15,000 responses; 5,000 hours; $49,330 Federal cost: 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

No benefits may be paid unless a completed application form has been received. The information requested on the form is used to determine eligibility of a veteran's spouse, surviving spouse, or child to educational benefits when a change of program or place or training is involved. (38 U.S.C. 1713, 1721, 1791, and 38 CFR 21.4234.)

Extensions (No Change)

• Request for Details of Expenses
21–8049
On occasion
Individuals or households
Veterans & beneficiaries
Income security for veterans: 22,800 responses; 5,700 hours; $54,321 Federal cost: 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used to report expenses for dependents, medical and educational expenses, expenses of last illness and burial and receipt of life insurance payments. This information generally is used under various types of benefit claims to determine any adjustments which will affect the claimants monthly award. Authority is 38 U.S.C. 522 and 543.

• Report of Inspection, Individual Water Supply and Sewage-Disposal System
26–6395
On occasion
State or local governments/individuals or households compliance inspectors
Veterans housing: 15,000 responses; 7,500 hours; $94,050 Federal cost: 1 form; not applicable under 3504(h)

Robert Neal, 202–395–6880

Form signifies acceptability or non-acceptability of individual water or sewage systems based on inspection by VA compliance inspector or local health authorities. Data forms basis for VA Determinations on suitability of property and conformity with minimum requirement (38 U.S.C. 1804(a) and 1810(b)(4)).

• Home Counseling Analysis
26–8710
On occasion
Individuals or households
Veterans seeking homeownership benefits
Veterans housing: 4,000 responses; 2,000 hours; $78,375 Federal cost: 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Form is used in interviews and counseling of minority veterans seeking

guidance on homeownership benefits available through VA. Form is completed by VA employee, and information collected forms basis for advice to counselees on their ability to purchase housing. Program is based on administrator's authority under 38 U.S.C. 1820.

C. Louis Kincannon,

Assistant Administrator For Reports Management.

[FR Doc. 81-20185 Filed 7-8-81; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2793]

Canada Southern Petroleum Ltd. (Capital Stock, $1 Par Value); Applications To Withdraw From Listing and Registration and for Unlisted Trading Privileges and of Opportunity for Hearing

July 1, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Pacific Stock Exchange, Inc. ("PSE") and the Boston Stock Exchange, Inc. ("BSE").

The reasons asserted in the application for withdrawing this security from listing and registration include the following:

1. The Capital Stock of Canada Southern Petroleum Ltd. (the "Company") has been listed on the PSE since 1957 and on the BSE since 1975. Based upon discussions with its shareholders, and brokers and traders in the United States, the Company has determined that its capital stock would attain better coverage and broader representation by being listed on the National Association of Securities Dealers Automated Quotation System ("NASDAQ"). The Company has thereby concluded that it would be in the best interests of the Company and its shareholders to effect the inclusion of its capital stock in NASDAQ as soon as possible.

Additionally, the PSE and BSE have filed an applications with the Commission pursuant to section 12(f)(1)(C) of the Act and Rule 12f-1 thereunder, for unlisted trading privileges in the above named stock.

The Commission has determined to consider applications for unlisted trading privileges in over-the-counter securities in the limited situation where a listed reported [1] security is subject to an issuer delisting application, provided the applicant exchange has exempted such security from any off-board trading restrictions.

Any interested persons are invited to submit on or before July 23, 1981, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the withdrawal from listing and the extension of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20086 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22118; (70-6616)]

Central and South West Corp. et al.; Proposed Transfer of Affiliate Pipeline Company From Operating Utility to Holding Company; Stock Acquisition; Guarantee of Obligations; Modification of Indenture Provision; and Entry Into Gas Processing Business

July 2, 1981.

Central and South West Corporation ("CSW"), 2700 One Main Place, Dallas, Texas 75250, a registered holding company, and Public Service Company of Oklahoma ("PSO"), 212 East Sixth Street, Tulsa, Oklahoma 74119, an electric utility subsidiary, and Transok Pipe Line Company ("Transok"), 600 South Main Street, Tulsa, Oklahoma 74181, an Oklahoma intrastate pipeline subsidiary of PSO, have filed an application-declaration and amendment thereto with this Commission pursuant to Sections 6, 7, 9, 10, 11, 12 and 13 of the Public Utility Holding Company Act of 1935 ("Act") and all applicable rules promulgated thereunder.

Transok, a subsidiary of PSO, is an intrastate gas pipeline company within Oklahoma. CSW acquired all of the outstanding stock of Transok from Oriole Oil Company in 1961 and transferred the stock to PSO as a capital contribution in 1962. From 1970 to the present, most of Transok's business has been transporting the gas needed for PSO's gas generation. However, PSO's gas needs have declined due to additional coal-fired generating units. Transok's third party transactions have increased. Because of PSO's declining gas needs, Transok seeks to provide service to other CSW operating subsidiaries and to non-affiliated third parties. Transok would replace Exxon in 1982 as the gas supplier to Southwestern Electric Power Company's ("SWEPCO") Wilkes Plant in Texas by displacement or through other companies' pipelines. Applicants state that third party transactions will spread Transok's cost over a broader customer base.

It is proposed that Transok be a direct subsidiary of CSW. The present contract's requirement that PSO pay Transok's expenses and provide a specified rate of return would be eliminated in the revised contract. PSO presently guarantees outstanding long-term notes of Transok in the amount of $35,000,000. CSW requests authority to execute a guarantee of such notes in favor of PSO. Any gas owned by PSO or under contract to PSO and sold to third parties, either by PSO or through Transok, will be for the account of PSO. All current and future Transok contracts will give priority to PSO's needs.

After the restructuring, Transok's charges to PSO, SWEPCO and other affiliates would be at cost in accordance with Section 13(b) and rules promulgated thereunder, including Rules 90 and 91. Such charges would be limited to the cost of providing the service for the affiliate plus a return on invested capital.

It is proposed that PSO transfer to CSW all the outstanding common stock of Transok as an extraordinary dividend. As of April 30, 1981, PSO carried Transok at $34,465,000 using the full equity method.

On April 4, 1977 (HCAR No. 20001) the Commission, pursuant to authority granted in three supplemental indentures securing PSO's first mortgage bonds, authorized an alternative method of computing PSO's earned surplus, for purposes of indenture requirements. That authorization included a condition restricting common stock dividends from additional earned surplus to amounts earned during the 12 calendar months immediately preceding the payment of

[1] A reported security is a security that is listed on the New York or American Stock Exchanges, or listed on some other exchange and which substantially meets either New York or American Stock Exchange listing standards. Such securities are reported in the consolidated transaction reporting system.

such dividend. Applicant requests that the proposed Transok distribution be excepted from that condition.

Transok is also seeking authorization to have a gas processing plant constructed on its pipeline system in the State of Oklahoma. The plant is to be built by a third party pursuant to a sale and operating agreement which is currently being negotiated by the parties. The third party will construct the plant after execution of the agreement and it is estimated that the plant will be completed not later than December 1, 1982. Upon completion of the plant, all right, title and interest in the plant will be transferred to Transok. The third party shall operate the plant until Transok exercises its option to take over operation of the plant after completion. Transok will be obligated to provide to the constructor for five years after the plant begins operations a minimum volume of gas for processing sufficient to permit the recovery of an annualized daily volume of 147,500 gallons per day of extracted liquids. Transok is obligated upon plant completion to purchase the plant for a principal sum of $15 million payable in 36 equal and consecutive monthly installments of $543,000, which includes interest at an interest of 18.09% per annum. Transok has the right to prepay in cash at any time without any penalty all or part of the total principal sum of $15 million.

Transok proposes 1) to enter into other gas processing operations; 2) to operate and to build gathering systems for third parties in the State of Oklahoma, especially as they apply to systems that can augment Transok's own gas supplies and pipeline operations; 3) to transport and to sell gas to third partries; 4) to use underground gas storage facilities for third parties. It considers such activities incidental to its pipeline business and states that will be undertaken, only to the extent that such activities are compatible with its primary business purpose of serving the companies in CSW system and result in efficient utilization of its facilities.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 24, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20096 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22119; (70-6608)]

Eastern Edison Co. & Montaup Electric Co.; Proposed Issuance and Sale of First Mortgage Bonds by Holding Company at Competitive Bidding and Issuance and Sale of Debentures and Common Stock by Subsidiary to Holding Company

July 2, 1981.

Eastern Edison Company ("Eastern"), 36 Main Street, Brockton, Massachusetts 02403, an electric utility subsidiary of Eastern Utilities Associates, a registered holding company, and Montaup Electric Company ("Montaup"), P.O. Box 391, Fall River, Massachusetts 02722, an electric utility subsidiary of Eastern, have filed an application-declaration with this Commission pursuant to Sections 6(a), 6(b), 7, 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44 and 50 promulgated thereunder.

Eastern proposes to issue and sell not in excess of $30,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, ——% Series due ——. The terms will be determined by competitive bidding. The net proceeds of the sale of the new bonds will be applied by Eastern first, to the extent of $5,000,000, to the purchase of the debenture bonds proposed to be issued by Montaup as described below, second, to the extent of $20,000,000, to the purchase of the common stock proposed to be issued by Montaup as described below, and third, to the prepayment of its unsecured borrowing from Citibank, N.A., outstanding in the principal amount of $5,000,000.

Montaup proposes to issue and sell to Eastern, and Eastern proposes to acquire at their principal amount plus accrued interest, not in excess of $5,000,000 principal amount of ——% Debenture Bonds due 2011. The new debenture bonds themselves will contain all of their terms, and there will be no indenture or similar instrument governing them. Montaup also proposes to increase its capital stock in an amount not in excess of $20,000,000, consisting of not in excess of 200,000 shares of its common stock, par value $100 per share, and to issue and sell such stock to Eastern, and Eastern proposes to acquire such stock. The proceeds to Montaup from the sale of the new debenture bonds and the additional common stock are to be applied to reduce short-term bank indebtedness, estimated at $38,000,000, incurred for construction or to repay earlier borrowings so incurred. Eastern proposes to deposit and pledge the new debenture bonds and the additional common stock under the Indenture securing its outstanding first mortgage and collateral trust bonds, as required by the provisions of the Indenture.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 22, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20097 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11841; (813-49)]

Hutton Investment Partnership I; Filing of Application for Exemption for Confidential Treatment

July 2, 1981.

Notice is hereby given that Hutton Investment Partnership I ("Partnership"), One Battery Park Plaza, New York, New York 10004, registered

under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified management investment company, filed an application on September 16, 1980, and amendments thereto on December 16, 1980, January 21, 1981, February 24, 1981 and March 13, pursuant to Section 6(b) of the Act for an order exempting the Partnership from all provisions of the Act or, alternatively, from Sections 10(a), 10(b), 10(f), 14(a), 15(a) 16(a), 17(a), 17(d), 17(f), 17(g), 18(i), 23(c), 30(a), 30(b), 30(d) and 32(a) of the Act. The application further requests an order pursuant to Section 45(a) of the Act granting confidential treatment for certain periodic reports filed with the Commission under Section 30 of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Partnership was organized as a limited partnership under the laws of the State of New York on September 16, 1980. The Partnership represents that it is one of a series of investment partnerships which The E. F. Hutton Group Inc. ("Hutton") proposes to establish for the exclusive benefit of certain officers and employees of Hutton and its subsidiaries. Participation in the Partnership will be limited to those directors of Hutton and officers and employees of Hutton and its subsidiaries who earned a gross income of $36,000 or more from Hutton or its subsidiaries for the fiscal year ended December 31, 1980 ("Limited Partners"). The minimum initial capital contribution of each Limited Partner is 2.5 units of the Partnership at $1000 per unit which can be supplemented by the purchase of additional units to a maximum of 20 percent of such Limited Partner's income earned from Hutton or its subsidiaries for fiscal year 1980.

According to the application, the Partnership will serve as an investment vehicle to permit the Limited Partners to pool their investment resources and participate in various long-term speculative investment opportunities which come to Hutton's attention and which are determined to be unsuitable investments for Hutton or its subsidiaries. The Partnership further states that its investment objective is long term growth of capital through investment primarily in equity interests in energy, natural resource and real estate based assets, equity of going concerns which may be leveraged buy-out, liquidation candidates and, to a lesser extent, debt and equity investments in other ongoing public or private companies, start up ventures, tax-shelter investments and marketable securities.

Hipco Inc., a Delaware corporation and wholly-owned subsidiary of Hutton, is the general partner of the Partnership and will be exclusively responsible for its management, including the direction of the Partnership's investment activities and day to day operations ("General Partner"). The directors and officers of the General Partner must be employees of Hutton or its subsidiaries (and may also, but need not, be Limited Partners of the Partnership) and are selected solely by Hutton without consultation with the Limited Partners. Of the profits and losses of the Partnership, 1% will be allocated to the General Partner on the basis of the General Partner's contribution of 1% of the Partnership's capital, and 99% will be allocated among the Limited Partners. No compensation will be paid to the General Partner or to directors and officers of the General Partner for services (other than reimbursement for reasonable and necessary out-of-pocket expenses incurred during the course of conducting the Partnership's business). Stock brokerage services for the Partnership will be performed by Hutton subsidiaries without compensation other than out-of-pocket expenses.

The Partnership further represents that it will send the Limited Partners annual reports regarding its operations and assets which will contain financial statements of the Partnership provided by Hutton and will disclose, together with other information, the outstanding borrowings of the Partnership during the period covered. In addition, within 60 days after the end of each tax fiscal year of the Partnership a report will be transmitted to each Limited Partner setting forth information with respect to his income, gains and losses, for federal income tax purposes, resulting from the operation of the Partnership during such tax fiscal year. According to the application, the Partnership can be dissolved upon: the resignation, withdrawal, dissolution or bankruptcy of the General Partner, the Partnership becoming insolvent, the sale of all or substantially all of the Partnership's assets or the affirmative vote of Limited Partners owning more than 50 percent of the then outstanding units of the Partnership held by all Limited Partners.

Section 2(a)(13) of the Act provides that, "Employees' securities company" means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employers, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons." Section 6(b) of the Act provides that, "Upon application by any employees' security (sic) company, the Commission shall by order exempt such company from the provisions of the Act and of the rules thereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply, the Commission shall give due weight, among other things, to the form of organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security."

The Partnership asserts that it meets the definition of an "employees' securities company" contained in Section 2(a)(13) of the Act and should, as such, be exempted from all provisions of the Act. Alternatively, the Partnership requests that the Commission issue an order pursuant to Section 6(b) of the Act exempting it, to the extent noted below, from the following specific provisions of the Act:

(a) Section 10(a) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of the members of which are interested persons of such registered company. The Partnership requests an exemption from Section 10(a) to permit it to be managed solely by the General Partner and to permit all of the directors and officers of the General Partner to be persons who are employees of Hutton or its subsidiaries.

(b) Section 10(b)(1) of the Act provides that no registered investment company shall employ as regular broker any director, officer, or employee of such registered company, or any person of which any such director, officer, or employee is an affiliated person, unless a majority of the board of directors of such registered company shall be persons who are not such brokers or

affiliated persons of any of such brokers. Section 10(b)(2) of the Act further makes it unlawful for a registered investment company to use as a principal underwriter of securities issued by it any director, officer, or employee of such registered company or any person of which any such director, officer or employee is an interested person, unless a majority of the board of directors of such registered company shall be persons who are not such principal underwriters or interested persons of any of such principal underwriters. The Partnership requests an exemption from Section 10(b) of the Act to permit it to employ as broker and principal underwriter a Hutton subsidiary affiliated with the General Partner.

(c) Section 10(f) of the Act provides, in relevant part, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer, director, member of an advisory board, investment adviser, or employee of such registered company, or is a person of which any such officer, director, member of an advisory board, investment adviser, or employee is an affiliated person. Rule 10f-3 promulgated under the Act provides an exemption from the prohibition of Section 10(f), provided that certain specified conditions are met. The Partnership requests an exemption from Section 10(f) of the Act to permit it to purchase securities through an underwriting or selling syndicate of which a Hutton subsidiary acts as a principal underwriter. The Partnership asserts that it is unable to avail iself of the conditional relief from Section 10(f) of the Act provided by Rule 10f-3 because, due to its unique structure, it lacks any disinterested directors to perform the tasks required by paragraph (h) of Rule 10f-3. Nevertheless, for purposes of the exemption requested, the Partnership undertakes to otherwise comply with all the remaining provisions of Rule 10f-3.

(d) Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make an initial public offering of its securities unless it has a net worth of $100,000. The Partnership requests an exemption from Section 14(a) to the extent necessary to permit it to offer limited partnership interests to employees of Hutton and its subsidiaries prior to the time the Partnership has a net worth of $100,000.

(e) Section 15(a) of the Act provides, among other things, that no person shall act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company and which may be terminated at any time without penalty by the board of directors of such investment company, or by vote of a majority of the outstanding voting securities of such company. The partnership requests an exemption from Section 15(a) of the Act to permit Hutton subsidiaries to act from time to time as an investment adviser to the Partnership without a written contract which has been approved by the Limited Partners. The Partnership asserts that a written advisory contract is not necessary because all of its investment decisions will be made by the General Partner, which will not be compensated therefor. In addition, the Partnership will not be paying any commissions or finder's fees to either the General Partner and its officers, directors and employees, or to any other persons within or without the Hutton organization.

(f) Section 16(a) of the Act provides, among other things, that no person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company at an annual or special meeting duly called for such purpose. The Partnership requests an exemption from Section 16(a) of the Act to permit Hutton to appoint and replace directors of the General Partner without the vote of the Limited Partners. The Partnership anticipates that at all times the officers and directors of the General Partner will also be members of the senior management of Hutton.

(g) Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company or any affiliated person of such an affiliated person, acting as principal, from knowingly purchasing or selling any security or other property from or to such registered company, subject to certain exceptions. The Partnership requests an exemption from Section 17(a) of the Act to permit it to enter into transactions with Hutton subsidiaries involving the purchase and sale of short-term securities pending final investment of its liquid funds. It is contemplated that such short term investments will be purchased from, and sold to, subsidiaries of Hutton at market value and without payment of brokerage fees (other then reimbursement of expenses).

(h) Section 17(d) of the Act and Rule 17d-1 thereunder provide, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or company controlled by such registered company, is a participant unlesss an application regarding such joint enterprise or arrangement has been filed with the Commission and an order granting such application has been issued. The Partnership requests an exemption from Section 17(d) of the Act to permit it to engage in transactions in which certain affiliated persons of the Partnership may also be participants without filing an application with the Commission. The Partnership asserts that, due to the number and sophistication of the potential Limited Partners of the Partnership, and affiliated persons of such Limited Partners, strict compliance with the requirements of Section 17(d) of the Act may force it to preclude many otherwise attractive investment opportunities simply because Limited Partners are, or plan to become, joint participants.

The Partnership has undertaken that it will not make any investment in which any officer, director or employee of the General Partner is a paticipant or plans concurrently or otherwise directly or indirectly to become a participant. The Partnership represents that all investments made concurrently with its affiliates, or affiliated persons of Hutton, will be made by the Partnership on the same basis as such affiliates. The Partnership further represents that the officers and directors of the General Partner specifically represent that they will be subject to the provisions of Sections 57(f)(3) and 57(h) of the Act and will, at all times, comply with the requirements of those sections. With respect thereto, it is represented that all minutes of meetings of the Board of Directors of the General Partner, including all procedures adopted by the General Partner in connection with its evaluation of investments, will be available for inspection by the Limited Partners. Finally, it is represented that the officers and directors of the General Partner will review each investment situation in which an affiliated person is concurrently participating and make a determination that any such investment by such an affiliate would not disadvantage the Partnership in making

the same investment, maintaining its investment position or disposing of such position.

(i) Section 17(f) of the Act and Rule 17f–1 thereunder provide, in pertinent part, that no registered management investment company shall place or maintain any of its securities or similar investments in the custody of a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934 except pursuant to a written contract which shall have been approved by a majority of the board of directors of such investment company. The Partnership requests an exemption from Section 17(f) of the Act to the extent necessary to permit Hutton or its subsidiaries, to act as custodian without a written contract. The Partnership asserts that, with the exception of a written contract, it will otherwise comply with all the remaining provisions of Rule 17f–1.

(j) Section 17(g) of the Act and Rule 17g–1(d) thereunder provide, as relevant here, that the fidelity bond protecting investors of a registered management investment company against larceny and embezzlement of its officers and employees be approved by a majority of the board of directors who are not "interested persons" of the investment company. The Partnership seeks an exemption from Section 17(g) of the Act to the extent necessary to permit the Partnership to comply with Rule 17g–1 without the necessity of having a majority of the Board of Directors of the General Partner which are not "interested persons" take such action and make such approvals as set forth in the rule. Except as stated above, the Partnership intends otherwise to comply with the remaining requirements of Rule 17g–1.

(k) Section 18(i) of the Act provides, in pertinent part, that every share of stock issued by a registered management company shall be a voting stock and have equal voting rights with every other outstanding voting stock. The Partnership requests an exemption from Section 18(i) of the Act to the extent necessary to permit it to issue limited partnership interests which do not have the right to vote on investment advisory contracts, or to appoint and replace the directors of the General Partner, or the right to ratify or reject the selection of independent certified public accountants for the Partnership.

(l) Section 23(c)(3) of the Act permits a closed-end investment company to purchase its own securities under such circumstances as the Commission may permit by rules and regulations or orders for the protection of investors in order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Rule 23c–1(a) under the Act recites the conditions under which a registered closed-end company may purchase for cash securities of which it is the issuer other than on a securities exchange or pursuant to tenders. The Partnership seeks an exemption from Section 23(c)(3) to permit it to repurchase limited partnership interests in the Partnership pursuant to the terms of the Amended Agreement of Limited partnership ("Agreement"). The Partnership asserts that it cannot satisfy the condition set forth in Rule 23c–1(a)(4) because in each repurchase the seller of the limited partnership interest (i.e., the Limited Partner) would be an affiliated person of the Partnership. Nevertheless, for purposes of the exemption, the Partnership undertakes to otherwise comply with the conditions set forth in paragraphs (5), (6), (7), (8), (9), and (11) of the rule which it views as relevant to its unique structure.

(m) Sections 30(a), 30(b) and 30(d) of the Act and the rules thereunder generally require that registered investment companies prepare and file with the Commission and prepare and mail to their shareholders certain periodic reports and financial statements. The Partnership seeks exemptions from Sections 30 (a), (b) and (d) of the Act to the extent necessary to exempt it from filing quarterly and annual reports with the Commission, and to permit it to report only annually to the Limited Partners concerning its portfolio securities in the manner prescribed by the Agreement. The Partnership represents that, pursuant to the Agreement, the Limited Partners must receive all the information that would have been included in such reports filed with the Commission under Sections 30 (a) and (b) of the Act. The Partnership further asserts that it will not be trading a portfolio but, rather, will be holding relatively large investments over long periods of time. In view of the lack of trading or public market for limited partnership interests, the Partnership submits that it would be consistent with the protection of investors to allow it to transmit annual reports to the Limited Partners instead of semi-annual reports as required by Section 30(d) of the Act.

The Partnership further requests that to the extent that it will be required to file reports with the Commission under Section 30 of the Act, such filings be granted confidential treatment under Section 45(a) of the Act which provides in pertinent part that information filed with the Commission shall be made available to the public, unless and except insofar as the Commission by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors. The Partnership asserts that confidential treatment is being sought because public dissemination of its investment portfolio would put Hutton at a competitive disadvantage. The Partnership further asserts that the investment situations in which it proposes to invest are not generally available to the public and if made public may create an impression or expectation not warranted in Hutton's industry.

(n) Section 32 of the Act provides, among other things, that the selection of independent public accountants must be ratified by the shareholders of the investment company. The Partnership requests an exemption from Section 32(a) of the Act to permit the General Partner to select independent certified public accountants for the Partnership without submitting such selection to the Limited Partners for rejection or ratification.

The Partnership asserts that the above exemptions are necessary or relevant to its unique operation as an employees' securities company organized and conceived by, and for the sole benefit of, the officers and employees of Hutton and its subsidiaries. The Partnership represents that no sales load or other compensation (other than out-of-pocket expenses) is payable to the General Partner, Hutton or any affiliated person. The Partnership further asserts that, in view of the fact that all of the participants in the Partnership will either be officers or employees of Hutton or its subsidiaries, a substantial community of interest exists between these persons which obviates the need for the protections provided by these sections of the Act. The Partnership states that the exemptions are necessary to insure that this community of interest is maintained and the Partnership is operated to achieve the purposes intended.

Accordingly, the Partnership submits that an order pursuant to Section 6(b) of the Act, exempting it, to the extent requested herein, from the provisions of Sections 10 (a), (b) and (f), 14(a), 15(a), 16(a), 17 (a), (d), (f) and (g), 18(i), 23(c), 30 (a), (b) and (d) and 32(a) of the Act and an order granting confidential treatment pursuant to Section 45(a) of the Act would be consistent with the protection of investors.

Notice is further given that any interested person may, not later than July 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Partnership at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20096 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7761]

Kenai Corp., (Common Stock, $.01 Par Value); Notice of Application To Withdraw From Listing and Registration

July 1, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Kenai Corporation (the "Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8–A which became effective on June 9, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE.

Any interested person may, on or before July 23, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20099 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

July 1, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of:

Ranger Oil of Canada Limited, Common Stock, No Par Value (File No. 7–5962).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 23, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20100 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22121 (70-6619)]

Mississippi Power & Light Co.; Proposed Issuance and Sale of First Mortgage Bonds and Preferred Stock

July 2, 1981.

Mississippi Power & Light Company ("Mississippi"), P.O. Box 1640, Jackson, Mississippi 39205, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

Mississippi proposes to issue and sell up to $30,000,000 in principal amount of its first mortgage bonds having a term of not less than five nor more than thirty years. The terms will be determined by competitive bidding. The bonds are to be issued under Mississippi's Mortgage and Deed of Trust, dated as of September 1, 1944, as heretofore supplemented and as proposed to be further supplemented.

Mississippi also intends to establish one or more new series of its Preferred Stock, Cumulative, $100 Par Value, which shall consist in the aggregate of not more than 300,000 shares, and proposes to issue and sell such stock.

Mississippi intends to use the net proceeds derived from the issuance and sale of the bonds and preferred stock principally for the purchase of a 25% interest in Arkansas Power & Light Company's Independence Steam Electric Generating Station (coal), to finance in part Mississippi's construction program, and for other corporate purposes. Mississippi may request by amendment hereto that the sale of the bonds and preferred stock be excepted from the competitive bidding requirements of Rule 50.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in

writing by July 27, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, any will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20101 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11842 (811-440)]

National Plan, Inc.; Proposal To Terminate Registration

July 2, 1981.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that National Plan, Incorporated ("Plan"), Room 708, 1500 Walnut St., Philadelphia, PA 19102, registered under the Act as a unit investment trust, has ceased to be a unit investment trust as defined by the Act. All interested persons are hereby given an opportunity to request a hearing. Unless a hearing is ordered, the Commission's order will be issued as of course.

The Plan, organized under the laws of Pennsylvania, filed a Notification of Registration pursuant to Section 8(a) of the Act of May 10, 1941. Information contained in the files indicates that Plan made no further filings of any kind. Furthermore, the Plan has not offered any of its securities to the public since about November of 1939. The staff has contacted a representative of the Bureau of Account Settlement, Division of Licensing and Bonding, of the Commonwealth of Pennsylvania and was advised that the Plan was dissolved in accordance with Pennsylvania law in about 1958.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Plan at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20102 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11846; (811-1096)]

Sierra Capital Co.; Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

July 2, 1981.

NOTICE IS HEREBY GIVEN that Sierra Capital Company ("Applicant"), 4929 Wilshire Blvd., Los Angeles, CA 90010, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, filed an application on June 5, 1980, and an amendment thereto on June 1, 1981, pursuant to Section 8(f) of the Act, and Rule 8f-1 thereunder, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on September 5, 1961, it registered under the Act, and that on the same date it filed a registration statement pursuant to the Securities Act of 1933 with respect to a minimum of 1,000,000 shares and a maximum of 1,100,000 shares of its common stock. Applicant further states that it commenced a public offering of its shares immediately after that registration statement was declared effective by the Commission on January 3, 1962. According to the application, Applicant's shareholders approved on July 12, 1966 a plan to liquidate Applicant and on the same date, Applicant filed with the Secretary of the State of California a certificate of election to wind up and dissolve.

The application states that subsequent to the vote for liquidation, Applicant's board of directors has, from time to time over the past fourteen years, authorized liquidating distributions to shareholders on a *pro rata* basis, and that, at meetings held on November 6, 1979, and March 28, 1980, the board of directors approved the plan for the final winding up of Applicant's affairs. The application further states that on March 28, 1980, Applicant transferred substantially all of its remaining assets to its wholly-owned subsidiary, Unicorn Resources, Inc. ("Unicorn") and distributed the stock of Unicorn to holders of Applicant's outstanding common stock on a *pro rata* basis. The assets transferred by Applicant to Unicorn are described as consisting principally of cash items in an amount slightly in excess of $200,000, land and related real estate with a relatively low value according to Applicant's books, and notes receivable arising out of the prior installment sale of additional land. According to the financial statements of Unicorn filed by Applicant, the assets of Unicorn have remained substantially unchanged during the 11-month period ending February 28, 1981.

Applicant states that it followed the above-described procedure in completing its winding up and dissolution primarily because of the problem posed by the real estate owned by Applicant and the notes receivable arising out of the prior sale of similar real estate. Applicant asserts that the real estate and notes were incapable of being distributed to its shareholders, and require ongoing supervision, which Unicorn can provide.

Applicant further states that its board of directors determined (1) that the

retention of liquid assets of the value of approximately $200,000 was necessary to provide Unicorn with sufficient income so that Unicorn could pay the taxes and other expenses related to the retained real estate and notes and not operate at a loss; and (2) that Unicorn could not afford to operate as a registered investment company and, therefore, included a specific provision in Unicorn's Articles of Incorporation prohibiting it from acting as an "investment company," as defined by the Act. Applicant has submitted a letter from Unicorn's bank, Security Pacific National Bank, confirming that Unicorn's liquid assets, in the amount of approximately $215,000 (consisting solely of government securities) are held in custody by that bank.

Applicant represents that all minority holders of its capital stock were given all rights to which they were entitled under California law in connection with the winding up and dissolution, and that it effected the distribution of assets in conformity with the relevant provisions of the California Corporations Code. Applicant further states that in order to ensure compliance with the Securities Act of 1933, it decided to obtain an exemption from that Act under the requirements of Section 3(a)(10) of that Act, and accordingly, Unicorn filed an application with the Department of Corporations of the State of California for authority to issue shares of its common stock *pro rata* to the holders of Applicants' capital stock. In this connection, Applicant requested and was granted, a hearing on the fairness of the terms and conditions of such issuance and distribution, and all holders of Applicants' capital stock were notified of such hearing. The Commissioner of Corporations issued the requested authority and approved the fairness of the terms and conditions of the issuance of Unicorn's stock, following the hearing, at which no shareholder of Applicant appeared.

Finally, Applicant states that, following issuance of the requested order, it will file with the Secretary of State of the State of California a "certificate of winding up and dissolution" which will complete the winding up and dissolution of Applicant under California law.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20103 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-18]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: July 29, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on June 29, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
21787	Capitol International Airways, Inc	14 CFR 121.291(b)	To permit the petitioner to demonstrate its DC-10 aircraft ditching procedures without using passengers. Petitioner desires to commence over-water operations on July 15, 1981.
21820	New Haven Airways, Inc	14 CFR 61.31(a)(1)	To permit the petitioner and its pilots to operate Embraer Bandeirante EMB 110P1/41 aircraft for a 5-month period pending the next 6-month proficiency check without the pilots possessing the appropriate type ratings.
20641	John C. Mallory	14 CFR 63.53(a)	To permit the petitioner to hold an aircraft dispatcher airman certificate before reaching the minimum age 23.
21802	Sowell Aviation, Co	14 CFR 141.65	To permit the petitioner to recommend graduates of FAA-approved courses for certification without further testing to include its FAA-approved courses for flight instructor certificates, airline transport pilot certification and ratings, and turbojet type rating courses.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21821	Cascade Airways, Inc	14 CFR 121.538	To permit the petitioner to operate aircraft with less than 61 seats without screening or other security safeguards. Granted 6/22/81
21197	United States Parachute Assoc. and Zephyrhills Parachute Center, Inc.	14 CFR 91.15(a) 91.47, 105.43(a) and (a)(2)	To permit carriage of 40 and 20 parachutists in DC-3/C-47 and Lockheed 18 airplanes, respectively, without having the required number of emergency exits and to allow foreign parachutists to participate without complying with certain parachute equipment and packing requirements. These exemptions are requested for the 1981 U.S. National Championships from June 25 through July 14, 1981, and for the World Championships from October 1 through October 20, 1981. Granted 6/19/81.
21750	New York Air	14 CFR 121.291(a)(2)(i)	To permit petitioner to increase the full seating capacity of its DC-9-30 airplanes from 115 to 120 without first conducting a full-scale demonstration of emergency evacuation procedures. Granted 6/23/81.
21794	Compania Mexicana de Aviacion, S.A. (CMA) & Western Airlines, Inc.	14 CFR Parts 21, 43, 91, and 121	To operate two U.S.-registered DC-10-15 aircraft using an FAA-approved master minimum equipment list and to allow Western Airlines to maintain the aircraft in accordance with an FAA-approved continuous airworthiness maintenance program. Granted 6/23/81.
21663	Aviation Materials Fuel Cells, Inc	14 CFR 65.101(a)(5)	To permit issuance of a limited repairman certificate covering repair of fuel cells after 6 months rather than the 18 months of experience required. Withdrawal 6/22/81.
20854	R-Jet and Captain Tyler P. Toles	14 CFR 135.243(a)	To permit petitioner to serve as pilot in command (PIC) for R-Jet without holding an airline transport pilot certificate (ATPC) prior to attaining the age of 23. Denied 6/22/81.
21586	Royale Airlines	14 CFR 61.31(a)(1)	To allow petitioner's pilots in command to operate Bandeirante EMB 110/41 aircraft without possessing the appropriate type rating for that aircraft. Granted 6/24/81.
21290	Cochise Airlines	14 CFR 65.53(a)	To permit issuance of an aircraft dispatcher certificate to Mr. Richard D. Warren prior to his 23rd birthday. Denied 6/24/81.
20254	Royale Airlines	14 CFR 135.225(a)(1)	Amendment to Exemption 3082 to allow takeoffs from Fort Polk when visibility is restricted to one-half mile rather than three-quarter mile allowed by the present exemption. Granted 6/24/81.
21832	Bishop Brothers, Inc	14 CFR 91.31(a)	To permit petitioner to operate its McDonald Douglas DC-6A and DC-6B aircraft, Serial Numbers 53-3231 and 43845, without complying with portions of the aircraft operating limitations. granted 6/26/81.
14477	Altair Airlines, Inc	14 CFR 121.371(a) and 121.378	Extension of Exemption No. 2156C which allows certain foreign air repair agencies to overhaul Nord 262A airplanes without meeting the certificate requirements when maintenance is performed outside of the United States. Granted 6/25/81.
20522	Aerofab, Inc	14 CFR 37.21	To permit a TSO authorization to be transferred to DeVore Aviation Corp. from petitioner. Granted 6/26/81.
21792	Aeronaves de Mexico, S.A. (AM)	14 CFR Parts 21 and 91	To permit it to operate on DC-10-15 airfcraft of U.S. registry using the FAA-approved master minimum equipment list and maintain the aircraft under a continuous airworthiness maintenance program. Granted 6/26/81.

[FR Doc. 81-19909 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 147—Active Beacon Collision Avoidance System (BCAS); Cancellation of Meeting

This Notice announces the cancellation of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 147 meeting which was scheduled for July 14–16, 1981, and announced in the **Federal Register** on June 25, 1981, (46 FR 32983). The meeting will be rescheduled and a Notice of Meeting will be published in the near future.

Issued in Washington, D.C. on June 29, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-19908 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[FRA Waiver Petition Docket RST-81-1]

National Railroad Passenger Corporation; Petition for Exemption From the Track Safety Standards

In accordance with 49 CFR Section 211.41 and Section 211.9, notice is hereby given that the National Railroad Passenger Corporation (Amtrak) has petitioned the Federal Railroad

Administration (FRA) for a partial and temporary waiver of compliance with § 213.57(b) of the Track Safety Standards (49 CFR Part 213). This section prescribes limits for the maximum allowable operating speed for trains on curved track. These limits are prescribed in this section as a function of curvature and superelevation of the track.

Amtrak requests this waiver for revenue operation of two trainsets of specialized passenger equipment known as the LRC train. The waiver would apply when these LCR trains are operated on Northeast Corridor tracks between New Haven, Connecticut and Boston, Massachusetts. Section 213.57(b) presently limits maximum train operating speeds on curves to that speed which produces 3 inches superelevation unbalance.

using the formula Vmax=

$$\frac{Ea+3}{0.0007D}$$

Where Vmax=Maximum allowable operating speed in miles per hour
Ea=Actual elevation of the outside rail-measured in inches
D=Degree of curvature, defined as the number of degrees of central angle subtended by a chord of 100 feet in length.

Amtrak proposes that the maximum speed of the LRC train in curves on the subject track be limited instead by the formula

$$Vmax=\frac{Ea+6}{0.0007D}$$

The maximum allowable speed on curves would then be that which produces 6 inches superelevation unbalance, rather than the 3 inches presently permitted

Amtrak has included with its petition the results and analysis of exhaustive testing of the actual LRC equipment over the length of the subject track. The test results indicate that the LRC trains, when operated at speeds up to and beyond those proposed by Amtrak, do not exceed recognized conservative safety limits.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. However, if any interested party desires an opportunity for oral comment FRA will schedule a public hearing provided that a written request for a hearing is submitted to FRA no later than July 15, 1981.

Communications concerning this proceeding should identify the Docket Number Waiver Petition Docket Number RST-81-1, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before July 31, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

Issued in Washington, D.C. on June 30 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-19942 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-06-M

[Waiver Petition Docket Numbers RSGM-81-15 through RSGM-81-33]

Safety Glazing Standards

Notice is hereby given that twenty railroads have submitted requests for permanent waivers of compliance with Safety Glazing Standards (49 CFR Part 223). The Federal Railroad Administration (FRA) published a final rule on December 31, 1979, that requires that all newly built and most existing railroad equipment have improved safety glazing materials installed in order to reduce the risk of death or serious injury resulting from flying objects, including bullets. The regulations provide for the affected locomotives, passenger cars, and cabooses to be equipped with certified glazing in all windows after June 30, 1983.

The individual railroads seeking a waiver of compliance with this regulation are listed below. In this listing FRA has identified the railroad, the specific docket designation and the number of locomotives or cabooses that are involved in each request. Each of the petitions are similar in most respects. The railroad operates ten or less locomotives and has experienced no vandal related damage to the windows of its equipment. Most of these railroads operate in rural surroundings and the others provide service in very compact industrial areas. The petitioners generally indicate that the cost of retrofitting would be very costly in terms of their limited operating budget.

The railroads seeking the waivers are as follows:

1. Carbon County (Docket No. RSGM-81-15) which operates two locomotives and one caboose.

2. Amador Central (Docket No. RSGM-81-16) which operates two locomotives.

3. Chesnut Ridge (Docket No. RSGM-81-17) which operates five locomotives and one caboose.

4. South Branch Valley (Docket No. RSGM-81-18) which operates five locomotives and two cabooses.

5. North Stratford (Docket No. RSGM-81-19) which operates one locomotive.

6. Black River and Western (Docket No. RSGM-81-20) which operates five locomotives.

7. Maine Central (Docket No. RSGM-81-21) which seeks a waiver for one 44 ton locomotive.

8. Livonia, Avon and Lakeville (Docket No. RSGM-81-22) which operates two locomotives and one caboose.

9. Yreka Western (Docket No. RSGM-81-23) which operates two locomotives and one caboose.

10. City of Prineville (Docket No. RSGM-81-24) which operates three locomotives and one caboose.

11. Moshassuck Valley (Docket No. RSGM-81-25) which operates two locomotives.

12. San Francisco Belt (Docket No. RSGM-81-26) which operates three locomotives.

13. California Western (Docket No. RSGM-81-27) which operates five locomotives and one caboose.

14. Wolfboro (Docket No. RSGM-81-28) which operates two locomotives.

15. South Central Tennessee (Docket No. RSGM-81-29) which operates four locomotives.

16. Bellefonte Central (Docket No. RSGM-81-30) which operates one locomotive.

17. Green Mountain (Docket No. RSGM-81-31) which operates five locomotives and two cabooses.

18. Pend Oreille Valley (Docket No. RSGM-81-32) which operates two locomotives.

19. Maryland and Pennsylvania (Docket No. RSGM-81-33) which operates five locomotives.

20. Gettysburg (Docket No. RSGM-81-34) which operates four locomotives, two cabooses and six passenger cars.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g., FRA Waiver Petition Docket Number RSGM-81-20 and should be submitted in triplicate to the Docket Clerk, Office

of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before July 31, 1981, will be considered by the Federal Railroad Administration before action is taken. All comments will be available for examination both before and after the closing date for comments, during regular business hours (9 a.m.-5 p.m.), in room 8211, Nassif Building, 400 Seventh Street, S.W. Washington, D.C. 20590.

(Section 202 of the Federal Railroad Safety Act of 1970, 84 Stat. 97 (45 U.S.C. 43) and § 1.49(n) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n)).

Issued in Washington, D.C. on June 30, 1981.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-19941 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. 1P81-15; Notice 1]

Jeep Corporation; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Jeep Corporation of Southfield, Michigan, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.101-80, Motor Vehicle Safety Standard No. 101-80, *Controls and Displays.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Paragraph S5.2.1 and Table 1 of Standard No. 101-80 require that certain hand-operated controls on any motor vehicle manufactured on or after September 1, 1980, be identified with the appropriate International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide identifying words. Use of an identifying word was mandatory before September 1, 1980, and no symbols were required.

Jeep estimates that it has produced approximately 38,000 vehicles since September 1, 1980, in which the hazard warning control knob is identified only by the word "HAZARD", compliant with Standard No. 101, but noncompliant with Standard No. 101-80. Jeep argues that use of the previously acceptable wording creates no safety hazard as it is readily understandable by the public.

Interested persons are invited to submit written data, views and arguments on the petition of Jeep Corporation described above. Comments should refer to the docket number and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials will be filed, and all comments received after the closing date will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

Comment closing date: August 24, 1981.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 26, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-19900 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Office of Financial Institutions and Capital Markets Policy; Hazardous Substance Liability Insurance Studies

ACTION: Under the "Comprehensive Environmental Response, Compensation and Liability Act of 1980" (Pub. L. 96-510, December 11, 1980) the Secretary of the Treasury is undertaking two studies of hazardous substance liability insurance for vessels and facilities subject to the provisions of the Act.

Section 107(k)(4)(A) of the Act requires a study by year-end 1981 of the "feasibility of establishing or qualifying an optional system of private insurance for post-closure financial responsibility for hazardous waste disposal facilities". This study is to precede by six months a determination of the feasibility of such a system of private insurance and by twelve months the formalization of minimum standards governing such insurance.

Section 301(b) of the Act requires a study by year-end 1982 of "whether adequate private insurance protection is available on reasonable terms and conditions to the owners and operators of vessels and facilities subject to liability under Section 107 of this Act", and "whether the market for such insurance is sufficiently competitive to assure purchasers of features such as a reasonable range of deductibles, coinsurance provisions, and exclusions."

COMMENTS: In order to gather the information necessary for these two studies and to encourage public participation in this process, the Department of the Treasury is today inviting representatives of the insurance industry, the business community, governmental bodies, and interested members of the public to present their views. To the maximum extent possible the Department would welcome written comments which respond to the hazardous substance liability insurance issues outlined below, as well as other issues respondents may wish to bring to the attention of the Department:

Hazardous Substance Liability Insurance for Vessels and Facilities

I. Background Information

A. History of pollution liability insurance
B. Current market conditions
C. Present liability coverage
  1. Types of policies available—
  a. Comprehensive general liability (CGL)
    —Sudden/Accidental
    —Non-sudden
    —Claims made
    —Occurrence based
  b. Environmental impairment
    —Sudden/Accidental
    —Non-sudden
    —Claims made
    —Occurrence based
  2. Coverage of liability created under "Superfund"—
D. Relevant definitions
  1. Environmental impairment
  2. Occurrence
  3. Other

II. Coverage

A. Underwriting considerations
  1. Methods of risk assessment for hazardous substances
  2. Actuarial data on hazardous substance risks
  3. Compliance audits; engineering assessments
B. Types and characteristics of facilities covered

III. Terms of Insurance

A. Period of coverage
B. Liability limits
  1. Appropriate deductibles
C. Liability covered
  1. Third-party liability; personal injury; economic loss

2. Clean-up and remedial actions
3. Monitoring and maintenance
4. Natural resources damage
D. Exclusions
E. Conditions
F. Coverage of defense expenses
1. Within policy limits
2. Separate
G. Cancellation provisions
H. Other

IV. Premiums

A. Current and future premium levels
1. Comprehensive general liability
2. Environmental impairment
B. Premium component directly related to liability created under "Superfund"
C. Relationship between premium affordability, insurance availability, and "Superfund" liability concepts
D. Competitive effects on hazardous waste industry

V. Incentives/Disincentives to Expanding Coverage of Vessels and Facilities

A. Liability concepts
B. Appropriate terms and conditions
C. Direct action against insurer
D. Relationship to other government mandated financial responsibility requirement
E. Adequacy and reasonableness of Federal/State government standards
F. Other

VI. Post-Closure Coverage

A. Current market conditions
B. Future market conditions
C. Incentives and disincentives
D. Comparability of private insurance to Federal Post-closure Trust Fund
E. Cost; factors affecting premiums
F. Minimum standards
1. Policy endorsement
2. Cancellation restrictions
3. Duration and coverage amounts
4. Exclusions
5. Others

VII. Alternatives

A. Self-insurance
B. Captive insurance companies
C. Pooling of risks
D. Deductibles; risk-retention
E. Co-insurance
F. Reinsurance
G. Assigned risk pools
H. Other

VIII. Prospective/Future Insurance Environment

IX. Conclusions

A. Adequacy of private insurance protection (Section 301(b))
B. Post-closure financial responsibility (Section 107(K)(4)(A))

X. Recommendations

A. Adequacy of private insurance protection (Section 301(b))
B. Post-closure financial responsibility (Section 107(K)(4)(A))

ADDRESS: Comments should be sent to Gordon Eastburn, Acting Deputy Assistant Secretary, Office of Financial Institutions and Capital Markets Policy, Room 3025, Department of the Treasury, Washington D.C. 20220.

DEADLINE: Comments should be received by the Department no later than September 30, 1981.

INFORMATION: For further information contact Mark G. Bender, Senior Economist, Office of Financial Institutions and Capital Markets Policy, Department of the Treasury. Telephone 202/566-2505

Dated: July 2, 1981

Gordon Eastburn,

Acting Deputy Assistant Secretary (Financial Institutions and Capital Markets Policy).

[FR Doc. 81-20063 Filed 7-8-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

120-Bed Nursing Home Care Unit, Veterans Administration Medical Center; Northport, Long Island, N.Y.; finding of no Significant Impact

The Veterans Administration (VA) has assessed the potential impacts that may occur resulting from a NHCU project providing new construction of 120 beds for long term care at the Veterans Administration Medical Center (VAMC), Northport, Long Island, New York. The proposed structure would consist of a one or two story design consisting of approximately 50,000-100,000 gross square feet. A specific site has not been selected.

Nursing home care for veterans is authorized by Congress and such care is provided to eligible veterans in both VA and state nursing home facilities. Project alternatives have been considered in the planning process. Three possible site locations were analyzed relative to environmental effects. Site location 1 is an open recreation space located directly south of building No. 8. The site is relatively level with few trees. Currently, the area is utilized as a ballfield. Site location 2 is directly west of building 200, and currently is occupied by building No. 11. Shrubbery and mature trees are present at this slightly sloping site. The site also is readily accessible from the major road network. Site location 3 is an area directly north of building 200 which slopes gently towards building No. 2. Utilization of this site would require demolition of an existing road approximately 250 to 300 feet in length.

Development of the project will have impacts on the human and natural environment affecting air quality relative to construction, solid waste disposal, open recreational space, and limited soil erosion. The effects on air quality and soil erosion are of a short term and limited nature, occuring only during construction.

In relation to both construction and operation, the project will be built in accordance with applicable Federal, State and local air quality standards.

All environmental attributes analyzed would not be affected to any extent should the "No Action" alternative be selected.

Findings conclude the proposed action will not cause a significant effect on the physical and human environment and therefore, does not require preparation of an Environmental Impact Statement.

Mitigation will occur during project development. Solid waste and debris will be disposed utilizing a landfill disposal area. Construction contract documents will include Environmental Protection specifications, Section EP, which specifically addresses the actions which will be undertaken to avoid adverse environmental effects and impacts identified above. The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in the assessment.

The Assessment is being placed for public examination at the Veterans Administration Central Office, Washington, DC. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E. director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, NE, Washington, DC. Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW, Washington, DC 20420; (202) 389-2526.

Dated: July 1, 1981.

Donald L. Custis, M.D.,

Acting Administrator.

[FR Doc. 81-20170 filed 7-8-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 131
Thursday, July 9, 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

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Thursday, July 9, 1981.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, DC.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Swimming Pool Revocation:* The Commission will consider issues related to possible revocation of CPSC's Safety Standard for Swimming Pool Slides (16 CFR Part 1207).
2. *Sulfuric Acid Drain Cleaners:* The Commission will consider issues related to sulfuric acid drain cleaners sold as consumer products. In December, 1978, the Commission granted a petition to ban these drain cleaners. The staff now recommends a that the Commission not propose a ban, but work with the industry on voluntary action.
3. *Coal-and Wood-Burning Stoves:* In November, 1980, the Commission proposed a labeling rule for coal—and wood-buring appliances. At this meeting, the Commission will consider issues related to issuing a final rule.
4. *Briefing on Thermal Underwear Labeling Rule:* The staff will brief the Commission on issues related to a negative labeling rule for children's thermal underwear. In July, 1980, the Commission voted to grant a petition from the Bates-Nitewear Company and directed staff to prepare a "negative" labeling rule covering all children's thermal underwear.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111–18th St., NW., Washington, DC 20207; Telephone (202) 634–7700.

[S-1057-81 Filed 7-7-81; 10:34am]

BILLING CODE 6355-01-M

2

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 2:00 p.m. on Wednesday, July 1, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: Centennial Bank, Philadelphia, Pennsylvania

Memorandum and Resolution re: Southern National Bank, Birmingham, Alabama

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)(4), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(9)(B), and (c)(10)).

Dated: July 1, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1058-81 Filed 7-7-81; 9:51 am]

BILLING CODE 6714-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10:00 a.m., Tuesday, July 14, 1981.

PLACE: 1700 G Street NW., board room, Fifth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED: Increase in accounts of an Insurable Type (Merger); Cancellation of Membership and Insurance and Transfer of Stock—Mahwah Savings & Loan Association, Mahwah, New Jersey *into* Carteret Savings & Loan Association, Newark, New Jersey:

Insurance and Membership Application (FHLBB Res. No. 81–331)—Citizens Building & Loan Association, Plaquemine, Louisiana

Amendment of Res. No. 81–349, dated June 22, 1981 Re: Merger and Conversion—American Savings & Loan Association, Tucson, Arizona *into* First Federal Savings & Loan Association of Arizona, Phoenix, Arizona

Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance and Transfer of Stock—Austin Federal Savings & Loan Association, Chicago, Illinois *into* Chicago Federal Savings & Loan Association, Chicago, Illinois

No. 513, July 7, 1981.

[S-1058-81 Filed 7-7-81; 1:15 pm]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., July 15, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Report on Audits of Australia/New Zealand Conferences.
2. Agreement No. 9902–13: Modification of the Euro-Pacific Joint Service Agreement to provide for intermodal authority.
3. Docket No. 81–22: Interest in Reparation Proceedings—Consideration of comments received in response to notice of proposed rulemaking.
4. Agreements Nos. 2744–44, 10390 and 10391—Orders of Conditional Approval.

Portions closed to the public:

1. Intercorp Forwarders, Ltd.—Application for an Independent Ocean Freight Forwarder License.
2. Docket No. 77–7: Agreements Nos. 9929–2, 9929–4 (Modifications to the Combi Line Joint Service Agreement) and Agreements Nos. 10266 and 10266–1 (Joint Marketing Agreement Between Intercontinental Transport, B.V. and Compagnie Generale

Maritime)—Proceedings on Remand from Court of Appeals.

3. Agreement No. 10266–4: Modification of the Gulf Europe Express Joint Service Agreement to provide for intermodal authority.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S 1060–81 Filed 7–7–81; 3:33 pm]

BILLING CODE 6730–01–M

5

TENNESSEE VALLEY AUTHORITY.

[Meeting No. 1270]

TIME AND DATE: 7 p.m. (e.d.t.), Tuesday, July 14, 1981.

PLACE: Tri-County Community College, room 117, U.S. Highway 64E, Murphy, North Carolina.

STATUS: Open.

Discussion Item

1. Reconsideration of November 8, 1979 Board decision on the rehabilitation of Ocoee No. 2 hydroelectric project and the arrangements for recreational releases of water from it.

Action Items

A—Project Authorization

1. Project Authorization No. 3329.2—Amendment to project authorization for Johnsonville Steam Plant—New stack and precipitator upgrading.

2. Project Authorization No. 3458.1—Amendment to project authorization for coal analysis system—rapid sulfur meter for Paradise coal washing facility.

B—Purchase Awards

1. Amendment to indefinite quantity term contracts BOX21–616252–1, –3, –5, with Taylor Machinery Company, Memphis, Tennessee; Stower Machinery Corporation, Knoxville, Tennessee; and Caterpillar Tractor Company, Peoria, Illinois, for genuine Caterpillar tractor repair parts.

2. Amendment to Contract 78P66–148567 with Silver King Mines, Inc., for management of TVA's uranium/vanadium mill site and properties in Edgemont, South Dakota.

C—Power Items

1. Amendment to Outdoor Lighting Rate Schedule LSI.

2. Lease and amendatory agreement with Warren Rural Electric Cooperative Corporation, covering lease of certain TVA transmission line facilities in connection with arrangements for 161-kV service at distributor's proposed Aberdeen 161-kV Substation.

3. Lease and amendatory agreement with Cumberland Electric Membership Corporation, covering arrangements for higher voltage service at TVA's Portland 69-kV Substation.

4. Lease agreement with Marshall-Dekalb Electric Cooperative, covering lease of section of TVA's Albertville-Collinsville 46-kV line in connection with distributor's proposed Painter Substation.

5. Deed and bill of sale conveying to the city of Greeneville, Tennessee, TVA's Locust Springs Substation.

E—Real Property Transactions

1. Abandonment and relocation of portion of Tiftonia, Tennessee, microwave reflector station access road easement located in Hamilton County, Tennessee—Tract No. CLRC–4B.

2. Modification of special warranty deed to Hales Bar Resort and Marina Inc., affecting a tract of Nickajack Reservoir land—Tract No. XNJR–8.

3. Grant of term easement for construction of the Western Area Radiological Laboratory, affecting approximately 6.75 acres of Muscle Shoals Reservation land—Tract No. XT2NPT–10E.

F—Unclassified

1. Proposed sale of surplus property—Magnesium gas desulfurization slurry pumps purchased for the Johnsonville Steam Plant.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632–3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: July 7, 1981.

[S 1059–81 Filed 7–7–81; 3:33 pm]

BILLING CODE 8120–01–M

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, July 14, 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. Labor Management Relations.

* * * * *

DATE AND TIME: Wednesday, July 15, 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: Audit matters.

* * * * *

DATE AND TIME: Thursday, July 16, 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: Request for Reconsideration of Denial of Matching Funds from the Kennedy for President Committee (continued from 7–2–81 meeting)
Advisory panel
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 1061–81 Filed 7–7–81; 3:41 pm]

BILLING CODE 6715–01–M

federal register

Thursday
July 9, 1981

Part II

Department of Transportation

Federal Aviation Administration

Exclusive-Use Requirements; Supplemental Air Carriers and Commercial Operators

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 20784; Amendment No. 121-173]

Exclusive-Use Requirements; Supplemental Air Carriers and Commercial Operators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment deletes the provision in § 121.155 of the Federal Aviation Regulations that a supplemental air carrier or commercial operator may not use any aircraft that it does not have sole possession, control, and use of for flight for at least 6 months. This updating of the Federal Aviation Regulations eliminates, without any derogation in safety, an unnecessary economic burden which the present rule imposes on this segment of aviation.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background

This amendment is based on Notice of Proposed Rulemaking No. 81-2 (46 FR 9868; January 29, 1981) and the petition of the Executive Air Fleet Corporation. All interested persons have been given an opportunity to participate in the making of this amendment and due consideration has been given to all matters presented.

Section 121.155(a) of the Federal Aviation Regulations (FAR) states: "No supplemental air carrier or commercial operator may use any aircraft unless—(1) It has exclusive use of the aircraft; (2) The aircraft is listed in its operations specifications; and (3) The aircraft is not listed in the operations specifications of any other air carrier or commercial operator." Exclusive use is defined in § 121.155(d), which states that "a supplemental air carrier or commercial operator has exclusive use of an aircraft if it has the sole possession, control, and use of it for flight, as owner, or has a written agreement (including arrangements for the performance of required maintenance) giving it that possession, control, and use for at least six months."

The regulations applicable to supplemental air carriers and commercial operators are unique in this respect. The regulations applicable to domestic and flag air carriers do not require exclusive use of an aircraft and the regulations applicable to commuter air carriers and air taxi operators only require the exclusive use of one aircraft with no minimum time limit on the use. Although there may have been a need for the exclusive-use requirement at the time it was adopted, there does not appear to be any justification for continuing to apply the restriction to the supplemental air carriers and commercial operators presently operating under these regulations.

In addition, § 121.45(b)(2) still requires that supplemental air carriers and commercial operators' operations specifications contain the types and registration numbers of aircraft authorized for use.

Exemptions from the exclusive-use requirements have been granted to the Executive Air Fleet Corporation (EAF) to allow the owners of the aircraft which EAF leases to continue their personal use of their aircraft under Part 91 of the regulations provided the owner has operational control of the aircraft during such use. During the period of owner use, EAF is responsible for the maintenance of the aircraft in accordance with EAF's maintenance program. These exemptions from the exclusive-use requirement in § 121.155 have continued for a number of years without any adverse effect on safety.

The exclusive-use requirements impose an economic burden on this segment of the aviation industry that cannot be justified on safety grounds. As such, the limitation is contrary to the mandate of Executive Order 12291 to eliminate to the greatest extent possible the economic penalties imposed by Federal regulations.

This amendment also responds to the petition for rulemaking filed by Executive Air Fleet Corporation on September 15, 1980. This petition requested the FAA to amend § 121.155 to except from the exclusive-use requirement aircraft which are used by a commercial operator engaged in providing aircraft management services. The exception would be limited to lease agreements that provide that the commercial operator maintain the aircraft at all times under its maintenance program, but that the owner may continue his/her personal use of the aircraft. During such times of personal use, the aircraft would be operated under Part 91 of the regulations. While the petition for rulemaking proposed only a limited exception to the present rule, the FAA is revoking the rule since it is no longer justified.

Discussion of Comments

Four public comments were received in response to Notice 81-2, all in favor of the proposal. No substantive comments were received and there were no written objections. Therefore § 121.155 is revoked as proposed.

The Amendment

Accordingly, the Federal Aviation Administration is revoking § 121.155 of the Federal Aviation Regulations (14 CFR § 121.155) as follows, effective July 9, 1981:

§ 121.155 [Removed]

By removing § 121.155 and marking it reserved.

(Sec. 313(a), 314, 601, 603, 610, and 611, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1423, 1424, 1430, and 1431); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this regulation relieves an economic burden and allows operators to expand the use of their aircraft. Therefore, it—(1) is not a major rule under Executive Order 12291; (2) it 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; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 15, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-19915 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
July 9, 1981

Part III

Department of Energy

Outer Continental Shelf Oil and Gas Leasing; Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Leases

DEPARTMENT OF ENERGY

10 CFR Part 376

Outer Continental Shelf Oil and Gas Leasing; Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Leases

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: On December 19, 1980, the U.S. District Court for the District of Columbia issued an order, in compliance with an opinion of the U.S. Court of Appeals for the D.C. Circuit, requiring the Department of Energy (DOE) to issue a proposed regulation implementing the bidding system described at 43 U.S.C. 1337(a)(1)(G) by March 30, 1981, and a final regulation by June 30, 1981. Pursuant to that court order, DOE issued a proposed rule on March 30, 1981 (46 FR 20522, April 3, 1981) and is today issuing the final regulation. The Solicitor General appealed the Court of Appeals' decision to the Supreme Court, which granted certiorari on April 6, 1981. The case is expected to be heard in the fall term. This regulation establishes a bidding system for use in lease sales of oil and gas tracts on the Outer Continental Shelf (OCS). The bidding system ("variable work commitment bidding system") uses a dollar value exploration work commitment as the bid variable, the basis for award of OCS oil and gas leases, and requires payment of a fixed cash bonus, a fixed royalty, and an annual rental for each tract. The bidding system also makes use of sections of existing accounting procedures, codified at 10 CFR Part 390 (45 FR 36784, May 30, 1980), to identify, measure, and allocate the exploration expenditures to be applied in satisfaction of the work commitment. The accounting procedures were issued to establish the method for calculating net profit share payments due the United States under leases issued pursuant to profit share bidding systems.

This regulation implements rulemaking responsibilities under section 8(a) of the Outer Continental Shelf Lands Act, as amended, that were transferred to DOE under sections 302(b) and 303(c) of the Department of Energy Organization Act.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Introduction

A. General

Sections 302 and 303 of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91, 91 Stat. 578-580 (42 U.S.C. 7152, 7153)) transferred to the Secretary of Energy certain authorities previously held by the Secretary of the Interior under the Outer Continental Shelf Lands Act (OCSLA, ch. 345, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*, 1953), as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (OCSLAA, Pub. L. 95-372, 92 Stat. 629)), the Mineral Lands Leasing Act, the Mineral Leasing Act for Acquired Lands, the Geothermal Steam Act of 1970, and the Energy Policy and Conservation Act. Specifically, with respect to Federal leases issued under these statutes, section 302(b) of the DOE Act authorizes the Secretary of Energy to promulgate regulations which relate to the: (1) fostering of competition for Federal leases (including, but not limited to, prohibition on bidding for development rights by certain types of joint ventures); (2) implementation of alternative bidding systems authorized for the award of Federal leases; (3) establishment of diligence requirements for operations conducted on Federal leases (including, but not limited to, procedures relating to the granting or ordering by the Secretary of the Interior of suspension of operations or production as they relate to such requirements); (4) setting rates of production for Federal leases; and (5) specifying the procedures, terms and conditions for the acquisition and disposition of Federal royalty interests taken in kind.

In addition, section 302(c) of the DOE Act grants the Secretary of Energy the authority to establish rates of production for Federal leases, and section 303(c)(1) permits the Secretary to disapprove any term or condition of a Federal lease that relates to DOE's authority to promulgate regulations under section 302(b).

According to a schedule established pursuant to section 18 of the OCSLA, the Department of the Interior (DOI) periodically offers for sale oil and gas leases for tracts on the OCS. The lease sale is the culmination of a series of DOI actions, including nominations for the inclusion of OCS tracts in a sale, geological/geophysical analysis, preparation and publication of an Environmental Impact Statement (EIS), public hearings, coordination with State officials and members of the public, coordination with Federal agencies, the publication of a notice of sale in the **Federal Register**, and submission of bids. Bidders submit bids on the basis of the bidding system that is applicable to a particular tract as specified in the notice of OCS lease sale. After the bids submitted at the publicly held OCS lease sale are opened and evaluated, leases are awarded to successful bidders on a tract-by-tract basis. The bidding system used also determines the method by which the successful bidder pays the United States for the lease.

B. Bidding System

The bidding system or systems to be utilized by DOI in each OCS lease sale are chosen from those authorized by the OCSLA and prescribed by DOE regulation (10 CFR Part 376). The Secretary of Energy is specifically authorized by section 302(b) of the DOE Act to promulgate regulations under the OCSLA implementing bidding systems. DOE has promulgated regulations implementing five of the bidding systems authorized by section 8(a)(1) of the OCSLA. On February 5, 1980, DOE issued final regulations implementing three bidding systems: (1) cash bonus bid with a fixed royalty; (2) royalty bid with a fixed cash bonus; and (3) cash bonus bid with a fixed sliding scale royalty (45 FR 9536, February 12, 1980).

On May 14, 1980, DOE issued a final regulation implementing a fourth bidding system, cash bonus bid with a fixed net profit share (45 FR 36784, May 30, 1980). These systems implement, respectively, sections (a)(1)(A)–(D) of the OCSLA.

In addition, in compliance with the U.S. District Court order, DOE on May 22, 1981, issued a regulation that establishes a fifth OCS bidding system. This system ("variable net profit share") uses a percentage of net profits as the bid variable and also requires payment of a fixed cash bonus for each tract (46 FR 29680, June 2, 1981). That system implements section 8(a)(1)(E) of the OCSLA.

The bidding system established by this regulation is authorized by section 8(a)(1)(G) of the OCSLA, which authorizes the use of a bidding system with a "work commitment bid based on a dollar amount for exploration with a fixed cash bonus and a fixed royalty in amount or value of the production saved, removed, or sold."

Pursuant to section 5(a) of the OCSLA, as amended, a copy of the proposed variable work commitment bidding system regulation was forwarded to the Attorney General for review of any aspect of the proposed bidding system that may affect competition. No response has been received. DOE has consulted with DOI in the preparation of this regulation, given its views careful consideration, and incorporated into the regulation and preamble a number of DOI's suggestions.

C. Mandate of the U.S. Court of Appeals

On June 22, 1979, Energy Action Educational Foundation, with several other parties, filed an action in the U.S. District Court for the District of Columbia which sought to halt further sales of OCS leases and to upset past sales on the basis of alleged violations of the OCSLA. Plaintiffs claimed, *inter alia*, that the Secretary of Energy had violated the OCSLA through failure to issue regulations for certain bidding systems authorized by the OCSLAA, including the system employing work commitment as the bid variable (section 8(a)(1)(G)).

On September 17, 1980, the U.S. District Court denied plaintiff's request to enjoin scheduled OCS lease sales. The U.S. Court of Appeals for the D.C. Circuit affirmed the District Court's refusal to grant the injunction, but retained jurisdiction and proceeded to address certain issues on the merits.

On October 30, 1980, the Court of Appeals ruled that the Secretary of Energy had violated the provisions of the OCSLA by failing to issue certain bidding system alternatives enumerated in the OCSLA (*Energy Action Educational Foundation* v. *Andrus* (No. 80–2127, D.C. Cir., October 30, 1980)). The Court found in the language and legislative history of the OCSLAA ". . . a Congressional imperative to promulgate regulations, as a necessary prelude to experimentation, involving non-cash bonus statutory bidding alternatives . . ." (*Slip op.*, at 41). The Court concluded that, in order to accomplish the required "experimentation" within the five-year period set out in the OCSLAA, DOE must fulfill its obligation to promulgate a regulation establishing a variable work commitment bidding system ". . . with the maximum possible speed consistent with procedural and statutory rulemaking requirements." (*Slip op.*, at 42.) In addition, the Court noted that injunctive relief for future OCS lease sales might be appropriate if the regulatory process for these two bidding system alternatives was not completed by mid-1981.

The Court of Appeals remanded the case to the U.S. District Court for the District of Columbia, and directed the District Court to establish a precise timetable for the issuance of regulations implementing the variable net profit and variable work commitment bidding systems described in sections 8(a)(1) (E) and (G) of the OCSLA before further OCS lease sales take place in 1981.

On December 19, 1980, the U.S. District Court ordered the Secretary of Energy to issue a proposed regulation implementing a variable net profit share bidding system by February 28, 1981, with a final regulation to be issued by May 25, 1981. The Court further ordered that a proposed regulation implementing the variable work commitment bidding system be issued by March 30, 1981, and a final regulation by June 30, 1981. In response to the Court order, DOE issued on May 22, 1981, a final regulation implementing a variable net profit share bidding system (46 FR 29680, June 2, 1981). On March 30, 1981, DOE issued a proposed regulation (46 FR 20522, April 3, 1981) to establish a variable work commitment bidding system. The regulation issued today is DOE's final response in compliance with the Court order.

On February 3, 1981, the Department of Justice notified the District Court that the government had decided to seek Supreme Court review of the decision of the Court of Appeals. The Solicitor General sought review of the Court of Appeals decision by filing a petition for a writ or certiorari, which the Supreme Court granted on April 6, 1981. The case will be heard in the October term of the Supreme Court.

II. Analysis of Public Comments

A. General Reactions to Proposed Regulation

As has been noted previously, the proposed variable work commitment bidding system regulation was issued on March 30, 1981 (46 FR 20522, April 3, 1981). The public comment period was initially scheduled to close on April 29, 1981. However, by notice published in the **Federal Register** on April 24, 1981 (46 FR 23266), DOE extended the public comment period to May 6, 1981. A public hearing was scheduled to be held in Washington, D.C., on April 28, 1981, to allow interested parties an opportunity to present oral testimony regarding the proposed bidding system. Due to a lack of interest, however, DOE cancelled the public hearing also by notice in the **Federal Register** of April 24, 1981 (46 FR 23266).

In response to the proposed regulation, written comments were received from sixteen private energy related firms and one Federal agency.

The issues raised in the comments on the proposed rule can be roughly categorized into several general areas of concern which are discussed in this section of the preamble. More specific comments and recommendations regarding the design of the proposed variable work commitment bidding system regulation will be discussed in detail in Section III. A. of the preamble.

In addition to general comments on the proposal, DOE also received responses to the eighteen specific questions set forth in the Notice of Proposed Rulemaking to assist DOE in the preparation of the final rule and to assist DOI in identifying those future lease sales in which this bidding system might be most appropriately used.

The vast majority of comments asserted that use of this bidding system would not achieve the effects that Congress intended in adopting the OCSLAA, *i.e.*, an increase in competition for OCS leases, an increase in the amount of OCS exploration, or an increase in the number of oil and gas discoveries.

Eleven of the seventeen comments submitted expressed significant opposition to the issuance and subsequent use of a variable work commitment bidding system in any form. The majority of the comments expressed strong reservations about the increased administrative burdens on both industry and government which this system would impose.

Two comments stated that the variable work commitment bidding system might be acceptable if redrafted to ameliorate some of the difficulties they believe would result if the system is used as proposed. Other comments, while not necessarily favoring the issuance of the variable work commitment bidding system, stated that of all the alternatives to the cash bonus bid-fixed royalty system authorized by § 8(a)(1)(A) of the OCSLA, this system provided the best potential for reducing high front-end cash payments. One of those comments also stated that, because the cash bonus bidding system has proven itself, over time, to be the most effective bidding system, it should remain the predominant system used in OCS lease sales. The other comment which indicated a qualified preference for this system stated that it presents fewer disincentives to efficient exploration and development of the OCS than the other alternatives to the cash bonus bidding system. Two comments did not take a position on the overall merits of the proposed bidding system, only providing comments or suggestions on specific features of the proposal.

In apparent reaction to the fact that this is an untried bidding system, no comparable system having been used previously to provide empirical data on its impacts, only one of the comments attempted to quantify the effects of the application of this bidding system. All other respondents submitted statements reflecting their best thinking as to the potential effects of the use of this bidding system for awarding OCS oil and gas leases.

B. Effects on Exploration and Development

The report to accompany H.R. 1614 on the Outer Continental Shelf Lands Act Amendments of 1977 (H.R. Rep. No. 95-590, 95 Cong., 1st Sess. (1977)), issued by the Ad Hoc Select Committee on the Outer Continental Shelf stated the Committee's belief that the use of the variable work commitment bidding system ". . . would encourage rapid and extensive exploration and development of our off-shore resources. With more funds committed to exploration, it could reasonably be expected that the discovery rate and production time schedules will be substantially accelerated." (H.R. Rep. No. 95-590, at 136).

Sixteen of the comments addressed the issue of whether or not they believed that use of the proposed regulation would result in accelerated exploration and production and increased oil and gas discoveries. With respect to specific impacts on exploration behavior, discussed below, there was significant diversity of opinion expressed in the comments. Thirteen of the comments addressing this issue contended that the proposed regulation would have little or no effect in the areas of accelerated discoveries and production. One comment stated that while the system might result in a small number of additional discoveries because more wells would be drilled, there is little chance that additional discoveries would result. Another comment stated that the variable work commitment bidding system could encourage exploration of marginal tracts, but only if used in conjunction with a low fixed cash bonus and a one-eighth royalty. One comment stated that the proposed system might produce the desired effects envisioned by Congress, but only in frontier areas.

Of the 13 comments which indicated that the application of this bidding system would not result in increased exploration or in additional discoveries of oil or gas, three expressed the related concern that use of the system could also deter unitization. One of the three indicated that this tendency might be ameliorated if only one type of bidding system was used in any given basin. Three comments stated that the cash bonus bid-fixed royalty system offers sufficient incentives to develop leases quickly, and that no new bidding systems were necessary. These comments predicted that tracts leased under cash bonus bidding systems would be developed earlier than tracts leased under systems which require little or no front-end cash bonus payments.

Fifteen comments also addressed the more specific issue of this bidding system's effect on a lessee's exploration behavior and, in particular, on whether or not the work commitment bidding system would lead to inefficient exploration of the total OCS. Fourteen stated that, for various reasons, this bidding system would have a negative impact on exploration. Ten respondents believed that this system would lead to excessive exploration. Several comments contended that firms holding leases issued under this system would regard the work commitment merely as a deferred or delayed bonus payment and would give priority to development of cash bonus bid leases. Others believed that, in a situation where prior drilling or drilling on adjacent tracts would, under normal circumstances, indicate that further exploration was not economically justified, companies with work commitment leases would tend to do additional drilling in order to write off additional expenses against their work commitment. Two comments stated that the variable work commitment bidding system would produce distortions in the allocation of resources on the OCS to the detriment of overall OCS exploration and development. This was based on the respondents' belief that, since the work commitment system in effect provides a 50 percent government subsidy for all qualifying exploration activities, there are fewer economic deterrents to inefficient exploration or inefficient ordering of tract development than under other bidding systems. Another respondent felt production would be delayed because lessees would attempt to complete all possible exploration activities before initiating activities that would bring the lease into commercial production, in order to insure that as much of their exploration expense as possible could be written off against the work commitment. Twelve comments contended that the work commitment bidding system would cause delays in development. Six stated that work commitment tracts would be set aside for later development. Other comments, however, indicated that the converse would occur because resources would be diverted from more desirable tracts to those under work commitment leases. One firm stated that the work commitment bidding system would have no appreciable effect on OCS exploration. Another comment contended that the variable work commitment bidding system would ". . . not cause inefficient exploration on leases issued under this system and . . . no detrimental effect is anticipated on overall OCS activities." Related to that, another comment stated that there would ". . . be no real economic benefit for a lessee that would encourage such lessee to 'over-explore' a lease." One firm also stated that the system should be used as little as possible in order to minimize inefficient exploration. None of the comments offered suggestions as to changes to be made in the basic structure of the regulation to avoid the perceived negative effects on exploration behavior.

DOE's analysis of the range of effects shows that, on the OCS as a whole, use of the variable work commitment bidding system will not appreciably increase the level of exploration or the number of discoveries. However, the analysis does show that, if the bidding system is used selectively, there may be slight increases in the level of exploration (*i.e.*, the number of exploratory wells drilled). In addition,

use of this bidding system may also lead to inefficiencies in exploration of the OCS. For example, due to the subsidy aspect of the variable work commitment bidding system, firms may drill wells that they would not have under the cash bonus bid-fixed royalty system, and physical resources may not be allocated in the most efficient manner. The impact on exploration is discussed in greater detail in Section III. B. of the preamble.

C. Effects on Competition

In its opinion ordering DOE to promulgate a variable work commitment bidding system regulation, the U.S. Court of Appeals concluded from the legislative history of the OCSLAA that use of non-cash bonus bidding systems would stimulate competition in OCS lease sales, through reduction in the front-end cash bonuses needed to acquire OCS leases. This conclusion found little support in the comments, and is not supported by DOE's own analysis.

In their discussions of whether or not the variable work commitment bidding system will lead to increased competition on the OCS, the majority of respondents who commented on this issue predicted that it would not increase competition for OCS leases. They generally believed that the barriers to participation in OCS lease sales were less the product of the particular bidding system used than of the considerable economic risks involved in the exploration and development of an OCS lease.

Two comments, however, did anticipate that use of the variable work commitment bidding system might increase competition, but stated that it would be insignificant if it occurred at all. One company stated that although the work commitment bidding system would enhance the ability of smaller firms to participate in OCS lease sales, they would nevertheless be skeptical of this untried system and would therefore be hesitant to bid on such leases.

DOE is in substantial agreement with many of the comments regarding the minimal benefits in terms of competition likely to be achieved through use of this system. As evidenced by the preamble to the notice proposing this regulation, it is not DOE's position that this regulation will necessarily enhance competition for OCS leases, however, defined.

Neither does DOE contend that lowering the front-end costs of lease acquisition will remove all barriers to fuller participation on the OCS for smaller firms. In this connection, DOE notes the widespread availability of opportunities for smaller companies to participate in OCS exploration and development through formation of joint ventures. DOE agrees, however, that this regulation may to some extent reduce the barriers to entry created by a large cash bonus; companies will have somewhat more flexibility in deciding whether to bid alone or jointly, how many partners to include in a joint venture, and what percentage of the bid to control. In providing this flexibility, new firms considering investment in the OCS may be better able to participate in OCS lease sales.

In response to DOE's request for comments on the relative merits and effects of using this bidding system in mature areas as compared to frontier areas, a wide range of comments, often contradictory, was received. While several comments recommended that its use should be limited to frontier areas, where risks and exploration costs are higher, several said it should not be used at all, because it will not have any positive benefits. One indicated no particular preference but added that only the least attractive tracts should be offered under this system. One stated that, if the system is used in mature areas, it should not be used next to producing tracts. One suggested that the frontier areas are those least amenable to development by smaller, marginally qualified companies. These are the firms, however, that Congress intended to assist in obtaining OCS leases by lowering the front-end cash bonus, which it perceived to be a significant barrier to entry by small firms.

DOE's analysis indicates that, in administering the lease sale program, DOI may be able to enhance competition under the variable work commitment bidding system by tailoring the amount of the fixed cash bonus to the specific OCS tract or tracts to be leased. As a whole, however, it is DOE's opinion that competition on the OCS will not be enhanced through the use of the variable work commitment bidding system.

In addition, DOE's analysis indicates that, with respect to moderate cost regions (*i.e.*, Gulf of Mexico), use of the variable work commitment bidding system coupled with a low cash bonus may result in greater competition than if the traditional cash bonus bid with a fixed royalty were utilized. However, DOE believes that in any other area there would be no perceptible increase in competition even if the level at which the cash bonus is set is varied. For a more extensive discussion of the effects on competition that the variable work commitment bidding system would have see section III. B. of the preamble.

D. Effects on Net Return to the Government

Responses to DOE's question concerning the impact of the variable work commitment bidding system on net returns to the government were mixed. Of those who commented on this issue, half stated that Federal revenues would be reduced. Several comments stated that use of the work commitment system would have no appreciable effect on Federal revenues. Only one comment predicted that revenues would increase. One other indicated that revenues might increase, but this prediction was limited to tracts in the Gulf of Mexico, where the resource and extent of expected exploration is relatively well known.

Of those who stated that Federal revenues would decrease under the work commitment system, some suggested the amount of the decrease would depend in part on the levels at which the fixed cash bonus and the royalty rate are fixed. This observation was based on the assumption that higher bonuses and royalty rates would tend to increase receipts. However, others commented that the high cash bonuses and royalty rates would have the unwanted effect of discouraging potential bidders from participating in lease sales. One respondent who expected revenues to remain constant stated that, to the extent that over-exploration occurs, receipts might decrease.

DOE agrees with the majority of the respondents who indicated that, in most instances, use of the work commitment bidding system instead of the cash bonus bid-fixed royalty bidding system will result in reduced Federal revenues. While DOE's analysis indicates that losses in government revenues can be offset to a limited degree by tailoring the amount of the fixed cash bonus to the area to be leased, the system's ability to achieve other objectives decreases. DOE's analysis indicates that the variable work commitment bidding system is not likely to outperform the cash bonus bid-fixed royalty bidding system insofar as revenues are concerned (for a more detailed discussion, see III. B.).

DOE agrees with the comment which stated that DOI will not be able to "fine tune" the bidding system to the extent necessary to entirely offset expected losses in revenues. DOI does not have the geologic resource data necessary to accomplish this. This is especially true with respect to frontier regions which are, by definition, the areas in which resource information is either scanty or non-existent.

In summary, therefore, DOE does not expect use of the variable work commitment bidding system to increase net Federal revenues from OCS leases.

E. Accounting Procedures

In order to determine which expenditures may be applied in satisfaction of the work commitment and the method for calculating those expenditures, DOE has determined that several sections of the accounting procedures established for use with net profit share bidding systems and codified in 10 CFR Part 390 are appropriate for use in connection with the work commitment bidding system. Specifically, DOE is adopting for use in conjunction with this bidding system the general cost categories entitled "Schedule of allowable direct and allocable joint costs and credits" (10 CFR 390.011(a)–(n) and (p)), "Unallowable costs" (10 CFR 390.013), "Allocation of joint costs and credits" (10 CFR 390.014), and "Pricing of materiel purchases, transfers, and disposition" (10 CFR 390.015). Identification, measurement, or allocation of expenditures allowable in satisfaction of the work commitment shall be made in accordance with those sections, except as those sections prescribe a specific accounting procedure for determining net profit share payments to the government. Section 390.011(o) is not adopted for use in this regulation, as it relates primarily to costs incurred during development and production rather than those exclusively associated with exploration activities. For purposes of this regulation, any references to a net profit share lease (NPSL) and its associated activities that are contained in those sections are deemed to refer to a lease issued under a work commitment bidding system and its associated activities.

The cost categories identified above generally follow accepted industry accounting practices as set out in procedures of the Council of Petroleum Accounting Societies of North America (COPAS). A fuller explanation of the basis for the selection of the cost categories may be found in the preamble to the "Fixed Net Profit Share Bidding System for Outer Continental Shelf Oil and Gas Leases and Accounting Procedures for Determining Net Profit Share Payments" (45 FR 36784, May 30, 1980). DOE believes that these cost categories accurately represent those costs associated with exploration, development, or production of an OCS tract. As utilized in conjunction with this regulation, these cost categories provide a mechanism for identifying, measuring, or allocating expenditures incurred by a lessee in performing certain qualifying exploration activities in order subsequently to apply them in satisfaction of the work commitment. The costs incurred by a lessee in conducting exploration activities are identical regardless of the particular bidding system under which a lease may be awarded. Therefore, except for modification of those references applicable solely to leases issued under a net profit share bidding system, as noted above, DOE is utilizing the previously established cost categories without modification.

Most of the comments submitted favored the continued use of the existing accounting procedures. They recognized that the establishment of a new accounting system would lead to increased costs, administrative burden and needless complexity. The comments favoring the existing accounting system also noted, and DOE agrees, that the accounting procedures to be utilized for the variable work commitment bidding system underwent extensive public review and comment during the developmental phase of the fixed net profit share bidding system regulation. In addition, the accounting procedures from which the cost categories for this regulation are adopted have been in place for more than a year. They have been employed in conjunction with the fixed net profit share bidding system which has been used in several OCS lease sales, thereby permitting both industry and government to acquire familiarity with their provisions.

Several firms, however, requested that DOE establish entirely new, or substantially revise, the accounting procedures utilized to identify, measure, or allocate expenditures allowable in satisfaction of the work commitment. DOE declines to do this. As has been noted, the established accounting procedures were reviewed extensively prior to their issuance and DOE remains convinced that they accurately reflect the cost associated with OCS operations. For these reasons and others discussed more fully in section III. A., DOE has declined to adopt these suggestions.

F. Amelioration of Negative Effects

In the preamble to the Notice of Proposed Rulemaking, DOE noted that its preliminary analysis indicated that the variable work commitment bidding system might have serious negative effects on OCS exploration and development. Specifically, DOE stated its concern that the system might lead to the following ill results: overexploration of tracts, distortions in ordering of tract development; lessened incentives for diligent exploration; inequitable risk sharing between the government and lessees; reduced Federal revenues; and increased administrative burdens for both government and industry.

The question of how best to ameliorate the perceived negative effects of this bidding system attracted a considerable amount of attention and discussion. One respondent specifically stated that it did not believe that it was possible for DOI to "fine tune" the bidding system sufficiently from one tract to another to eliminate the negative effects of its use. Although 13 other respondents offered suggestions for mitigating the ill effects of this bidding system there was no agreement as to how best to mitigate those difficulties. The comments, however, fell within three broad areas of interest, suggesting that either proper tract selection, selection of the royalty rate, or selection of the fixed cash bonus could be used to lessen the perceived negative effects of this bidding system.

With regard to tract selection, several respondents stated that use of the work commitment bidding system should be limited to frontier or high risk areas. One comment suggested that it be used only on tracts which had been offered but had received no bids in previous sales. Another stated that it should be used only in isolated blocks and not on tracts adjacent to tracts leased under other bidding systems.

With respect to the royalty rates, several firms offered suggestions as to how the royalty rate could be used to mitigate negative effects of the system. There was, however, no consensus as to what the rate should be.

DOE's analysis shows that the most promising tool for limiting the variable work commitment bidding system's negative effects is a combination of tract selection (*i.e.*, frontier vs. mature area) and tailoring the fixed cash bonus to the area leased (see section III. B. for DOE's analysis). DOE's analysis does not support the view that positive effects can be attained by varying the royalty rate. Moreover, with regard to frontier areas, DOE does not believe that sufficient resource information will be available to DOI at the time of an OCS lease sale to enable DOI to use selection of tract or vary the fixed cash bonuses to significantly reduce or overcome the negative effects. In summary, DOE does not believe that these actions can remedy the fundamental flaws inherent to the variable work commitment bidding system.

III. The Final Regulation

A. Summary of the Final Regulation

1. *General.* This regulation amends the regulations in 10 CFR Part 376 by establishing the bidding system described at 8(a)(1)(G) of the OCSLA, which utilizes a work commitment bid variable with a fixed cash bonus, a fixed royalty, and an annual rental payment for each tract.

As has been noted previously, since Section 8(a)(7)(A)(C) of the OCSLA and the accompanying legislative history to the OCSLAA provide DOE with considerable guidance regarding the work commitment bidding system, DOE has certain limitations on its discretion to structure the regulation. DOE has taken careful note of the many specific comments, suggestions, and criticisms to the proposed variable work commitment bidding system. The final regulation establishing this bidding system, however, remains substantially the same as the bidding system originally issued on March 30, 1981. As previously discussed in Section II of the preamble, DOE has reviewed the comments regarding application of the system and commends those suggestions to DOI for its consideration should this bidding system be selected for use at some subsequent date. DOE also believes that the analysis of the impact of the regulation as discussed in Section III. B. of the preamble may provide DOI with some guidance as to the use of this bidding system as well.

The variable work commitment bidding system involves four components: a dollar amount work commitment bid, a fixed cash bonus, a fixed royalty, and an annual rental. The bid variable, the determinant of lease award, is a dollar amount work commitment, which obligates the lessee to commit either in cash or by performance bond the stated dollar bid amount, with the commitment to be satisfied and recouped by conducting qualifying exploration activities (§ 376.110(a)(6)(i)).

Upon award of the lease, the successful bidder would be required to deliver, at its option, either a cash deposit for the full amount of the work commitment bid or a performance bond, in form and substance and with a surety satisfactory to the Secretary of the Interior, in the principal amount of the work commitment (§ 376.110(a)(6)(i)(B)). The three other elements of payment under this bidding system, the cash bonus, the royalty based on all production saved, removed, or sold, and the annual rental would be fixed at amounts specified in the notice of OCS lease sale (§ 376.110(a)(6) (ii)–(iv)).

The lessee may perform certain specified exploration activities that qualify for credit against the work commitment bid (§ 376.110(a)(6)(v)). However, the regulation conforms with the requirement of § 8(a)(7)(B) of the OCSLA that only 50 percent of the allowable expenditures for the qualifying exploration activities may be applied in satisfaction of the work commitment bid (§ 376.110(a)(6)(vii)(B)).

In order to identify, measure, and allocate such expenditures under the work commitment bidding system, DOE has adopted without modification appropriate sections of existing accounting procedures that are codified at 10 CFR Part 390 (§ 376.110(a)(6) (viii (A), (C)–(E)).

The lessee, in conducting such qualifying exploration activities, may apply any allowable expenditures in satisfaction of the work commitment until the termination of the period for qualifying exploration activities. This period may be terminated after the occurrence of the earliest of the following: (1) the lessee begins performing any of the activities in an approved development and production plan; (2) in the judgment of the USGS designated official, sufficent information has been gathered through exploration activities so that the lessee may begin to bring the prospect into commercial production; (3) the entire work commitment has been satisfied; or (4) the primary term of the lease, or any extension thereof, has expired, or the lease has been relinquished (§ 376.110 (a)(6)(vi)(A)). Expenditures may be allowable in satisfaction of the work commitment for more than one prospect on a tract should the prospect be sufficiently separate and distinct as to require a separate exploration effort (§ 376.110 (a)(6)(vi)(B)).

The Secretary of the Interior upon reviewing reports required to be filed periodically (§ 376.110 (a)(6)(ix)) shall determine the amount of allowable expenditures incurred in satisfaction of the work commitment and shall remit to the lessee 50 percent of the amount that may be applied in satisfaction of the work commitment, should the lessee have posted a cash deposit, or he shall authorize the lessee to reduce the principal amount of the performance bond posted by the lessee (§ 376.110 (a)(6)(x)). The Secretary of the Interior shall, however, prior to making the determination as to the amount of allowable expenditures, adjust such expenditures by applying an adjustment factor to ensure that the lessee satisfies the work commitment in terms of constant dollars (§ 376.110 (a)(6)(viii)).

If the full work commitment has not been satisfied by the termination of the period for qualifying exploration activities, the lessee shall forefeit the adjusted balance of the remaining work commitment or, it the lessee had posted a performance bond, the adjusted amount of the bond shall become due and payable to the Secretary of the Interior (§ 376.110 (a)(6)(xi)).

The following is a discussion of the comments in relation to specific sections of the regulation, DOE's reaction to those comments, and a description of why and in what respects the affected sections of the final regulation conform to those in the proposed regulation.

2. *Allowable and Unallowable Expenditures.* As discussed previously in section II. of the preamble, DOE has determined that several sections of the accounting procedures established for use in net profit share bidding systems and codified in 10 CFR Part 390 are appropriate for use in conjunction with the variable work commitment bidding system. DOE is adopting for use several sections of Part 390 that identify general cost categories that are to be utilized to identify, measure, or allocate expenditures that are allowable in satisfaction of the work commitment. Many respondents submitted specific comments related to the adoption of those cost categories. Their comments are discussed below.

None of the comments submitted took issue with DOE's fundamental position that the cost categories identified in 10 CFR Part 390 accurately represent those costs associated with the exploration of an OCS tract. Rather, several of the respondents sought to modify and expand the cost categories to obtain more favorable treatment in terms of those exploration costs that could be applied in satisfaction of the work commitment. DOE is not persuaded by the arguments presented and declines to modify the cost categories.

A number of comments submitted suggested that provision be made in the final regulation to allow general overhead costs to be included in other costs that may be applied in satisfaction of the work commitment. Another respondent requested that a percentage allowance be incorporated into the accounting procedures to compensate for charges that are not administrative overhead but are direct costs to the lessee that are difficult to identify specifically as being applicable to a particular well, lease or facility. The OCSLA, in section 8(a)(7)(B), specifically prohibits the application of "the lessee's general overhead cost" towards the satisfaction of the work

commitment, and the final regulation incorporates that prohibition. A lessee's general overhead costs normally encompass those costs of doing business that are not specifically identified or incurred with respect to a particular operation or enterprise (*e.g.*, the costs of maintaining a place of business and of maintaining corporate scientific research facilities). The accounting procedures have, with considerable specificity, identified those allowable expenditures that are incurred with respect to operations on a particular OCS tract and therefore may be applied in satisfaction of the work commitment to the extent that they apply to qualifying exploration activities. Any expenditures not so identifiable are presumed to represent general overhead costs of doing business and are not allowable in satisfaction of the work commitment.

Section 8(a)(7)(B) of the OCSLA does require, however, that the ". . . cost (including employee benefits) of employees directly assigned to such exploration work . . ." be included in satisfaction of work commitment. Title 10 CFR 390.011(b) specifically identifies those labor costs (including benefits) that may be attributed to a particular lease and DOE believes that the costs allowed under that section represent all costs required to be included by the statutory provision cited above.

Several firms preferred that DOE adopt the COPAS standards in their entirety in lieu of the accounting procedures codified at 10 CFR Part 390. DOE again notes that the adopted procedures indeed closely follow industry procedures and standards. Deviations from the COPAS procedures are due principally to either statutory constraints or the specific purposes that the regulation was designed to effectuate.

One comment raised the issue of the potential difficulties associated with the allocation of expenditures incurred during joint exploratory efforts. DOE does not believe that this represents a significant barrier to joint exploration efforts. DOE believes that the existing accounting procedures at 10 CFR 390.014 provide sufficient guidance and are adequately specific to enable firms to enter into joint exploratory efforts without undue concern about the treatment of joint exploration costs.

DOE, however, noted the recommendations made and will attempt to use them in its annual review of the effect of the use of alternative bidding systems.

3. *USGS Discretion to Terminate the Period for Qualifying Exploration Activities.* DOE received a considerable number of comments relating to the termination of the period for qualifying exploration activities (§ 376.110(a)(6)(v)). This particular issue elicited the strongest comments from the respondents. All but one comment took vigorous exception to the provision allowing the USGS designated official the discretion to terminate the period for qualifying exploration activities when, in his judgment, sufficient information has been gathered through exploration activities so that the lessee may begin activities to bring the prospect into commercial production. Those respondents taking exception to this provision believed that the potential exercise of the USGS designated official's discretion to be an intrusion by the government into the private sector's economic decision making process with all the attendant problems (*e.g.*, increased administrative burden and resultant costs, differing interpretation of geologic data possibly leading to litigation, addition of another unknown risk factor in the bidding process, etc.). One respondent contended that disallowing qualifying expenditures prior to the end of the primary term of the lease, or an extension thereof, violates the provisions of section 8(a)(7)(B) of the OCSLA as amended. DOE notes that section 8(a)(7)(B) of the OCSLA provides that "50 per centum of all exploration expenditures . . . including the drilling of wells *sufficient* to determine the size and areal extent of any newly discovered field . . . shall be included in satisfaction of the commitment . . ." (emphasis added). That section clearly specifies that exploration expenditures may be credited in satisfaction of the work commitment only up to and including the point at which the size and areal extent of any newly discovered field is determined by the drilling of sufficient exploratory wells. The statutory limitation of sufficiency obviously requires that the government be able to exercise its judgment to terminate the period during which exploration expenditures may be applied in satisfaction of the work commitment, in order to minimize wasteful and unnecessary exploration.

DOE notes that the authority granted to the Secretary of the Interior by the OCSLAA to ensure that lessees conduct prompt and efficient exploration activities is also clearly reflected in the legislative history that relates to this bidding system. It is clear from the legislative history that Congress intended the Secretary to be able to prevent the performance of unnecessary work. DOE concludes, therefore, that the Secretary of the Interior may exercise his authority to terminate the period for qualifying exploration activities should the occasion necessitate it.

DOE is concerned about the difficulties that may be caused by a USGS decision to terminate the period for qualifying exploration activities during which expenditures may be applied in satisfaction of the work commitment. However, DOE believes, as does the Department of the Interior, which is the Federal agency responsible for administering the OCS program, that it is essential that the Secretary of the Interior retain the option to refuse to allow the continued crediting of expenditures in satisfaction of the work commitment once it has been determined with a reasonable degree of certainty that a commercial deposit has been found. DOE is, therefore, retaining the provision in the final regulation permitting the USGS designated official the discretion to terminate the period for qualifying exploration activities. DOE does not, however, anticipate that this situation will arise frequently.

In a related issue, one comment received suggested that the term "prospect" be defined. DOE believes that "prospect" is a term of art, well understood by those engaged in exploration and development on the OCS and, therefore, requires no precise definition. DOE recognizes that when qualifying exploration activities are terminated for a particular tract, there may be additional prospects on the same tract that require an independent exploration effort. DOE does not believe, based on the foregoing, that the identification of additional prospects will be a significant issue.

Section 376.110(a)(vi)(B) of the regulation provides some flexibility by allowing the expenditures for exploration activities on a separate and distinct prospect to be applied in satisfaction of the work commitment, if incurred during the primary term of the lease, or any extension thereof, or prior to the relinquishment of the lease, if they are expenditures for exploration activities that are specifically segregable, and if it can be demonstrated, to the satisfaction of the USGS designated official, to require a discrete exploration effort.

4. *Inflation/Deflation Adjustment Factor to Allowable Expenditures.* DOE also requested comments related to the incorporation of an adjustment factor to allowable expenditures to account for changes in the costs of OCS exploration. Two comments supported the use of such an adjustment factor, arguing that it will eliminate the incentive for a

lessee to wait until near the end of the primary term of the lease before making any investments. The majority of those responding to the question, however, opposed it primarily on the basis that it would further complicate the accounting for allowable expenditures and therefore add to the administrative burden. Several comments stated that bidders would merely take the projected increase in operating costs into account and adjust their bids accordingly. Others indicated that they believed that such a factor was a sound concept but suggested the use of other indices. One respondent suggested that such a factor not be used because it is not authorized by the OCSLA, as amended.

DOE has decided to incorporate an adjustment factor to be applied to the dollar amount of allowable expenditures prior to applying that amount in satisfaction of the work commitment (§ 376.110(a)(6)(viii)). The work commitment will, therefore, be satisfied in terms of constant dollars. DOE believes that this provides a degree of certainty with respect to the amount of exploration that a lessee undertakes on a tract that is desirable to both the government and to prospective lessees. As was mentioned before, DOE received several suggestions that different indices be used. They, however, did not present any persuasive arguments as to why their proposed indices would be better than the index originally proposed. DOE therefore declines to adopt those suggestions, since we remain convinced that the index proposed adequately accounts for changes in the cost of exploratory operations on the OCS.

The amount of the work commitment bid at the time of the lease sale may be viewed as being an obligation on the part of the lessee either to perform a specified amount of work, represented by the dollar amount bid, or an obligation to remit to the government the unfulfilled portion of that commitment. In that Congress intended use of this bidding system to spur exploration, DOE believes that exogenous factors, such as inflation, should not be permitted to reduce the amount of exploration conducted by a lessee over time. The application of such an adjustment factor will ensure that the government receives the full value of the bid.

5. *Performance Bonds and Payment of Unfulfilled Work Commitment.* The provision relating to performance bonds and payment of the unfulfilled work commitment remains basically unchanged from the proposed regulation (§ 376.110(a)(6)(xi)). One technical change that relates to the payment of the unfulfilled work commitment is discussed in paragraph 8(b) of this section of the preamble. The issue of the performance bond and its possible effect on the commercial bond market or surety industry received only a moderate amount of attention from the firms submitting comments, with only eleven of the seventeen comments received discussing the issue.

One comment indicated that, should small firms approach the surety performance bonding market, they could have significant difficulty in obtaining a bond because they are the least credit worthy, least certifiable, and least able to afford the premiums. Another comment suggested that, when faced with requests for sizeable bonds, the underwriters will require collateral in addition to requiring the firm to indemnify the underwriter for any payments that may be made. As a result, the firm will be paying not only the bond premium but will also have its assets tied up as collateral. This situation, should it obtain, would have exactly the opposite effect on encouraging competition on the OCS that Congress envisaged when they enacted the OCSLAA in 1978.

The regulation provides that if, at the termination of the period for qualifying exploration activities for all prospects on a tract, the full dollar amount of the work commitment has not been satisfied, the balance of the work commitment shall be paid in cash to the Secretary of the Interior (§ 376.110(a)(6)(xi)). If the lessee delivered a cash deposit, the adjusted balance shall be forfeited. In the event that the lessee posted a performance bond, the adjusted amount of the bond shall be paid to the Secretary of the Interior.

DOE recognizes that the percentage of cases in which all or a portion of the performance bond amount is actually required to be paid may be significantly higher for performance bonds posted with respect to work commitment leases than in more typical cases of surety arrangements. This raises the possibility that distortions may arise in the prices or terms and conditions at which work commitment performance bonds are available because of the relatively higher number of cases in which substantial payments by the bonding institution may be required. In an effort to mitigate any such distortions, § 376.110(a)(6)(xi), "Payment of unsatisfied work commitment", does not specify the party who must remit the payment but requires only that the amount of the unsatisfied work commitment remaining on a lease for which a performance bond has been posted be remitted to the Secretary of the Interior. This would permit either the lessee or the bonding institution to remit the payment and, therefore, to the extent consistent with statutory requirements, would allow a degree of flexibility in the design of private contractual arrangements for work commitment performance bonds.

6. *Royalty Rate.* DOE also specifically requested comments regarding the establishment, by regulation, of a minimum royalty rate for leases issued under a work commitment bidding system. DOE noted that this bidding system is the only one authorized by Section 8(a)(1) of the OCSLA that does not specify a minimum rate.

The respondents who favored establishment of a consistent royalty rate were evenly divided between a 16⅔ percent and 12½ percent minimum royalty rate, should DOE choose to establish a minimum royalty rate. Six of the respondents, however, suggested that DOE should not specify a minimum rate. They agreed that, since the OCSLA does not require the setting of a minimum royalty rate, DOI should retain the flexibility to establish different royalty rates for different tracts which would be specified in the notice of lease sale. They argued that this flexibility would permit DOI to tailor royalty rates to specific tract characteristics, and in this manner, perhaps ameliorate some of the perceived negative effects of the bidding system.

Although DOE believes that varying the royalty rate has only a marginal effect in terms of mitigating the perceived negative effects inherent in the variable work commitment bidding system, a possibility may exist where, for specific tracts within a region, varying the royalty rate may be useful. DOE agrees that specification of a minimum royalty rate would deprive DOI of one means of conceivably mitigating certain drawbacks to this bidding system. DOE therefore is not specifying a minimum royalty rate in order to provide DOI with as much flexibility as possible to attempt to mitigate the negative effects of this bidding system.

7. *Other Issues.* DOE, in the Notice of Proposed Rulemaking, also requested comments relating to the following issues: (1) the advisability of establishing specified time frames for the completion of a fixed percentage of the work commitment; and (2) the effect that the 50 percent crediting rate would have on lessee's exploration behavior.

All respondents who addressed the issue of the establishment of a fixed time frame during which a percentage of the work commitment must be completed argued against such a provision. They contended that such a provision would disrupt orderly exploration and development on the OCS as a whole and seriously impinge upon the lessee's flexibility. The comments also indicated that the interaction of many variables largely beyond the lessee's control (*e.g.*, weather, rig availability, permitting delays) often determine the course and timing of exploration and development.

DOE takes note of the comments, agrees, and has therefore decided not to incorporate such a provision in the final regulation. DOE does not desire to further complicate the bidding system or add another element of uncertainty. DOE wishes to allow the lessee the maximum flexibility possible, given the constraints of the statute, to carry out the exploration activities that may be credited in satisfaction of the work commitment.

With regard to the request for comments relating to the effect that the crediting rate would have on exploration, DOE notes that although section 8(a)(7)(B) of the OCSLA requires that a 50 percent crediting rate be utilized, DOE is authorized by section 8(a)(1)(H) to issue other alternative bidding systems that the ". . . Secretary determines to be useful to accomplish the purposes and policies of this Act . . ." Comments submitted in response to this specific question may assist DOE in structuring an OCS bidding system regulation that would not appear to cause such deleterious effects in regard to exploration behavior, net return to the government, and competition.

The comments submitted in response to the question generally agreed that the level of exploration would increase due to the 50 percent crediting rate. However, their estimates as to the magnitude of the increase varied. The comments generally indicated that by varying the crediting rate, the government is varying the amount of risk either party assumes. The higher the crediting rate, the lower the risk for the lessee and, therefore, high crediting rates create an incentive for a lessee to explore higher risk or marginal areas. Therefore, an increase in exploration may take place. Should DOE establish a lower crediting rate, one would expect less exploration and also a reduction in the tendency to "overexplore". Several comments, however, indicated that varying the crediting rate would have no effect on the level of exploration on the OCS.

8. *Changes to the Final Regulation.* (a) DOE received one comment related to the reporting requirements (§ 376.110(a)(6)(ix)) which suggested that the time allowed for the submission of both the annual report and the final report be extended by 30 and 60 days respectively. The respondent stated that the time extension is desirable because of the late receipt of vendor invoices and the time required to process the invoices.

DOE believes that these changes will not work a hardship on the government and will provide the lessees more flexibility in complying with the provision of this bidding system. DOE is, therefore, adopting those suggested changes and is incorporating them into the final regulation.

(b) DOE has also made one technical change to § 376.110(a)(6)(xi) (Payment of Unsatisfied Work Commitment). This paragraph, as originally proposed, required the lessee to forfeit the remaining adjusted balance of the unsatisfied work commitment should the lessee have delivered a cash deposit upon the termination of the period for qualifying exploration activities at the time of the filing of the final report. Or, if the lessee had posted a performance bond, the adjusted amount of the bond became due and payable at the time of filing of the final report.

The proposed regulation made no provision for applying allowable expenditures that the lessee might have incurred during the period that had elapsed subsequent to the filing of the annual report in satisfaction of the work commitment. Although no comments were received relating to this, DOE believes that clarification as to the procedures for the payment of unsatisfied work commitment is necessary and will provide both DOI and the lessee with requisite guidance. Therefore, the final regulation in § 376.110(a)(6)(xi) provides the following: (1) the lessee shall file the final report in accordance with § 376.110(a)(6)(ix)(B); (2) the Secretary of the Interior shall (a) review such reports and adjust the allowable expenditures in accordance with § 376.110(a)(6)(viii), (b) make the determination as to the final adjusted work commitment balance and (c) notify the lessee of the final adjusted balance; and (3) in the event that full dollar amount of the work commitment not having been satisfied, then upon notification by the Secretary of the Interior of the adjusted balance, the final adjusted balance of any cash deposit shall be forfeited. If the lessee posted a performance bond, then the final adjusted balance of the bond shall be paid to the Secretary of the Interior within 30 days of such notification.

B. Impact of the Final Regulation

1. *Introduction.* DOE has analyzed the potential effects that use of this variable work commitment bidding system will have in terms of meeting the principal objectives of the OCSLAA, *i.e.*, enhancing competition, encouraging rapid and extensive exploration and development of the OCS, and obtaining fair market return to the government.

In developing and implementing any OCS bidding system, an effort should be made to balance the competing objectives of the OCSLAA, which include fostering competition and encouraging more rapid exploration, development, and subsequent production. DOE's analysis indicates that it may not be possible for this system to achieve these objectives and also perform well with regard to generating government revenues. DOE's analysis does not indicate that the variable work commitment bidding system will produce net revenues equal to or greater than the returns that the cash bonus bid-fixed royalty system would produce for the same tract.

For purposes of this analysis, DOE has utilized twelve discrete bidding system applications ("options") to analyze the effects of use of the variable work commitment bidding system vis-a-vis the traditional cash bonus bid-fixed royalty system. There are three variables in the application of the variable work commitment bidding system that are within the government's control and that may conceivably affect the relative performance of the variable work commitment bidding system. Those variables are: (1) the level at which the fixed cash bonus is set, (2) the rate of royalty to be paid on production, and (3) the geographic location (hence relative cost of development) of tracts. The twelve options used in the analysis were devised by identifying all possible combinations of bonus, royalty, and geographic location.

In order to establish the outside parameters of possible impacts that this bidding system would have on net return to the government, competition, and exploration, DOE evaluated the performance of the bidding system under two cash bonus, two royalty, and three geographic assumptions (variables). The two cash bonus assumptions were to fix the bonus at 80 percent and 20 percent respectively of the cash bonus that would be expected under the cash bonus bid-fixed royalty system; the royalty rate assumptions

were 16⅔ percent and 12.5 percent of production; and the geographic location assumptions represent three distinct cost regions corresponding to mature areas (*i.e.*, Gulf of Mexico, moderate cost region), less developed areas (*i.e.*, Central Atlantic, Northern California, moderate to severe cost region), and frontier areas (*i.e.*, North Atlantic, Gulf of Alaska, etc., severe cost region). DOE found, however, that varying the royalty rate had only a marginal effect on the relative performance of the variable work commitment bidding system and, therefore, those options which differ solely in the royalty rate variable will not be discussed further in this analysis. Table 1 outlines the twelve bidding system applications.

2. *Summary.* DOE's analysis has shown that *general* use of the variable work commitment bidding system (across all regions of the OCS) is not expected to achieve any of the principal objectives of the OCSLAA (*e.g.*, fair market return to the Federal government, enhancing competition and encouraging rapid and extensive exploration and development of the OCS). This analysis also indicates that use of the variable work commitment bidding system is, in general, less desirable than the use of the traditional cash bonus bid-fixed royalty system in achieving the objectives outlined in the OCSLAA. Additionally, the variable work commitment bidding system, if targeted for use only in specific regions (*e.g.*, Gulf of Mexico, Beaufort Sea, etc.), is not expected to be preferable to the traditional cash bonus bid-fixed royalty system in achieving most of the objectives. Although DOE's analysis indicates that use of the variable work commitment bidding system on specific tracts within a region may be more successful than the cash bonus bid-fixed royalty system in achieving some specific objectives (*e.g.*, on certain tracts, returns to the Federal government may be higher), DOE believes that it would be difficult if not impossible for DOI to identify those tracts prior to the lease sale.

With respect to the effect on revenues to the government, use of the variable work commitment bidding system is generally less desirable than the cash bonus bid-fixed royalty system. On selected high cost high risk tracts in frontier regions, however, if the cash bonus component of the bidding system is set at a moderate to high level, use of the variable work commitment bidding system may result in a slight increase in government revenues over net return to the government had the cash bonus bid-fixed royalty system been used. This may be seen in example #5 of Table 2 which presents anticipated changes in government revenue resulting from use of the variable work commitment bidding system as compared to the cash bonus bid-fixed royalty system. However, DOE's analysis indicates that maximizing net return to the government may be achieved only at the sacrifice of other important objectives related to OCS production. For example, if the fixed cash bonus is set at too high a level, competition is likely to be reduced.

In evaluating its impact on competition, DOE's analysis indicates that use of the variable work commitment bidding system in moderate cost regions with a low fixed cash bonus is the only option under which this bidding system may be likely to enhance competition. However, DOE expects that enhanced competition would only be achieved, if at all, at the expense of net government revenues, which would be reduced.

From the standpoint solely of encouraging additional exploration and development, use of the variable work commitment bidding system on selected tracts may be indicated. Generally, however, use of the traditional cash bonus bid-fixed royalty system was found to be preferable to use of the variable work commitment bidding system in achieving this objective.

As demonstrated by the discussion above, there are obvious trade-offs associated with achieving the competing objectives of the OCSLAA. In a moderate cost region, for example, if the cash bonus is set low in order to encourage competition, exploration could be inefficient and wasteful, and net return to the government will be reduced. Similarly, in a severe cost region, regardless of the bonus, net return for a particular tract may be greater than would be expected under the cash bonus bid-fixed royalty system; however, competition would probably be adversely affected, and little if any additional exploration would occur.

DOE, therefore, concludes that, in the event that the variable work commitment bidding system is used, careful consideration must be given both to tract selection and to an optimal balancing of often competing objectives that use of this bidding system is intended to further.

The following is a more detailed discussion of the results of DOE's analysis of the effects of the variable work commitment bidding system on net return to the government, competition, and exploration.

3. *Net Return to the Government.* DOE's analysis supports the contention of the majority of the comments to the Notice of Proposed Rulemaking that if the variable work commitment bidding system were to be used widely on the OCS as a whole, the net return to the Federal government would be less than if the cash bonus bid-fixed royalty system were used. However, DOE's analysis also indicates that, if the variable work commitment bidding system employing a high fixed cash bonus is used on specific tracts in frontier areas, return to the government may not be appreciably less than if the cash bonus bid-fixed royalty system were used. This results from the higher forfeiture rate anticipated in areas where less is known about the resource potential of tracts prior to the sale. However, if the bidding system were to be used exclusively within a region, net return to the government would be lower.

4. *Competition.* In considering the effect that the variable work commitment bidding system has on competition, DOE's analysis took into account the following indicators of increased competition:

- More bids per tract
- More tracts receiving bids
- Higher bids
- More firms participating in lease sales.

DOE's analysis indicates that in certain cases, on a tract by tract basis, use of the variable work commitment bidding system may enhance competition. In moderate cost regions where high cash bonus bids have been perceived as representing a barrier to entry for small firms, use of the variable work commitment bidding system with a low-fixed cash bonus may stimulate competition. DOE also finds that if this bidding system is used in a moderate cost region coupled with a high cash bonus, then the potential for an increase in competition is marginal at best. The slight reduction in the front-end capital requirements is not perceived to be of enough significance to increase competition.

DOE's analysis has shown that the level at which the fixed cash bonus is set will only enhance competition for selected tracts offered in a moderate cost region. However, since competition is already fairly intense in these regions, introduction of the work commitment bidding system does not offer significant advantages over systems already in use. In both the moderate-to-severe cost region and the severe cost region, DOE's analysis indicates that competition will not be significantly enhanced, regardless of the level at which the fixed bonus is set. Use of this bidding system,

in some circumstances may actually reduce competition in moderate-to-severe cost and severe cost regions, when coupled with a high cash bonus. It appears that the major barriers to increased competition in these regions are: (1) the cost of exploration, and (2) the higher risk factor involved. Modifying the fixed cash bonus would not affect the exclusionary impact those factors have on increased participation in OCS lease sales.

In summary, the ability of the variables work commitment bidding system to influence competition positively appears to be negligible, and in some circumstances its use may actually reduce competition.

5. *Exploration and Development.* The variable work commitment bidding system may affect exploration decision making in several respects. First, since the bidding system reduces the level of the cash bonus relative to the cash bonus bid-fixed royalty system, a greater amount of capital is available for exploration activities. Secondly, the bidding system provides a 50 percent credit for exploration expenditures, thereby returning to the lessee an amount equal to 50 percent of all exploration costs, through reduction of the work commitment bid as exploration progresses. This credit, or subsidy, for exploration may have a positive affect on firms' exploration decisions with regard to decisions made at the margin. For example, under a cash bonus bid-fixed royalty system where none of the exploratory costs are shared by the government, a lessee that has already drilled several wells and analyzes the projected return from drilling a third well to be $5 million, with the anticipated cost of drilling the well to be $10 million, will probably not drill the well. By comparison, under the variable work commitment bidding system, the cost to the lessee of drilling the same third well would only be $5 million, due to the crediting rate specified by the OCSLAA; therefore, the lessee might opt to drill the third well.

DOE's analysis indicates that, due to the exploration subsidy effect, additional exploration may take place on some tracts in particular cost regions. In no case does DOE anticipate that the value of production from increased exploration will equal the amount of the work commitment bid. DOE anticipates that firms may view the work commitment as a deferred cash bonus, and that at least a portion of the work commitment bid will represent what a firm would have bid under a cash bonus bidding system rather than a real commitment to exploration.

In moderate cost regions, which are generally mature, known producing areas, there is generally more geologic information available, and therefore somewhat less risk associated with oil and gas exploration. DOE's analysis indicates that, if the cash bonus is set at a high level, little additional exploration may occur in these regions. A high fixed cash bonus will reduce the amount of the potential work commitment bid and the amount of capital available for initial exploration activities. This would reduce the incentive for the lessee to perform exploration beyond what might have occurred under the cash bonus bid-fixed royalty system, since a firm's decision to engage in additional exploration is based primarily on the ratio of total anticipated cost of the lease (*i.e.*, initial cash bonus, any forfeiture of the outstanding work commitment, exploration and development costs, royalty, and taxes) to the anticipated revenues to be derived from production from the lease. Should the anticipated costs exceed the anticipated revenues, little additional exploration would take place.

Setting a low cash bonus for some specific tracts in a moderate cost region may provide the lessee with a larger amount of capital to apply to initial exploration activities. DOE believes, however, that moderate cost regions could not effectively absorb large amounts of exploratory capital since exploratory costs are relatively low; consequently, a strong potential exists for wasteful and inefficient exploration. In a moderate cost region, DOE believes that a subsidy for exploration is neither needed nor desirable.

In a moderate-to-severe cost region, DOE expects a slight increase in exploration on tracts to which a low fixed cash bonus is applied, due to the reduction in risk afforded by the 50 percent subsidization of exploration costs. It is unlikely that additional exploration would occur in this region if the cash bonus were set at a high level.

In severe cost regions (*i.e.*, frontier regions), exploration costs are much higher than in any other region due to such factors as water depth and severe weather conditions. Risk and the high cost of exploration are the principal deterrents to exploratory activity in these areas. Consequently, the reduction of the cash bonus from what would have been expected under the cash bonus bid-fixed royalty system must be substantial, before the diversion of capital from the cash bonus results in a significantly greater level of exploration. However, the effective 50 percent government subsidy built into the exploration costs credit may encourage some additional exploration, since the subsidy affects the marginal revenue/marginal cost ratio; however, because the cost of exploratory activities in severe cost regions is typically so high, the subsidy effect will not, in all likelihood, be large enough significantly to affect the marginal revenue/marginal cost ratio of drilling an additional well. Therefore, DOE expects to see little additional exploration.

DOE believes that, for the reasons discussed in relation to moderate cost regions, setting a high cash bonus would also reduce the level of exploration in severe cost regions.

Variable Work Commitment

Table 1.—*Selected Bidding System Options*

Option No.		Region	Cash bonus[1]	Royalty[2]
1	1	Moderate Cost Region. Includes Gulf of Mexico, South Atlantic and South Pacific.	Low	Low.
2			High	High.
3			Low	High.
4			High	Low.
5	2	Moderate-to-Severe Cost Region. Central Atlantic and North Pacific.	Low	Low.
6			High	High.
7			Low	High.
8			High	Low.
9	3	Severe Cost Region. Includes North Atlantic, Gulf of Alaska, Bering Sea, Chukchi Sea, and Arctic Ocean.	Low	Low.
10			High	High.
11			Low	High.
12			High	Low.

[1] Low Cash Bonus—Set at 20 percent of expected bonus under cash bonus bid-fixed royalty. High Cash Bonus—Set at 80 percent of expected bonus under cash bonus bid-fixed royalty.

[2] Low Royalty—Set at 12.5 percent of revenues from production. High Royalty—Set at 16⅔ percent of revenues from production.

Table 2.—Government Revenues in the Variable Work Commitment Bidding System Compared to the Cash Bonus Bid-Fixed Royalty System

Type of region	Estimated cash bonus [1]	Anticipated fixed cash bonus [2]	Change in government revenues, $\$\times10^6$	Change in government revenue [3]
1. Moderate Cost, Gulf of Mexico	150	120	−13 to −17	−9 to −11.
2. Moderate Cost, Gulf of Mexico	150	30	−60 to −63	−40 to −42.
3. Moderate Cost, Gulf of Mexico	25	5	−9 to −12	−35 to −50.
4. Severe Cost, Beaufort Sea	10	8	+8 to −2	+80 to −20.
5. Severe Cost, Beaufort Sea	10	2	+5 to −8	+50 to −80.

[1] Cash bonus bid-fixed royalty, $\$\times10^6$
[2] Under a variable work commitment bidding system, $\$\times10^6$
[3] As percent of estimated cash bonus.

IV. Environmental Review

After reviewing this proposed regulation pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969 (Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321)), DOE has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, DOE has determined that no environmental impact statement is required for the proposed regulation.

Environmental impacts resulting from the use of the variable work commitment bidding system are expected to be minimal. There are two sources of potential environmental impact. Since the variable work commitment system is intended to improve economic incentives for expeditious exploration and development of OCS oil and gas leases, its adoption may result in increased exploration and more rapid development of OCS tracts leased under this bidding system. However, DOE does not expect absolute rates of activity or ultimate levels of production to fall outside the range of those that are typically considered in the environmental impact analyses for specific lease sales conducted under conventional leasing systems. Environmental impacts associated with using the variable work commitment bidding system will, of course, be examined in the environmental impact statements prepared in connection with specific lease sales. Potential environmental impacts resulting from the use of this system will be considered prior to the selection of a leasing system for tracts in each sale.

V. Compliance with Executive Order 12291

Subsection 8(a)(2) of Executive Order 12291, issued February 17, 1981 (46 FR 13193, February 19, 1981), provides an exemption from the procedures prescribed by the Order whenever satisfying the terms of the Order would conflict with deadlines imposed by judicial order. DOE has determined that, in view of a court order requiring that this final regulation be issued no later than June 30, 1981, it is not possible to comply fully with the procedures in the Order regarding final rules. In accordance with the further requirements of subsection 8(a)(2) of that Order, DOE has reported the final regulation to the Director of the Office of Management and Budget with an explanation of the conflict.

Although DOE has determined, in consultation with the Director of the Office of Management and Budget, that strict compliance with the procedures in the Order is not possible with regard to this regulation, DOE intends to adhere to the requirements of the Order to the extent permitted by the judicial deadline of June 30, 1981. DOE at present is preparing a Regulatory Impact Analysis, which conforms to the extent possible with the requirements of subsections 3(d)(1)(4) of the Order.

A summary of DOE's Regulatory Impact Analysis is found in section III. B. of the preamble to this regulation.

VI. Compliance With The Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*, (September 19, 1980)), requires Federal agencies to consider the impact of proposed regulations on small businesses, small governmental units, and other small entities; to consider the ability of small entities to comply with the proposed regulation; and to consider less stringent alternative compliance standards for small entities. An agency is required to prepare a regulatory flexibility analysis to document its consideration of these factors except in the situation where the agency determines that a regulation will not have a significant economic impact on a substantial number of small entities. In the preamble to the proposed variable work commitment bidding system regulation (46 FR 20522, April 3, 1981), DOE certified that the promulgation of this regulation will not have a significant economic impact on a substantial number of small entities, as defined in the statue; no comments were submitted in dispute of this certification. Therefore, a regulatory flexibility analysis will not be prepared.

(Outer Continental Shelf Lands Act, ch. 345, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*, 1953), as amended by Pub. L. 95–372; Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*, 1977) E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below.

Issued in Washington, D.C., June 30, 1981.

Roger W. A. LeGassie,
Acting Assistant Secretary for Fossil Energy.

PART 376—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Part 376 of Chapter II of Title 10, Code of Federal Regulations, is amended by adding a new paragraph (6) to § 376.110(a), to read as follows:

§ 376.110 Bidding systems.

(a) * * *

(6) *Work commitment bid based on a dollar amount for exploration with a fixed cash bonus, a fixed royalty in amount or value of the production saved, removed, or sold, and an annual rental.*

(i) *Work commitment bid.*

(A) The work commitment is the bid for the lease and is determined by the person submitting the bid. The bid shall be submitted in accordance with provisions specified in the notice of OCS lease sale. The work commitment is the dollar amount which the bidder must satisfy through either one or a combination of the following:

(1) Performance of sufficient qualifying exploration activities determined in accordance with the provisions of paragraph (a)(6) of this section; or

(2) In the event that sufficient qualifying exploration activities are not performed as provided for by paragraph (a)(6)(i)(A)(1) of this section, by cash payments to the Secretary of the Interior, as required by paragraph (a)(6)(xi) of this section.

(B) The lessee, at its option, shall deliver to the Secretary of the Interior, upon issuance of the lease, either:

(1) A cash deposit for the full amount of the work commitment; or

(2) A performance bond, in form and substance and with a surety satisfactory

to the Secretary of the Interior, in the principal amount of the work commitment.

(ii) *Fixed cash bonus.*

The cash bonus to be paid by the lessee shall be an amount that is specified in the notice of OCS lease sale published in the **Federal Register** and may vary from tract to tract. Any deferment of the payment and the schedule of payments shall be included in the notice of OCS lease sale published in the **Federal Register.**

(iii) *Fixed royalty.* The royalty rate to be paid by the lessee shall be fixed at a percent of the amount or value of the production saved, removed, or sold; shall be specified in the notice of OCS lease sale published in the **Federal Register;** and may vary from tract to tract.

(iv) *Annual rental.* The annual rental to be paid by the lessee shall be the amount specified in the notice of OCS lease sale published in the **Federal Register.**

(v) *Exploration activities qualifying for credit against the bid.* The following exploration activities shall qualify as exploration activities the allowable expenditures for which, as specified in paragraph (a)(6)(vii) of this section, may be applied in satisfaction of the work commitment:

(A) Geological investigations and directly related activities and geophysical investigations including seismic, geomagnetic, and gravity surveys, data processing and interpretation, exploratory drilling, core drilling, redrilling, and well completion or abandonment, including the drilling of wells sufficent to determine the size and areal extent of any newly discovered field, and including the cost of mobilzation and demobilization of drilling equipment.

(B) Any other activities as specified in the approved exploration plan, filed in accordance with 30 CFR § 250.34–1, and approved by the USGS designated official.

(vi) *Termination of the period for qualifying exploration activities.* (A) Expenditures incurred in performing qualifying exploration activities, as specified in paragraph (a)(6)(v) of this section, for any prospect on a lease issued under paragraph (a)(6) of this section, shall not be applied in satisfaction of the work commitment after the occurrence of the earliest of the following events:

(1) The lessee begins performing any of the activites described in an approved development and production plan, as specified in 30 CFR 250.34–2, applicable to that prospect and lease;

(2) In the judgment of the USGS designated official, sufficient information has been gathered through exploration activities so that the lessee may begin activities to bring the prospect into commercial production;

(3) The entire amount of the work commitment is satisfied in accordance with the provisions of paragraph (a)(6)(i) of this section; or

(4) The primary term of the lease, or any extension thereof, has expired or the lease has been relinquished.

(B) Expenditures incurred in performing qualifying exploration activities for any additional prospect(s) may be allowable in satisfaction of the work commitment despite the termination of the period for qualifying exploration activities for a previous prospect on the same tract. However, such expenditures are only allowable in satisfaction of the work commitment if, in the judgment of the USGS designated official, any such additional prospect(s) is sufficiently separate and distinct as to require a discrete exploration effort.

(vii) *Allowable and unallowable expenditures.*

(A) Expenditures for qualifying exploration activities specified in paragraph (a)(6)(v) of this action shall be allowable to the extent that they are identified, measured, and allocated in accordance with the provisions of §§ 390.011(a)–(n) and (p), 390.014, and 390.015 of this chapter.

(B) Fifty percent of the allowable expenditures for qualifying exploration activities specified in paragraph (a)(6)(v) of this section that are incurred prior to the termination of the period for qualifying exploration activities specified in paragraph (a)(6)(vi) of this section, shall be included in determining the satisfaction of the work commitment.

(C) A lessee's general overhead costs and those costs identified in § 390.013 of this chapter shall not be allowed as expenditures to be applied in satisfaction of the work commitment.

(D) For purposes of determining allowable and unallowable expenditures, any reference in §§ 390.011, 390.013, 390.014, or 390.015 of this chapter that would restrict the application of any provision to a lease issued under a net profit share bidding system or to an operation, project area, property, or tract related to such a lease shall be deemed a reference to a lease issued under the work commitment bidding system described in paragraph (a)(6) of this section or to an operation, project area, property, or tract related to such a lease.

(E) To the extent that any provision of §§ 390.011, 390.013, 390.014, or 390.015 of this chapter specifies a particular accounting procedure which relates solely to the calculation of net profits due to the government, rather than a mechanism for identifying, measuring, or allocating costs, such provision shall not apply.

(viii) *Adjustment to allowable expenditures.* (A) Expenditures allowable under paragraph (a)(6)(vii) of this section shall be adjusted before being applied in satisfaction of the work commitment.

(B) The Secretary of the Interior, concurrently with the review of reports submitted in compliance with paragraphs (a)(6)(ix) (A) and (B) of this section, shall adjust such allowable expenditures by applying a factor that is obtained from the Producer Prices and Price Indexes, Oil Field Machinery and Tools, Commodity Code No. 1191, published by the Department of Labor, Bureau of Labor Statistics, for the calendar period corresponding to the reporting period.

(C) The procedures for calculating the adjustment shall be included in the notice of OCS lease sale and published in the **Federal Register.**

(ix) *Reporting and record keeping requirements.* (A) Each person holding a lease issued under paragraph (a)(6) of this section shall file an annual report during the period beginning with issuance of the work commitment lease and ending with the termination of the period for qualifying exploration activities as specified in paragraph (a)(6)(vi) of this section. This report shall be submitted not later than 90 days after the anniversary date of the issuance of the lease. Such report shall list the allowable exploration expenditures to be applied in satisfaction of the work commitment.

(B) A final report relating to the allowable expenditures shall be filed not later than 120 days after the termination of the period for qualifying exploration activities as specified in paragraph (a)(6)(vi) of this section.

(C) For each report filed under paragraphs (a)(6)(ix) (A) and (B) of this section, the following information is required:

(1) The dollar amount of the work commitment;

(2) The dollar amount previously permitted by the Secretary of the Interior to be applied in satisfaction of the work commitment; and

(3) The dollar amount and description of all expenditures and credits for qualifying exploration activities incurred during the reporting period.

(D) Reports required by paragraphs (a)(6)(ix) (A) and (B) of this section shall

be filed with the Director, USGS, either separately, or included with any other reports currently required.

(E) Each person holding a lease issued under paragraph (a)(6) of this section shall maintain such records as are necessary to establish the allowability of expenditures for qualifying exploration activities specified in paragraph (a)(6)(v) of this section and claimed in satisfaction of the work commitment. Such records shall be maintained for twelve months after the termination of the period for qualifying exploration expenditures as specified in paragraph (a)(6)(vi) of this section, except that nothing in these regulations shall limit the time of investigation or the need to produce records when *prima facie* evidence of fraud or willful misconduct is obtained with respect to the government's interest in a lease issued under paragraph (a)(6) of this section.

(x) *Reduction of cash deposit or bond.* The Secretary of the Interior shall review the reports submitted in compliance with paragraphs (a)(6)(ix)(A) and (B) of this section and shall determine the total dollar amount of allowable expenditures incurred during the reporting period. Upon making the determination that the lessee has satisfied any portion or all of the work commitment, and after having adjusted the allowable expenditures in accordance with the provisions contained in paragraph (a)(6)(viii) of this section and having determined the dollar amount that may be applied in satisfaction of the work commitment, the Secretary of the Interior shall, if the lessee delivered a cash deposit, remit to the lessee 50 percent of such amount or, if the lessee posted a performance bond, authorize the lessee to reduce the principal amount of the performance bond by 50 percent of such amount. The dollar amount of the work commitment remaining after subtracting the amount that may be applied in satisfaction of the work commitment shall be the adjusted balance.

(xi) *Payment of unsatisfied work commitment.* (A) At the termination of the period for qualifying exploration activities for all prospects on a tract as specified in paragraph (a)(6)(vi) of this section, the lessee shall file a final report relating to allowable expenditures in accordance with the provisions of paragraph (a)(6)(ix)(B) of this section. The Secretary of the Interior shall review such reports, adjust the allowable expenditures in accordance with the provisions of paragraph (a)(6)(viii) of this section, determine the amount that may be applied in satisfaction of the work commitment, determine the final adjusted balance, and notify the lessee of the final adjusted balance.

(B) If, after making the determinations specified in paragraph (a)(6)(xi)(A) of this section, the full dollar amount of the work commitment has not been satisfied, the final adjusted balance shall be paid in cash to the Secretary of the Interior. If the lessee delivered a cash deposit, the final adjusted balance shall be forfeited at the time of notification. If the lessee posted a performance bond, the final adjusted balance of the bond required by the Secretary of the Interior to be maintained at that time shall be paid to the Secretary of the Interior within 30 days of such notification.

[FR Doc. 81-20126 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

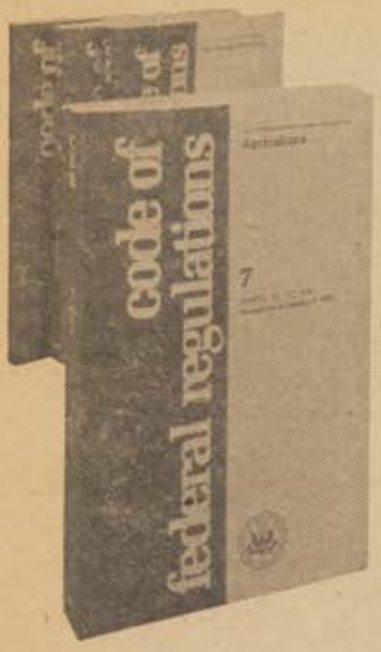
List of Public Laws

Last Listing July 6, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 1123/Pub. L. 97-19 To permit certain funds allocated for official expenses of Senators to be utilized to procure additional office equipment (July 6, 1981; 95 Stat. 103) Price $1.50.

S. 1124/Pub. L. 97-20 To authorize the Sergeant at Arms and Doorkeeper of the Senate, subject to the approval of the Committee on Rules and Administration, to enter into contracts which provide for the making of advance payments for computer programing services (July 6, 1981; 95 Stat. 104) Price $1.50.



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