

Federal Register

Wednesday
July 15, 1981

Highlights

- 36689 Hostage Relief Act of 1980** Executive order designating January 21, 1981, as release date for American hostages in Iran.
- 36712 Money Market Certificates** DIDC seeks comments on establishing ceiling rates for 26-week money market certificates of \$10,000 minimum denomination.
- 36792 Rescissions and Deferrals** OMB releases cumulative report. (Part II of this issue)
- 36692 National Security** ITC implements regulations on classification, declassification and safeguarding of information.
- 36709 Harbors—National Defense** Commerce/MA clarifies final rule on control and utilization of ports during a period of war or national emergency.
- 36794 Medicare Program** HHS/HCFA issues statistical standards for evaluating intermediary performance in administration for fiscal year 1981.
- 36784 Grant Programs—Handicapped** NSF notifies recipients of federal financial assistance to comply with provisions for nondiscrimination against handicapped.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

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

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- 36707 Government Procurement** EPA establishes cost principles for nonprofit organizations.
- 36694 Postal Service** PS finalizes international express mail rates for Republic of South Africa.
- 36706 Chemicals** EPA grants temporary exemption for certain nonliquid swimming pool chemicals from child-resistant packaging requirements.
- 36717 Air Pollution Control** EPA proposes changes to application requirements under which manufacturers of new motor vehicles and new motor vehicle engines may obtain exemptions from the Clean Air Act.
- 36704 Hazardous Materials** EPA specifies new procedures for public participation in hazardous waste permit programs.
- 36693 Employee Benefit Plans** PBGC adopts rates and factors for valuating non-multiemployer plans terminating August 1, 1981.
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 UNDER THE COMMAND OF CAPTAIN J. W. WOODS,
 U.S.N., IN 1846-47.
 BY
 JOHN WOODS, U.S.N.,
 AND
 JOHN W. WOODS, U.S.N.,
 ASSISTANT SURGEON-GENERAL,
 U.S.A.
 WASHINGTON: PUBLISHED BY THE
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 1848.

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Presidential Documents

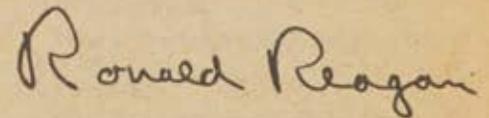
Title 3—

Executive Order 12313 of July 13, 1981

The President

Specification of Hostage Return Date Under Hostage Relief Act of 1980

By the authority vested in me as President of the United States of America by sections 101(2)(A) and 205(b)(1) of the Hostage Relief Act of 1980 (Public Law 96-449; 94 Stat. 1967, 1972; 5 U.S.C. 5561 note) (the "Hostage Act"), it is hereby ordered, for the purposes of these sections of the Hostage Act, that January 21, 1981, is specified as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for, and were no longer under foreign control.



THE WHITE HOUSE,
July 13, 1981.

[FR Doc. 81-20921
Filed 7-14-81; 10:56 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 11624

Department of Justice, Federal Bureau of Investigation
April 14, 1974

The following information was received from the Bureau of Investigation on April 14, 1974, regarding the activities of the [redacted] in the [redacted] area. The [redacted] has been active in the [redacted] area since [redacted] and has been active in the [redacted] area since [redacted]. The [redacted] has been active in the [redacted] area since [redacted] and has been active in the [redacted] area since [redacted].

[Handwritten signature]

Very truly yours,
[redacted]

Rules and Regulations

Federal Register

Vol. 46, No. 135

Wednesday, July 15, 1981

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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Orange County and a portion of Los Angeles County in California from areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the areas quarantined.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule."

The Department has determined that this rule will have an annual effect on the economy of less than \$100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-

based enterprises in domestic or export markets.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it removes the quarantines imposed due to exotic Newcastle disease concerning only two premises, neither of which is owned by a small entity.

Therefore, this amendment releases a portion of Orange County and a portion of Los Angeles County in California from the areas quarantined because of exotic Newcastle disease. The restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will no longer apply to the released areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3(c)(2), relating to the State of California, the following premises are removed: (i) Jack Schafer, 6441 Cosa Verdi Drive, Cypress, Orange County; and (ii) Jack Schafer, 12005 South Street, Artesia, Los Angeles County.

Accordingly, paragraph (c)(2) is removed and reserved.

§ 82.3 Imposition and removal of quarantine.

- * * * * *
- (c) * * *
- (2) Removed and Reserved.
- * * * * *

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; [21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f]; 37 FR 28464, 28477; 38 FR 19141)

This amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department. Also, the emergency nature of this amendment

makes it impracticable to comply with E.O. 12291.

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

Further, it has been determined by E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment.

Done at Washington, D.C., this ninth day of July 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-20691 Filed 7-14-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Colorado—12); Order No. 156]

High-Cost Gas Produced From Tight Formations; Colorado; Recommendation of Areas for Designation as Tight Formations; Correction

July 8, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule: correction.

SUMMARY: This document corrects a final rule in Docket No. RM79-76 (Colorado—12) that appeared on page 31253 in the Federal Register of June 15, 1981 (46 FR 31253). This action amends a reference to the state in which the Corcoran and Cozzette Formations are located.

FOR FURTHER INFORMATION CONTACT: Leslie J. Lawner, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8307.

The following corrections are made in the final rule in FR Doc. 81-17689, as it appeared on page 31254 of the issue of June 15, 1981.

1. The first sentence of **Supplementary Information** is amended to read as follows: "The Commission hereby amends § 271.703(d) of its regulations to include the Corcoran and Cozzette Formations in Colorado as designated tight formations eligible for incentive pricing under § 271.703."

2. The sentence preceding the rule is amended by adding "and (34)" after (33).

3. Insert a new paragraph (34) after § 271.703(d)(33)(ii), to read as follows:

(34) *Corcoran Formation in Colorado*, RM79-76 (Colorado—12).

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20638 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

18 CFR Part 271

[Order No. 152; Docket No. RM79-76 (Colorado—7)]

High-Cost Gas Produced From Tight Formations; Correction

July 8, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects the reference to the Dakota Formation as the reference was issued by the Commission in its final rule issued on June 3, 1981 and as it appeared in the Federal Register on June 9, 1981, at 46 FR 30489.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8307.

The following correction is made in FR Doc. 81-17077, appearing on page 30489 of the issue of June 9, 1981.

1. On page 30490, paragraph (28) of § 271.703(d) is removed and paragraph (26) is added to read as follows:

(26) *The Dakota Formation in Colorado*, RM79-76 (Colorado—7).

(i) *Delineation of formation.* The Dakota Formation is found in La Plata and Archuleta Counties, Colorado, underlying Township 34 North, Ranges 6 through 8 West (North of the Ute Line), Sections 1 through 18; Township 34 North, Range 9 West (North of the Ute Line), Sections 1 through 12; Township 34 1/2 North, Range 9 West (North of the

Ute Line), Sections 31 through 36; Township 35 North, Ranges 6 through 8 West, Sections 1 through 36; and Township 35 North, Range 9 West, Sections 1 through 3, 10 through 15, 22 through 27, and 34 through 36.

(ii) *Depth.* The Dakota Formation is defined as that formation, the top of which varies in depth from 7500 feet to 8000 feet and the bottom of which is defined by the top of the Morrison Formation.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20640 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

18 CFR Part 271

[Docket No. RM79-76 (Colorado—8); Order No. 150]

High-Cost Gas Produced From Tight Formations; Adoption of Designation Recommendation; Correction

July 8, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects the references to the delineation of the Sanastee Formation and the Dakota Formation as the references were issued by the Commission in its final rule issued June 3, 1981, and as they appeared in the Federal Register on June 9, 1981, at 46 FR 30491.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8307.

The following correction is made in FR Doc. 81-17079, appearing on page 30491 of the issue of June 9, 1981.

1. On page 30491, § 271.703(d)(27)(i) is corrected to read as follows:

(i) *Delineation of formation.* The Sanastee Formation is found in La Plata and Archuleta Counties, Colorado, underlying Township 34 North, Ranges 6 and 7 West (South of the Ute Line), Sections 1 through 36; and Township 34 North, Ranges 8 and 9 West (South of the Ute Line), Sections 1 through 24.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20639 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 201

National Security Information; Executive Order 12065; Implementing Regulations

AGENCY: International Trade Commission.

ACTION: Final rule.

SUMMARY: This regulation implements Executive Order No. 12065, 3 CFR 190 (1978 Compilation), and the Information Security Oversight Office Directive No. 1, 43 FR 46280 (Oct. 5, 1978), relating to the classification, declassification, and safeguarding of national security information. The order increases openness in Government by limiting the classification and accelerating the declassification of national security information, while providing improved protection against unauthorized disclosure of information that requires protection in the interest of national security.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Terry P. McGowan, Acting Director, Office of Administration, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0463.

SUPPLEMENTARY INFORMATION: The sections in this regulation follow the format of the directive. This regulation has been reviewed by the Information Security Oversight Office in accordance with section 5-401 of Executive Order No. 12065.

19 CFR Part 201 is amended by adding Subpart F to read as follows:

Subpart F—National Security Information

- Sec. 201.42 Purpose and scope.
- 201.43 Program.
- 201.44 Procedures.

Authority: Executive Order No. 12065, National Security Information, June 28, 1978, 3 CFR 190 (1978 compilation); Information Security Oversight Office, Directive No. 1, National Security Information, October 2, 1978, 43 FR 46280 (Oct. 5, 1978).

§ 201.42 Purpose and scope.

The following regulation supplements Executive Order No. 12065, National Security Information, June 28, 1978, as it applies to the Commission.

§ 201.43 Program.

The Director of Administration is designated as the official of the Commission who is responsible for

implementation and oversight of information security programs and procedures, including ensuring conformity with the provisions of Executive Order No. 12065. He shall chair a committee, composed of himself and representatives of the offices of the Secretary and General Counsel, that will act on all suggestions and complaints with respect to the Commission's administration of the program. All questions, suggestions, and complaints regarding all elements of the information security program shall be directed to the Director of Administration.

§ 201.44 Procedures.

(a) *Mandatory declassification review.* (1) Requests for declassification and release of national security information in the custody of the Commission shall be directed to the Secretary. Requests must reasonably describe the information that is desired to be declassified. All requests for declassification submitted pursuant to the Freedom of Information Act shall be processed in accordance with the provisions of that act and the applicable regulations of the Commission (19 CFR 201.17-21).

(2) Because the Commission does not have original classification authority and national security information in its custody has been classified by another Federal agency, the Secretary shall refer all requests for mandatory declassification review of classified information to the originating Federal agency along with his recommendations. Requests for declassification shall be referred and the requester advised within 60 days of receipt of a properly filed request.

(b) *Safeguarding.* All classified materials shall be delivered to the Secretary, or whoever is designated to act in the absence of the Secretary, immediately upon receipt at the Commission. In the event that the Secretary or his designee is not available to receive the materials, they shall be delivered to the Executive Liaison and Special Advisor for Trade Agreements and secured, unopened, in the combination safe located in his office until the Secretary or his designee is available. Under no circumstances shall classified materials that cannot be delivered to the Secretary or his designee be stored other than in the designated safe. Access to classified materials at the Commission shall be limited to officers and employees of the Commission on the basis of a favorable determination of trustworthiness and a need to know.

(c) *Reproduction.* "Top Secret" documents may not be reproduced

without the consent of the originating agency unless otherwise marked by that agency. "Secret" and "Confidential" documents may not be reproduced without the permission of the Secretary, and are subject to any limitations imposed by the originator. Reproduced copies shall be subject to the same controls as the original document. The Secretary shall establish a system of recording the number and distribution of copies reproduced from the original documents. Reproduction for the purposes of mandatory review shall not be restricted.

(d) *Storage.* All classified material shall be stored in the GSA-approved combination safe located at the Commission. The combination shall be changed as required by section IV-F-5-a of Information Security oversight Office Directive No. 1. The combination shall be known only by the Secretary, Director of Administration, General Counsel, and other persons possessing an appropriate security clearance.

(e) *Employee education.* The Director of Administration shall establish for all employees who have been granted a security clearance an information security education program that will advise them of the handling, reproduction, and storage procedures for these materials. The education program will also enable employees to familiarize themselves with the Order and applicable directives of the Information Security Oversight Office. New employees will be instructed in these procedures as they enter employment with the Commission.

(f) *Agency terminology.* The use of the terms "Top Secret," "Secret," and "Confidential" shall be limited to material classified for national security purposes.

By order of the Commission.

Issued: July 10, 1981.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-20702 Filed 7-14-81; 8:45 am]
BILLING CODE 7020-02-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits

in Non-Multiemployer Plans contains the interest rates and factors for the period beginning August 1, 1981. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in Appendix B to Part 2619 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after August 1, 1981, and enables the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes a notice revising them.

EFFECTIVE DATE: August 1, 1981.

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

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation (the "PBGC") issued a final regulation (46 FR 9492 *et seq.*) establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 *et seq.* (1976), as amended by the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208 (the "Act"). That regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B to the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2,

1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before July 1, 1981. (29 CFR 2610 (1980), 45 FR 64907, 45 FR 75658, 45 FR 75209, 45 FR 82172, 46 FR 3510, 46 FR 10685, 46 FR 18312, 46 FR 26765).

On June 15, 1981, the PBGC last published rates for plans that terminate on or after July 1, 1981 (46 FR 31257). At this time, changes in the financial and annuity markets have necessitated a decrease in the rates used by the PBGC to value benefits. Accordingly, this notice changes the rates in Appendix B to add a set of interest rates and factors for plans that terminate on or after August 1, 1981. These rates and factors will remain in effect until such time as PBGC publishes another notice which changes the rates.

As a rule, the rates will be in effect for at least one month. If the rates are to be changed, PBGC will publish a notice in the Federal Register, normally by the 15th of the month prior to the month for which the new rates will be effective. If no change is to be made, no notice will be published, and the current rates will remain in effect until further notice.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans; we note that the rates and factors contained in Appendix B to Part 2619 are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after August 1, 1981, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set

forth in Executive Order 12291, February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of \$100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended by revising Rate Set 26 and adding Rate Set 27 of Appendix B to read as follows:

| Rate set | For plans with a valuation date | | Imme- diate annuity rate | Deferred annuities | | | | |
|----------|---------------------------------|--------|-----------------------------------|--------------------|----------------|----------------|----------------|----------------|
| | On or after | Before | | k ₁ | k ₂ | k ₃ | n ₁ | n ₂ |
| 26 | 7-1-81 | 8-1-81 | 10.50 | 1.0975 | 1.0850 | 1.0400 | 7 | 8 |
| 27 | 8-1-81 | | 10.25 | 1.0950 | 1.0825 | 1.0400 | 7 | 8 |

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974) as amended by Secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299, 1299, (1980) (29 U.S.C. 1302, 1341, 1344, 1362))

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-20641 Filed 7-14-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Special Regulations, Areas of the National Park System; Glacier Bay National Park and Preserve

AGENCY: National Park Service, Interior.

ACTION: Deferral of effective date of final rule with request for comments.

SUMMARY: The National Park Service is further postponing the effective date of a final rule concerning protection of the humpback whales in Glacier Bay National Park and Preserve which was last postponed until July 15, 1981 (46 FR 28846). This final rule was published in the Federal Register on December 30, 1980 (45 FR 85741). The reason for this new postponement is that the National Park Service is still trying to determine the correct 1976 entry level for small boats in Glacier Bay. The interim rule published on May 15, 1980 (45 FR 32234), which is currently in effect, restricts entries to 520 during the whale season (June 1 to August 31). The final rule published on December 30, 1980 revised

Appendix B—Interest Rates and Quantities Used To Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G_y" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k₁, k₂, k₃, n₁, and n₂ are defined in § 2619.45.

this number to 33%. To date this season, the entry level for small vessels is running below the 339 level.

DATES: The new effective date for this final rule is September 1, 1981. Comments on this new effective date must be received on or before August 10, 1981.

ADDRESS: Written comments should be sent to Associate Director, Management and Operations, National Park Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Maureen Finnerty, Division of Rangers Activities and Protection, National Park Service, Washington, D.C. 20240, Telephone: (202) 343-4874.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-20714 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-70-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates; Republic of South Africa

AGENCY: Postal Service.

ACTION: Final international express mail rates; Republic of South Africa.

SUMMARY: Pursuant to its authority under 39 U.S.C. Section 407, the Postal Service will institute Custom Designed and On Demand Services with the Republic of South Africa as indicated in the tables below.

EFFECTIVE DATE: Both services will commence July 20, 1981.

FOR FURTHER INFORMATION CONTACT:
Martin R. Anker, (202) 245-4418.

SUPPLEMENTARY INFORMATION: On June 9, 1981, the Postal Service published for comment in the *Federal Register*, 46 FR 30505, a notice proposing new Custom Designed and On Demand Services with the Republic of South Africa. The notices invited written data, views, or arguments concerning the rates and new service. However, no comments were received.

The proposal offered rates and service for mail weighing up to only 33 pounds, whereas it should have but inadvertently failed to include mail weighing up to 44 pounds. The Postal Service is, therefore, adding to the table the omitted rates for pieces weighing from 34 to 44 pounds. As amended, the Postal Service adopts the rates of postage for Custom Designed and On Demand International Express Mail Service to the Republic of South Africa set out in the following amended table (designated Table 19 for inclusion as a separate country entry in the International Mail Manual, incorporated by reference 39 CFR 10.1).

In consideration of the foregoing, the Postal Service adds Table 19 to the International Mail Manual as follows: (39 U.S.C. 401, 403, 404(2), 407, 410(a)), Universal Postal Convention, Rio de Janeiro, 1979, T.I.A.S. No. 9972, Art. 6.)
W. Allen Sanders,

Associate General Counsel, General Law and Administration.

**Table 19.—Republic of South Africa,
International Express Mail**

| Custom designed service ¹ * | | On demand service ² | |
|--|---------|--------------------------------|---------|
| Up to and including (pounds) | Rate | Up to and including (pounds) | Rate |
| 1 | \$29.00 | 1 | \$21.00 |
| 2 | 33.50 | 2 | 25.50 |
| 3 | 38.00 | 3 | 30.00 |
| 4 | 42.50 | 4 | 34.50 |
| 5 | 47.00 | 5 | 39.00 |
| 6 | 51.50 | 6 | 43.50 |
| 7 | 56.00 | 7 | 48.00 |
| 8 | 60.50 | 8 | 52.50 |
| 9 | 65.00 | 9 | 57.00 |
| 10 | 69.50 | 10 | 61.50 |
| 11 | 74.00 | 11 | 66.00 |
| 12 | 78.50 | 12 | 70.50 |
| 13 | 83.00 | 13 | 75.00 |
| 14 | 87.50 | 14 | 79.50 |
| 15 | 92.00 | 15 | 84.00 |
| 16 | 96.50 | 16 | 88.50 |
| 17 | 101.00 | 17 | 93.00 |
| 18 | 105.50 | 18 | 97.50 |
| 19 | 110.00 | 19 | 102.00 |
| 20 | 114.50 | 20 | 106.50 |
| 21 | 119.00 | 21 | 111.00 |
| 22 | 123.50 | 22 | 115.50 |
| 23 | 128.00 | 23 | 120.00 |
| 24 | 132.50 | 24 | 124.50 |
| 25 | 137.00 | 25 | 129.00 |
| 26 | 141.50 | 26 | 133.50 |
| 27 | 146.00 | 27 | 138.00 |
| 28 | 150.50 | 28 | 142.50 |
| 29 | 155.00 | 29 | 147.00 |
| 30 | 159.50 | 30 | 151.50 |
| 31 | 164.00 | 31 | 156.00 |
| 32 | 168.50 | 32 | 160.50 |

**Table 19.—Republic of South Africa,
International Express Mail—Continued**

| Custom designed service ¹ * | | On demand service ² | |
|--|--------|--------------------------------|--------|
| Up to and including (pounds) | Rate | Up to and including (pounds) | Rate |
| 33 | 173.00 | 33 | 165.00 |
| 34 | 177.50 | 34 | 169.50 |
| 35 | 182.00 | 35 | 174.00 |
| 36 | 186.50 | 36 | 178.50 |
| 37 | 191.00 | 37 | 183.00 |
| 38 | 195.50 | 38 | 187.50 |
| 39 | 200.00 | 39 | 192.00 |
| 40 | 204.50 | 40 | 196.50 |
| 41 | 209.00 | 41 | 201.00 |
| 42 | 213.50 | 42 | 205.50 |
| 43 | 218.00 | 43 | 210.00 |
| 44 | 222.50 | 44 | 214.50 |

¹ Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

² Pickup is available under a Service Agreement for an added charge of \$5.00 for each pickup stop, regardless of the number of pieces picked up, domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

[FR Doc. 81-20625 Filed 7-14-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[AD-FRL 1873-1]

Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans; Notice of Reconsideration and Temporary Partial Stay of Regulations; Request for Public Comment on Extending Stay

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Reconsideration and Temporary Partial Stay of Regulations; Request for Comment on Extending Stay.

SUMMARY: By the administrative order which appears below, EPA is partially and temporarily staying those regulations relating to the construction of new stationary sources of air pollution and modifications to existing sources which appear at 40 CFR 51.24, 52.21, Appendix S to Part 51, 51.18, and 52.24. Specifically, EPA is staying the requirement in those regulations that certain vessel emissions are to be included in determinations of whether a proposed stationary source or modification would emit a particular pollutant in "major" or "significant" amounts. EPA is also staying the requirement that a physical or operational limitation on emissions capacity must be federally enforceable in order to be taken into account in any such determination. The temporary

partial stay shall be in effect for ninety (90) days. During this period EPA will decide whether these regulations should be stayed pending completion of the reconsideration process and, if so, under what conditions. This notice also establishes a thirty (30)-day public comment period on these questions.

DATES: The effective date of the temporary partial stay is the date of signature of this notice. Comments must be received by August 14, 1981.

ADDRESSES: *Comments.* Comments should be submitted (in triplicate, if possible) to: Central Docket Section (A-130), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Attention: Docket No. A-81-23.

Docket. EPA has established a docket for this proceeding. It bears Docket No. A-81-23. The docket is an organized and complete file of all significant information submitted to or otherwise considered by EPA during this proceeding. The contents of the docket will serve as the record in the case of judicial review under Section 307(b) of the Clean Air Act, 42 U.S.C. 7607(b). The docket is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery I, 401 M Street, S.W., Washington, D.C. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Michael Trutna, New Source Review Section, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711; 919-541-5591; FTS-629-5591.

SUPPLEMENTARY INFORMATION:

A. Introduction

In August 1980, EPA extensively revised its regulations concerning the construction of new stationary sources and modifications in response to *Alabama Power Company v. Costle*, 636 F.2d 323 (1979).¹ See 45 FR 52676 (August 7, 1980). Five sets of regulations resulted from those revisions. One set, 40 CFR 51.24, specifies the elements of an approvable state program for preconstruction review for prevention of significant deterioration of air quality (the "Part 51 PSD regulations"). Another set, 40 CFR 52.21 (the "Part 52 PSD regulations"), delineates the federal program for PSD preconstruction review, which program currently applies in most states. Another set, 40 CFR 51.18(j), specifies the elements of an approvable state program for preconstruction

¹ EPA further amended certain of those regulations in September 1980. 45 FR 59874 (September 11, 1980).

review for nonattainment purposes. It elaborates on Section 173 of the Act. The fourth set, 40 CFR Part 51, Appendix S, embodies EPA's "Emissions Offset Interpretative Ruling." The fifth set, 40 CFR 52.24, embodies the construction moratorium for certain nonattainment areas.

Numerous persons have petitioned the Court of Appeals for the D.C. Circuit to review various provisions of those PSD and nonattainment regulations. Some of them have also petitioned EPA to reconsider many of those provisions. In response to the petitions to the D.C. Circuit and EPA, the Agency has decided to reconsider and temporarily stay the requirements that (1) certain vessel emissions are to be included in determinations of whether a proposed marine terminal would emit a particular pollutant in "major" or "significant" amounts and (2) a physical or operational limitation on emissions capacity must be federally enforceable in order to be taken into account in any such determination. The temporary stay shall be in effect for ninety (90) days. During this period, the Agency will take public comment on whether the stay should remain in effect until completion of the reconsideration process and, if so, under what conditions. The discussion which follows describes the affected provisions, the reasons for reconsideration and the temporary stay, and the effect of the temporary stay.

B. Vessel Emissions

1. *Background.* Typically, a marine terminal consists of docks and storage structures. Vessels move to and from, and stay at, the terminal. Air pollutants emanate mainly from the storage structures and the vessels. For example, storage tanks containing liquid petroleum products emit substantial amounts of volatile organic compounds. Similarly, vessels carrying such products also emit those pollutants, particularly when loading or unloading. The vessels, however, also emit sulfur dioxide. The sulfur dioxide comes from the combustion of fuel in the internal power plants of the vessels. Power is needed, not only for movement, but also for such dockside activities as loading and unloading.

Whether the five sets of PSD and nonattainment regulations apply to a marine terminal and then to a particular pollutant from the terminal depends greatly on the scope of the term "stationary source." In general, the five sets of regulations aim their substantive requirements only at "major stationary

sources" and "major modifications."² Furthermore, four of the five sets³ aim their substantive requirements only at those pollutants regulated under the Act which the new "major stationary source" or "major modification" would emit in "major" or "significant" amounts, depending on the regulations in question.⁴ Finally, all five sets define "major stationary source," "major modification" and "significant" in terms of rates of emissions from the "stationary source" in question. The Part 52 PSD regulations, for instance, define "major stationary source" as any "stationary source" with the potential to emit 100 tons or more per year of any pollutant regulated under the Act or 250 tons or more per year, depending on source type. 45 FR 52735 (§ 52.21(b)(1)).

2. Provisions at Issue.

In revising the PSD and nonattainment regulations in August 1980, EPA defined "stationary source" as "any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the Act." See, e.g., 45 FR 52736 (§ 52.21(b)(5)). The Agency then defined "building, structure, facility, or installation" for PSD purposes, and "building, structure, or facility" for nonattainment purposes,⁵ as:

All of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person, (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "major Group" (i.e., which have the same first two-digit code) as described in the *Standard Industrial Classification Manual*, 1972 [See, e.g., 45 FR 52736 (§ 52.21(b)(6)) (emphasis added).]

EPA applied those new definitions to marine terminals and vessel emissions in the preamble to the revisions. The Agency stated that it intended "stationary source":

²For example, the Part 52 PSD regulations require only new "major stationary sources" and "major modifications" that would be located in "clean air" areas to have a PSD permit before construction begins. 45 FR 52738 (§ 52.21(j)).

³The construction moratorium, 40 CFR 52.24, simply restricts the construction of a project; it does not require the application of control technology and assessments of air quality impact for the various emissions from the project.

⁴For example, the Part 52 PSD regulations require an applicant for a PSD permit for a "major stationary source" to show that the "stationary source" would have "best available control technology" (BACT) for just those pollutants regulated under the Act that the "stationary source" would emit in "significant" amounts. 45 FR 52740 (§ 52.21(j)).

⁵EPA defined "installation" for nonattainment purposes as "an identifiable piece of process equipment." See, e.g., 45 FR 52744 (§ 51.18(j)(1)(ii)).

To encompass the activities of a marine terminal and those dockside activities that would serve the purposes of the terminal directly and would be under the control of its owner or operator. The term "dockside activities" means those activities in which the ships would engage while docked at the terminal. [45 FR 52696 (1st column) (emphasis added).]

EPA added that a determination of whether a particular dockside activity would directly serve the purposes of a terminal and would be under the control of its owner or operator would depend on the circumstances of the specific case. *Id.* EPA indicated, however, that it would presume that the activity of loading or unloading a vessel would in every case directly serve the purposes of a terminal and that such an activity would be under the control of the owner or operator of the terminal to a substantial extent, since no loading or unloading could occur without the consent or the owner or operator. *Id.*

3. *Industry Challenge.* TATX Terminals Corporation petitioned the D.C. Circuit for review of the definition of "stationary source" in the five sets of PSD and nonattainment regulations to the extent that the definition, as interpreted by EPA, requires vessel emissions to be included in quantifying the emissions of a marine terminal for applicability purposes. GATX has also petitioned EPA to reconsider and stay the definition to that extent.

In its challenge to the definition, GATX contends that EPA exceeded its statutory authority in requiring the inclusion of vessel emissions, since vessels are mobile sources. GATX also contends that EPA acted arbitrarily and capriciously. One argument it makes is that the regulations, which would impose on a terminal owner or operator liability for the failure of a vessel that it does not own or operate to observe the control requirements in a PSD permit, are unfair and irrational in that respect, because the owner or operator would have little control, if any, over the behavior of such vessel even while docked. Another argument is that the case-by-case review of new marine terminal projects, which the regulations now contemplate, will unduly burden interstate and foreign commerce, because it will cause permit conditions for the control of vessel emissions to vary widely from terminal to terminal.

GATX further contends that EPA violated the procedural requirements of the Clean Air Act by failing to give adequate notice at the proposal stage that it might require the inclusion of vessel emissions. In support, GATX points out that (1) shortly before EPA

proposed its revisions to the PSD and nonattainment regulations, the Agency informed the D.C. Circuit in *Alabama Power* that the regulations then in effect did not require the inclusion of vessel emissions for applicability purposes at all; (2) the definition of "stationary source" which EPA proposed in September did not vary materially from the definition of that term in those pre-existing PSD and nonattainment regulations; and (3) EPA gave no signal at any time during the rulemaking that it was thinking of requiring the inclusion of vessel emissions.

4. *Reconsideration.* EPA has decided to reconsider the definition of "stationary source" insofar as it requires the inclusion of vessel emissions for applicability purposes. EPA agrees that the issues of whether to include vessel emissions for applicability purposes and then to what extent deserve greater ventilation than they have had. A few commenters during the rulemaking did raise the basic issue of how vessel emissions are to be taken into account for new source review. Their comments, however, were general in nature and directed largely to the inclusion of vessel emissions in assessing the air quality impact of a marine terminal. EPA would benefit, therefore, from comment on a specific approach to the inclusion of vessel emissions for applicability purposes. For instance, the degree of control that an independent terminal owner or operator would have over dockside vessel activities and the effects of preconstruction review of those activities on interstate and foreign commerce especially deserve further examination. EPA plans to formulate a specific approach to vessel emissions and propose it as soon as possible. At that time, it will solicit comment from the public.

5. *Temporary Stay.* In response to GATX's petitions, EPA has also decided to stay temporarily the definition of "stationary source" in the PSD and nonattainment regulations to the extent that it requires the inclusion of vessel emissions for applicability purposes, and to request comment on whether the stay should be extended for the duration of the reconsideration process. There is a substantial likelihood that the Agency ultimately will change the current approach materially. In addition, the current approach, absent a stay, would impose significant regulatory burdens on the construction and modification of marine terminals. Finally, the exclusion of vessel emissions from applicability determinations during this short-term stay will not frustrate substantially the

long-term goals of the PSD and nonattainment regulations.

The following example illustrates the effect of the stay. Suppose that a proposed marine terminal consisting only of docks and storage facilities would emit volatile organic compounds in "major" amounts, but no other pollutant in "significant" amounts. Suppose further that the vessels while docked at the terminal would emit sulfur dioxide in "major" amounts from just the activities of loading and unloading. Under the stay, the Part 52 PSD regulations would require "best available control technology" (BACT) and an assessment of air quality impact only for the volatile organic compounds, since the "stationary source" in question would emit only that pollutant in "significant" amounts. In contrast, if the terminal were itself to emit sulfur dioxide in "significant" amounts, the Part 52 PSD regulations would require BACT for the units which would emit the sulfur dioxide, but not for the vessels. Also, in such a case, the regulations would require the assessment of air quality impact to include, not only the sulfur dioxide emissions from the terminal, but also the sulfur dioxide emissions from the vessels to the extent that they were quantifiable and would impact the same area as the sulfur dioxide emissions from the terminal. See generally 45 FR 52740 (§§ 52.21(j)-(k)).

C. Federal Enforceability

1. *Background and Provisions at Issue.* As noted above, each of the five sets of PSD and nonattainment regulations aim their substantive requirements at new "major stationary sources" and "major modifications." Each set defines "major stationary source" as any "stationary source" which would have the "potential to emit" certain amounts of pollution. See, e.g., 45 FR 52735 (§ 52.21(b)(1)). Each then defines "potential to emit" as:

The maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable . . . [See, e.g., 45 FR 52736 (§ 52.21(b)(4)) (emphasis added).]

Finally, the regulations each define "federally enforceable" to refer to:

All limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40

CFR Parts 60 and 61, requirements within any applicable State Implementation Plan, and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.18 and 40 CFR 51.24. [See, e.g., 45 FR 52737 (§ 52.21(b)(17)).]

In effect, those definitions of "potential to emit" and "federal enforceability" require one, in calculating the "potential to emit" of a proposed source for a particular pollutant, to assume that the source would emit the pollutant at the maximum rate that the source could physically emit it, unless the source would be subject to a limitation on its operation which EPA could enforce directly. For example, suppose that a company plans to operate a proposed source only 16 hours per day. Suppose further that the source would emit a particular pollutant in "major" amounts if it were operated 24 hours per day at its maximum physical capacity, but not if it were operated only 16 hours per day at that capacity. Under the definitions of "potential to emit" and "federal enforceability," one must assume, notwithstanding the company's plans, that it would operate the source 24 hours per day, unless the company has obtained either a permit issued by the state under the state implementation plan (SIP) which permit specifically prohibits operations in excess of 16 hours per day, or some other such legal constraint.

The definition of "major modification" in each of the five sets of PSD and nonattainment regulations also contains requirements for federal enforceability. Each set defines "major modification" in general as any change at a major stationary source which would result in a "significant net emissions increase" of any pollutant regulated under the Act. See, e.g., 45 FR 52735 (§ 52.21(b)(2)). Each set defines "net emissions increase," in turn, as the amount by which the sum of (1) the increase in "actual" emissions from the proposed change and (2) any contemporaneous and otherwise creditable increases and decreases in "actual" emissions at the source exceeds zero. See, e.g., 45 FR 52736 (§ 52.21(b)(3)). Next, since a proposed addition of a new emit at a source has yet to produce emissions, each set of the regulations provides that the "actual" emissions of any such change equals its "potential to emit". See, e.g., 45 FR 52737 (§ 52.21(b)(21)(iv)). The definition of "potential to emit," of course, contains a requirement for federal enforceability. Finally, each of the regulations provides that a contemporaneous decrease in emissions

is creditable only to the extent that it "is *federally enforceable* at and after the time that actual construction on the particular change begins". See, e.g., *id.* (§ 52.21(b)(3)(vi)(b)) (emphasis added).

2. *Industry challenge.* Several parties have petitioned the Court of Appeals for the D.C. Circuit to review the requirement for federal enforceability in the definitions of "potential to emit" and "net emissions increase." Some of them have also petitioned EPA to reconsider the requirement. Before both the Court and EPA, the petitioners contend mainly that the requirement is arbitrary and capricious, since it is redundant. They point out that in general each SIP already prohibits construction of a new "major stationary source" or "major modification" without a PSD or nonattainment permit. Accordingly, any company which builds a project that emits, or has the potential to emit, pollution in excess of the applicable thresholds without first obtaining a permit would be in violation of the law and therefore subject to enforcement action by EPA. For this reason, these petitioners assert that there is no need for EPA to require companies to obtain legal limitations which are enforceable by EPA in order to avoid the need for a PSD or nonattainment permit.

3. *Reconsideration.* EPA has decided to reconsider the requirement for federal enforceability. The issues of whether to impose the requirement and under what terms deserve further ventilation in view of the substantial doubts that petitioners have raised about its necessity. EPA plans to formulate a specific proposal on the issue of federal enforceability and to solicit comment on it as soon as possible.

4. *Temporary Stay.* EPA has also decided to stay temporarily the federal enforceability requirement, and to request comment on whether the stay should be extended for the duration of the reconsideration process. The arguments advanced by petitioners are persuasive, and EPA believes that there is a substantial likelihood that the requirement will be altered after EPA has reconsidered it. Accordingly, the Agency believes it is highly likely that it will decide to extend the stay for the duration of the reconsideration process, after receiving public comment on this question. In the interim, a stay will relieve industry from the burden of having to transform physical and operational limitations on the design of a project into specific restrictions in permits or SIP revisions. Finally, there should be no significant adverse impact on air quality while the rules are stayed. New major stationary sources and major

modifications must still have a PSD or nonattainment permit before construction begins, or in some cases adhere to the construction moratorium.

5. *Calculation of "potential to emit" under the stay.* In calculating "potential to emit" under the stay, one must now refer to the fundamental physical and operational design of the proposed project. For example, if a company plans for the full useful life of a project to operate it no more than a certain number of hours per day or to use a fuel with a certain sulfur content, one is to assume now that the project would not exceed those limitations in calculating "potential to emit." However, if a company does not obtain a permit for a new project, and then operates it in excess of a critical limitation in its design, such that the project actually emits a regulated pollutant in "major" amounts, the company would be in violation of the law and hence subject to appropriate enforcement action.

D. Miscellaneous

EPA, under subsection (u) of the Part 52 PSD regulations has delegated the authority to administer those Part 52 regulations to some states. Each delegate state must now administer the Part 52 PSD regulations as now stayed. By contrast, in staying the requirements for federal enforceability and the inclusion of vessel emissions, EPA does not intend to change the status of any state-adopted program for new source review which it has already approved under Section 110 of the Clean Air Act. However, while the stay remains in effect, EPA will not disapprove any state-submitted program for new source review, or any revision to such a program, on the grounds that it fails to embody the now stayed requirements.

EPA regards the issuance of the temporary partial stay as "nationally applicable" "final action" within the meaning of Section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1). Any petition for review of the temporary partial stay must be filed, therefore, with the U.S. Court of Appeals for the D.C. Circuit on or before September 14, 1981.

EPA does not, however, regard the temporary partial stay as the "promulgation or revision of regulations" within the meaning of Section 307(d)(1)(I) of the Act, 42 U.S.C. 7607(d)(1)(I) (emphasis added). The temporary stay is merely an administrative order providing equitable relief for 90 days. As discussed above, during this period the Agency will decide whether to extend the stay until completion of the reconsideration process, after considering any public comments which are received on this

matter. The notice and comment requirements of Section 307(d) and the requirement of Section 317 for an economic impact assessment, therefore, do not apply to the issuance of the stay.

In any event, the Section 307(d) requirements, as well as the notice and comment requirements of Section 4 of the Administrative Procedure Act (the "APA"), 5 U.S.C. 553, do not apply for other reasons. First, meeting either set of requirements would be "contrary to the public interest" within the meaning of Section 4(b)(B) of the APA, 5 U.S.C. 553(b)(B). The Agency has carefully considered this matter, and has concluded that there is a significant likelihood that it will relax the regulatory burdens imposed by these regulations at the end of the reconsideration process. Accordingly, it is highly likely that the Agency will decide to extend the stay until it has completed its reconsideration of these regulations, after receiving public comment on the stay question. The likelihood that the Agency will relax the regulations is sufficiently high that it is contrary to the public interest not to stay the provisions for the short period of time necessary to complete the public notice and comment process on the question of extending the stay. Second, meeting those notice and comment requirements would be "unnecessary" within the meaning of that section, since the stay is of short duration (90 days) and the public will have an opportunity to comment on whether the stay should be extended. Moreover, the public will have an opportunity during reconsideration of the provisions in question to comment on any changes to those provisions and on the effective date of the changes. See Clean Air Act § 307(d)(1)(N), 42 U.S.C. 7607(d)(1)(N). For the same reasons and because the temporary stay "relieves a restriction" within the meaning of Section 4(d) of the APA, 5 U.S.C. 553(d), EPA finds that it has good cause to make it immediately effective.

Under Executive Order 12291, EPA must judge whether an action it takes is a "major rule" and therefore subject to the requirement of a Regulatory Impact Analysis. This temporary stay is not a "major rule," because it is temporary and lifts current regulatory burdens.

This temporary partial stay has been submitted to the Office of Management and Budget for review under Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. § 605(b), EPA hereby certifies that the temporary partial stay will not have a significant adverse impact on small entities.

(Sec. 101(b)(1), 110, 160-169, 171-178, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7401(b)(1), 7410, 7470-79, 7501-08 and 7601(a)); Section 129(a) of the Clean Air Act Amendments of 1977 (Pub. L. No. 95-95, 91 Stat. 685 (August 7, 1977))

Dated: July 7, 1981.

Anne M. Gorsuch,
Administrator.

A. Vessel Emissions. I hereby stay the following definitions of "stationary source," "building," "structure," "facility," and "installation" to the extent that they encompass the activities of vessels:

1. 40 CFR 51.24(b)(5)-(6), 45 FR 52731 (August 7, 1980);
2. 40 CFR 52.21(b)(5)-(6), 45 FR 52736;
3. 40 CFR Part 51, Appendix S, § II(A)(1)-(2), 45 FR 52741-42;
4. 40 CFR 51.18(j)(2)(i)-(ii), 45 FR 52743-44; and
5. 40 CFR 52.24(f)(1)-(2), 45 FR 52746.

The purpose of this partial stay of the definitions listed above is to suspend the requirement in 40 CFR 51.24, 52.21, Part 51 (Appendix S), 51.18 and 52.24 that certain vessel emissions are to be included in determining whether a source or modification would emit (or emits) a particular pollutant in "major" or "significant" amounts pending reconsideration of that requirement.

B. Federal Enforceability. I hereby stay the following provisions:

1. The second sentence of the definition of "potential to emit" in the following provisions to the extent that the sentence requires a physical or operational limitation on emissions capacity to be federally enforceable in order to be taken into account in calculating "potential to emit":
 - a. 40 CFR 51.24(b)(4), 45 FR 52730-31;
 - b. 40 CFR 52.21(b)(4), 45 FR 52737;
 - c. 40 CFR Part 51, Appendix S, § II(A)(4), FR 52742;
 - d. 40 CFR 51.18(j)(1)(iv), 45 FR 52744; and
 - e. 40 CFR 52.24(f)(4), 45 FR 52746.
2. The clause in the definition of "net emissions increase" at 40 CFR:
 - a. 51.24(b)(3)(vi)(b), 45 FR 52730;
 - b. 52.21(b)(3)(vi)(b), 45 FR 52736;
 - c. Part 51, Appendix S, § II(A)(7)(v)(b), 45 FR 52742;
 - d. 51.18(j)(1)(vii)(e)(2), 45 FR 52744; and
 - e. 52.24(f)(7)(v)(b), 45 FR 52747.
3. The definition of "federally enforceable" at 40 CFR:
 - a. 51.24(b)(17), 45 FR 52732;
 - b. 52.21(b)(17), 45 FR 52737;
 - c. Part 51, Appendix S, § II(A)(15), 45 FR 52742;
 - d. 51.18(j)(1)(xvii), 45 FR 52745; and
 - e. 52.24(f)(15), 45 FR 52747-48.

C. Miscellaneous. In issuing this partial stay, I do not intend to change

the status of any state-adopted program for new source review which EPA has approved under Section 110 of the Clean Air Act. I do intend, however, to affect 40 CFR 52.21, even where EPA under subsection (u) of those regulations has delegated authority to a state to administer them. In such a case, the state may require no more than EPA could under the regulations as stayed.

This temporary partial stay applies immediately, and expires ninety (90) days from this date.

Dated: July 7, 1981.

Anne M. Gorsuch,
Administrator.

[FR Doc. 81-30730 Filed 7-14-81; 8:45 am]
BILLING CODE 6560-26-M

40 CFR Part 52

[A-1-FRL 1868-4]

Approval and Promulgation of Implementation Plans; Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On April 15, 1980 New Hampshire submitted a revision to its State Implementation Plan (SIP) to attain and maintain the National Ambient Air Quality Standard (NAAQS) for lead and to amend the state's ambient air quality standards. EPA published a proposed approval of this revision on May 4, 1980 (46 FR 24967). No letters of comment were received during the public comment period ending on June 3, 1981. Today EPA is approving this revision.

EFFECTIVE DATE: August 14, 1981.

ADDRESSES: Copies of the SIP revisions are available for public inspection during normal business hours at the following locations: Air and Hazardous Materials Division, Room 1903, J. F. Kennedy Building, Boston, Massachusetts 02203; Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, New Hampshire 03301; the Public Information Reference Unit, Room 2404 (EPA Library), 401 M Street, SW, Washington, DC 20460; and the Office of the Federal Register, Room 8401, 1100 L Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Hanisch, Chief, Mobile Source Section, Room 1903, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On May 4, 1981 (46 FR 24967) EPA proposed approval of a revision to the New Hampshire SIP which would attain and

maintain the NAAQS for lead and would amend the state's ambient air quality standards to conform to the NAAQS. The SIP revision and EPA's reasons for approving it were explained in the Notice of Proposed Rulemaking, cited above, and will not be repeated here.

No public comments have been received on the Notice of Proposed Rulemaking cited above and EPA is now taking final action to approve the revision.

Final Action:

After evaluation of the State's submittal, the Administrator has determined that the New Hampshire revision meets the requirements of the Clean Air Act 40 CFR Part 51. Accordingly, this revision is approved as a revision to the New Hampshire Implementation Plan.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it only approves state actions.

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

Pursuant to the provisions of 5 U.S.C. § 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities 46 FR 8709 (January 27, 1981). The attached rule constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements. Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7610)

Dated: July 6, 1981.

Anne M. Gorsuch,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of New Hampshire was approved by the Director of the Federal Register on July 1, 1980.

PART 52—APPROVAL AND PROMULGATION OF THE IMPLEMENTATION PLAN

Subpart EE—New Hampshire

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

1. In Section 52.1520, paragraph (c) is amended by adding paragraph (18) as follows:

§ 52.1520 Identification of plan.

(c) * * *

(18) A plan to attain and maintain the National Ambient Air Quality Standard for lead and to amend the state's air quality standards was submitted on April 15, 1980. A letter further explaining the state procedures for review of new major sources of lead emissions and confirming the use of reference methods was submitted on December 9, 1980 by the Director of the Air Resources Agency.

[FR Doc. 81-20686 Filed 7-14-81; 8:45 am]
BILLING CODE 6560-30-M

40 CFR Part 52

[A-4-FRL-1862-3]

Florida State Implementation Plan; Revised Limits for New Nitric and Sulfuric Acid Plants and New Portland Cement Plants

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces its approval of State Implementation Plan (SIP) revisions which the Florida Department of Environmental Regulation has submitted pursuant to the requirements of the Clean Air Act. The revisions provide limits on visible emissions from new nitric and sulfuric acid plants and mass emissions from new Portland cement plants which are consistent with Federal new source performance standards (NSPS). This action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective September 14, 1981.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs, Branch (see EPA Region IV address below). Copies of the material submitted by Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street, S.W., Washington, D.C.
20460

Library, Office of the Federal Register,
1100 L Street, N.W., Room 8401,
Washington, D.C. 20005

Department of Environmental
Regulation, Twin Tower Office
Building, 2600 Blair Stone Road,
Tallahassee, Florida 32302

Library, Environmental Protection
Agency, Region IV, 345 Courtland
Street, N.E., Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT:
Barry Gilbert at the EPA Region IV
address above or call 404/881-3286 (FTS
257-3286).

SUPPLEMENTARY INFORMATION: On July 16, 1976, the State of Florida submitted a SIP revision that consists of revised regulations for visible emissions from new nitric and sulfuric acid plants and revised particulate emission limits for new Portland cement plants.

The revisions in Florida regulations 17-2.04(6) (g) and (b) change the allowable visible emissions for new nitric and sulfuric acid plants from "no visible emission" to "no visible emissions which exhibit 10 percent opacity or greater," as required by Federal NSPS.

The revisions also change the State's particulate emission limits for new Portland cement plants (17-2.04(b)(f)) from the rate presently allowable based on the process weight table to the emission limitations of NSPS for Portland cement plants (0.3 lb. per ton of kiln feed for kiln emissions and 0.1 lb. per ton of kiln feed for the clinker cooler).

Both environmental and economic impacts of these rule changes will be minimal. However, the changes will eliminate the confusion of double standards by making the State rules consistent with NSPS, and this will facilitate administrative procedures and enforcement actions.

Action

EPA is today approving these revisions in the Florida plan. This is being done without prior proposal because the changes are not of material significance. The public should be advised that this approval action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice

will withdraw the final and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it serves merely to make Florida's regulations for certain new sources consistent with applicable Federal new source standards.

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

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

Incorporation by reference of the State Implementation Plan of the State of Florida was approved by the Director of the **Federal Register** on July 1, 1980.

(Section 110 of the Clean Air Act, as amended (42 USC 7410))

Dated: July 6, 1981.

Anne M. Gorsuch,
Administrator.

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

Subpart K—Florida

In § 52.520, paragraph (c) is amended by adding paragraph (28) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(28) Revised limits on visible emissions from new sulfuric and nitric acid plants and mass particulate emission limits new Portland cement plants, submitted on July 16, 1976, by the

Department of Environmental Regulation.

[FR Doc. 81-20656 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-4-FRL-1862-4]

North Carolina: Redesignation of Carteret and Forsyth Counties for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces the redesignation of Carteret and Forsyth Counties, North Carolina from unclassifiable to attainment for particulate matter. This change is based on eight consecutive calendar quarters of air quality data showing attainment. This action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective September 14, 1981.

ADDRESSES: Written comments should be addressed to Walter Bishop of the EPA Region IV Air Programs Branch (address below). Copies of the materials submitted by North Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30385.

Air Planning and Environmental Standards Branch, Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina 27611.

FOR FURTHER INFORMATION CONTACT: Walter Bishop at the EPA Region IV address above or call 404/881-3043 (FTS 257-3043).

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962 at 9019), the Administrator designated Carteret and Forsyth Counties, North Carolina unclassifiable for particulate matter.

The designation of Carteret County was based on data from the Source Street monitoring site in Morehead City. This site was determined to be biased and was, with EPA's concurrence,

deleted from the State's particulate monitoring network in 1976. A new site was established on Myrtle Street in Morehead City. Data gathered at the latter site have shown no violation of any particulate standard since January 1977. On December 30, 1980, the State asked that the designation of Carteret County be changed to attainment. EPA is today granting this request.

The original designation of Forsyth County was based on three quarters of data from the Ridge Avenue site in Winston-Salem, which began operation in January 1977. The State requested on December 30, 1980, that the area be redesignated attainment, submitting data from the site for calendar years 1978 and 1979. The data show no violations of any particulate standard. Accordingly, EPA is granting the State's request for redesignation to attainment.

Since the Agency views as noncontroversial and routine any redesignation to attainment made on the basis of eight consecutive calendar quarters of data showing attainment, EPA is today changing the Section 107 attainment status designation of Carteret and Forsyth Counties from unclassifiable to attainment for particulate matter without prior proposal. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final and begin a new rulemaking by

announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities since it imposes no burden on sources.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely changes the designation of two areas to attainment, and imposes no regulatory requirement on anyone.

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

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

(Section 107 of the Clean Air Act (42 U.S.C. 7407).)

Dated: July 6, 1981.

Anne M. Gorsuch,
Administrator.

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designations

In § 81.334, the TSP table is revised by changing the entries for Carteret County and Forsyth County to read as follows:

§ 81.334 North Carolina

NORTH CAROLINA—TSP

| Designated area | Does not meet primary standards | Does not meet secondary standards | Cannot be classified | Better than national standards |
|-----------------|---------------------------------|-----------------------------------|----------------------|--------------------------------|
| Carteret County | . | . | X | . |
| Forsyth County | . | . | X | . |

[FR Doc. 81-20706 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-5-FRL-1868-1]

Ohio: Designation of Areas for Air Quality Planning Purposes

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: This rulemaking changes the air quality attainment designation relative to the total suspended particulate (TSP) National Ambient Air Quality Standard (NAAQS) for Defiance County, Ohio. On March 9, 1981 (46 FR 15745), the U.S. Environmental Protection Agency (EPA) proposed to change the TSP nonattainment designation for Richland Township to attainment, thus making all of Defiance County attainment. Public comments were solicited and none were received. This notice announces EPA's final rulemaking.

EFFECTIVE DATE: This final rulemaking becomes effective August 14, 1981.

ADDRESSES: Copies of the redesignation request, the Notice of Proposed Rulemaking (46 FR 15745), and EPA's evaluation are available for inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the submittal are also available at:

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT:

Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act) which directed each State to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the State. The Administrator was required to promulgate the State lists, with any necessary modifications. The Administrator published these lists in the *Federal Register* on March 3, 1978 (43 FR 8962), and made necessary amendments in the *Federal Register* on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

On March 3, 1978, EPA designated Defiance County as nonattainment of the primary NAAQS for TSP (43 FR 8962, 9023). EPA amended the designation on October 5, 1978 (43 FR 45993, 46012) retaining the primary nonattainment designation for those areas of Richland Township not within the City of Defiance, revising the designation of the City of Defiance to secondary nonattainment, and making the remainder of Defiance County attainment. Because the primary nonattainment designation included the area surrounding General Motors Corporation's (GM) Central Foundry located in Richland Township, GM petitioned on November 20, 1978 to revise the designation for Richland Township to attainment.

To redesignate an area from nonattainment to attainment, the most recent eight calendar quarters of data

must show no violations of the NAAQS. To support its redesignation request, GM submitted nine quarters of TSP monitoring data for the period July 1977 to September 1979. These data were collected from GM's monitoring network located around its Central Foundry. EPA reviewed GM's request and asked Ohio EPA to review the designation. On February 1, 1980, Ohio EPA recommended that the designation be revised to secondary nonattainment because there were violations of the secondary standard for TSP within the most recent eight calendar quarters of monitoring data. No violations of the primary standard were found during the last eight quarters of data.

Therefore, based upon the ambient air monitoring data, and Ohio EPA's recommendation, on March 19, 1980 (45 FR 17596) EPA proposed to redesignate Richland Township, excluding the City of Defiance, from primary nonattainment to secondary nonattainment for TSP. Public comments were solicited.

On April 29, 1980, GM submitted public comments on the proposed redesignation and repeated its request that Richland Township be reclassified as attainment of both the primary and secondary NAAQS for TSP. To support its request, GM submitted two additional quarters of TSP monitoring data on April 29, 1980 and an additional quarter of data on August 7, 1980.

EPA reviewed GM's request and asked Ohio EPA to review the designation. On October 28, 1980, Ohio EPA recommended that all of Defiance County, including Richland Township, be reclassified to attainment for TSP. This recommendation is based on the TSP monitoring data submitted by GM and is supported by monitoring data collected by Ohio EPA from its monitoring site in the City of Defiance. The combined data shows no violations of the TSP primary and secondary standard within the most recent eight calendar quarters of data for Richland Township. Therefore, based upon the TSP ambient monitoring data submitted by GM and Ohio EPA, and on Ohio EPA's recommendation, EPA on March 9, 1981 (46 FR 15745) proposed to redesignate Richland Township to attainment of the NAAQS for TSP.

Interested parties were given until April 8, 1981 to comment on the redesignation. No public comments were received. Therefore, pursuant to Section 107 of the Clean Air Act, EPA approves the redesignation as proposed in the

March 9, 1981 Notice of Proposed Rulemaking. This redesignation will result in all of Defiance County being classified as attainment. The redesignation is effective (30 days from publication).

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

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes an area's air quality designation and imposes no regulatory requirements. Any regulatory requirement which may occur as a result of this action will be dealt with in a separate notice. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

This Final Rulemaking is issued under the authority of section 107 of the Clean Air Act as amended (42 U.S.C. 7407).

Dated: July 6, 1981.

Anne M. Gorsuch,
Administrator.

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Subpart C—Section 107 Attainment Status Designations

Section 81.336 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended. In the table for "Ohio—TSP" the entry for Defiance County is amended as follows:

§ 81.336 Ohio.

Ohio—TSP

| Designated area | Does not meet primary standards | Does not meet secondary standards | Cannot be classified | Better than national standards |
|-----------------|---------------------------------|-----------------------------------|----------------------|--------------------------------|
| Ohio Counties: | . | . | . | . |
| Defiance | . | . | . | X |

[FR Doc. 81-20707 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 122

[EN-FRL 1870-6]

Consolidated Permit Regulations; NPDES Application Requirements; Suspension Notice**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Suspension of portion of final rule.

SUMMARY: This action suspends the requirement in EPA's consolidated permit regulations that effluent testing data be submitted by applicants for renewal of National Pollutant Discharge Elimination System (NPDES) permits no later than June 30, 1981, or, in some cases, the permit expiration date. The suspension is necessary to alleviate problems arising from constraints on laboratory capacity and to allow permit applicants to adjust to relaxation of testing requirements in the application form before submitting this information.

EFFECTIVE DATE: July 15, 1981.**FOR FURTHER INFORMATION CONTACT:**

Gail S. Goldberg or Tom Laverty, Office of Water Enforcement and Permits (EN-336), Washington, D.C. 20460; (202) 426-7035.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA issued final consolidated permit regulations and the consolidated permit application forms, including the NPDES permit application forms (Forms 1, 2b, and 2c) under the Clean Water Act (45 FR 33290). These regulations (40 CFR Part 122.53(c)(2)) establish deadlines for the submission by industrial dischargers of the results of sampling and analysis of effluents.

The consolidated permit regulations and NPDES Form 2c (Items V and VI) require that existing industrial dischargers submit, in their applications for permit renewal, quantitative and qualitative information for certain pollutants discharged or used or produced at their facilities. 40 CFR 122.53(d) (7), (9), and (10). Section 122.53(d)(7) requires the submission of quantitative data obtained through analysis of the applicant's discharge,

and in some cases, qualitative data for specified pollutants. Section 122.53(d)(9) requires that the applicant list the toxic pollutants it uses or expects to use or manufacture during the next five years. Section 122.53(d)(10) requires that the applicant include descriptive information on pollutants it has reason to believe will exceed certain values over the next five years.

The table in § 122.53(c)(2) establishes deadlines for submitting this information. Footnote (2), which applies to applicants whose existing permits expire between December 1, 1980, and May 31, 1981, authorizes the State or EPA permit program director (the "Director") to extend the deadline for submitting the information required by § 122.53(d)(7), (9), and (10) to no later than June 30, 1981. Footnote (3) to the table, which applies to applicants whose existing permits expire after December 1, 1980, authorizes the Director to extend the deadline for submitting the application for renewal to no later than the expiration date of the existing permit.

The Administrator has concluded that these deadlines for submitting effluent data should be suspended. Today's suspension will allow permit applicants to adjust to changes in the testing requirements before submitting the required information. In addition, this suspension will alleviate problems which may have occurred on a local or regional basis due to a shortage of laboratory testing capacity.

Elsewhere in today's **Federal Register**, EPA is proposing to revise footnotes (2) and (3) of the table in § 122.53(c)(2) to extend the deadline for submitting the information required by § 122.53(d)(7), (9), and (10) from June 30, 1981, to September 30, 1981. To provide immediate relief to permit applicants while public comment on the proposed rule is being received, EPA is suspending footnote (2) and the portion of footnote (3) which restricts the Director's authority to extend the NPDES application deadline to no later than the permit expiration date, but only as that restriction applies to the

submission of information required by § 122.53(d) (7), (9), and (10) (Items V and VI of Form 2c). Thus, the Director may extend the deadline for submitting this data beyond June 30, 1981, and may do so without a request by the applicant. The Director may not extend the deadline for submitting the information required in the remaining portion of the application beyond the permit expiration date.

Permit writers should limit any extensions for submitting this effluent information to no later than the September 30, 1981 deadline proposed elsewhere in today's **Federal Register**. Extensions beyond the deadline finally promulgated will be ineffective because compliance with the more stringent Federal requirement will be required in any event. Moreover, prompt submission of this information by the proposed deadline will be required in order to allow EPA and States to issue permits which reflect the best available technology economically achievable (BAT) and the best conventional pollutant control technology (BCT) and which provide for meeting the July 1, 1984 statutory deadline. It should be noted that some facilities have already submitted complete applications and in such cases no extension will be necessary.

Compliance with Executive Order 12291. Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it merely suspends deadlines for submitting effluent data, thus providing greater flexibility to permit applicants. Moreover, it imposes no additional requirements or costs and meets none of the other criteria established in the Executive Order for a major rule.

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

(Clean Water Act, 33 USC § 1251 *et seq.*)

Dated: July 6, 1981.

Anne M. Gorsuch,
Administrator.

Accordingly, 40 CFR Part 122 is suspended until further notice as set forth below:

§ 122.53 [Amended]

1. Footnote (2) to the table in 40 CFR § 122.53(c)(2) is suspended until further notice.

2. In footnote (3) to the table in 40 CFR § 122.53(c)(2), the portion which restricts the Director's authority to extend the

application deadline no later than the permit expiration date as that restriction applies to the submission of data required by § 122.53(d)(7), (9), and (10) is suspended until further notice. Thus, during the suspension, footnote (3) effectively reads as follows:

³ The Director may grant permission to submit an application later than this date but [except for information required by paragraph (d)(7), (9), and (10) of this action] no later than the expiration date of the permit.

[FR Doc. 81-20688 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-33-M

40 CFR Parts 123 and 124

[SWH-FRL 1859-3]

Consolidated Permit Regulations: the Hazardous Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Interim final revision to rule and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today revising its Consolidated Permit Regulations to specify new procedures for public participation in hazardous waste permitting and to make these procedures applicable to State hazardous waste permit programs. This revision implements recent amendments to the Resource Conservation and Recovery Act of 1976, as amended (RCRA). The revision is being promulgated as an interim final regulation, but the Agency solicits public comments by the date specified below.

DATES: Effective date: July 15, 1981. Comment date: This revision is promulgated as an interim final rule. Comments must be submitted by August 31, 1981.

ADDRESS: Comments should be addressed to Robert Brook, Office of Water Enforcement and Permits (EN-336), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert Brook, Office of Water Enforcement and Permits (EN-336), (202) 755-0750.

SUPPLEMENTARY INFORMATION:

I. Authority

These revisions are issued under the authority of Sections 2002(a), 3005, 3006 and 7004(b) of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. §§ 6912(a), 6925, 6926 and 6974(b).

II. Amendments to the Statute and Implementing Revisions to the Regulations

On October 21, 1980, Congress passed the Solid Waste Disposal Act Amendments of 1980, P.L. 96-482 ("the RCRA Amendments") which amended the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976. Included in the amendments were additions to Section 7004(b) regarding public participation in the issuance of RCRA permits by both EPA and the States. EPA is today promulgating revisions to its Consolidated Permit Regulations to reflect these new requirements.

EPA promulgated Consolidated Permit Regulations on May 19, 1980 (45 FR 33290, codified at 40 CFR Parts 122-124). These regulations establish basic permit requirements for five programs, including the hazardous waste permit program under RCRA. Part 122 of the regulations includes basic requirements for EPA-Administered permit programs; Part 123 establishes requirements for State programs operated in lieu of the Federal program; and Part 124 establishes procedures to be followed in making permit decisions for the programs covered by the Consolidated Permit Regulations. While the May 19, 1980 Part 124 regulations provided generally for public participation in the permit process, revisions are necessary to include the specific requirements added by Public Law 96-482.

Section 26 of the RCRA Amendments adds several requirements for public participation in the permit issuance process to Section 7004(b) of the statute. First, the amendments require that the Agency provide notice of its intent to issue a RCRA permit in major local newspapers of general circulation and broadcast such notice over local radio stations. The May 19, 1980 Consolidated Permit Regulations currently provide that public notice for major RCRA permits be given in a daily or weekly newspaper within the area affected by the facility (§ 124.10(c)(2)). Therefore, EPA is revising § 124.10(c)(2) to require that notice of draft permits be published in major daily or weekly newspapers of general circulation and broadcast over local radio stations.

In addition, a new Section 7004(b)(2)(B) specifies that the public comment period for permits shall be at least 45 days. The May 19, 1980 regulations provided that the comment period for draft RCRA permits would be at least 30 days. Therefore, EPA is revising § 124.10(b)(1) to require comment periods on draft permits of at least 45 days.

Amended Section 7004(b)(2)(B) of RCRA also requires that a notice of intent to issue a permit be sent to each unit of local government which has jurisdiction over the area in which a facility is proposed to be located and to each State agency having any authority under State law with respect to the construction or operation of such facility. Section 124.10(c)(1) of the May 19, 1980 regulations lists persons that must receive notice of a draft permit for all programs (RCRA, NPDES, UIC, 404, and PSD), as well as program specific requirements for public notice (such as notice requirements applicable only to the NPDES program). EPA is adding a new § 124.10(c)(1)(ix) to specify those units of local government and State agencies that must receive notice of draft RCRA permits. EPA interprets the requirement to send notice to units of local government to include governments of the local town, municipality or county.

The statutory amendments also provide: "If within 45 days the Administrator receives written notice of opposition to the agency's intention to issue such permit and a request for a hearing, or if the Administrator determines on his or her own initiative, he or she shall hold an informal hearing * * * (Section 7004(b)(2)(B), as amended). Under new Section 7004(b) of the statute, the Administrator is also required to schedule the hearing at a location convenient to the nearest population center to the proposed facility and to give public notice of the date, time and subject matter of the hearings. Section 124.12(a) of the May 19, 1980 regulations provided that an informal hearing will be held if anyone requests a hearing and the Director finds a significant degree of public interest in a draft permit, or if the Director decides in his or her discretion to schedule a hearing. The regulation is therefore being revised to require that, for RCRA permits only, a hearing be held in any case where written notice of opposition to a draft permit and a request for a hearing are received within 45 days of public notice of the preparation of a draft RCRA permit.

The Agency intends that the requirement to hold an informal hearing apply to cases when the Agency has tentatively decided to issue a permit and written a draft permit containing draft conditions and also when the Agency has tentatively decided to deny a permit application and has issued a notice of intent to deny under § 124.6(b). Section 124.6(b) states that a notice of intent to deny is a type of draft permit that follows the same procedures as other

draft permits. In addition, § 122.3 defines "draft permit" to include notices of intent to deny. Thus, new § 124.12(a) states that hearings will be granted upon request if written notice of opposition and a request for a hearing is received after public notice of a draft permit, which includes decisions to grant or deny a permit. Though the amendments to Section 7004(b) of RCRA refer only to hearings after receipt of a notice of opposition to the Agency's intention to issue a permit, EPA interprets Congress' intent concerning public participation in the permit process to also require a mandatory informal hearing upon request when the Agency has issued notice that it intends to deny a permit application. In addition, § 124.12(a) is being revised to include the requirement of new Section 7004(b)(2)(B) that RCRA hearings be held whenever possible at a location convenient to the nearest population center to the proposed facility.

Section 26 of the RCRA Amendments also requires that the date, time, and subject matter of the hearing be given in the required public notice for the hearing. Section 124.10(d)(2) of the May 19, 1980 regulations provided that the public notice for a hearing contain the date, time, place and description of the nature and purpose of the hearing. Therefore, revision to the regulations is unnecessary to incorporate this statutory change.

Finally, amended Section 7004(b)(2)(B) of the statute specifies that no State program may be authorized under Section 3006 unless the State program provides for the notice and hearing now required by the RCRA Amendments. Section 123.7(a) of the May 19, 1980 regulations requires that States seeking authorization of RCRA programs under Section 3006 of RCRA have legal authority to implement specific provisions of the Consolidated Permit Regulations and administer the State provisions in accordance with the specified provisions. Among the provisions specified as requirements for State RCRA programs are the provisions for public notice in § 124.10(b) and (c) and for public hearings in § 124.12(a). Since today's revisions modify §§ 124.10(b), (c) and 124.12(a), the revisions are applicable to States seeking interim and final authorization by virtue of § 123.7(a). States seeking interim authorization under Section 3006 must meet the requirements of amended §§ 124.10(b)(1), (c)(1)(ix), (c)(2)(ii) and 124.12(a); § 123.129(d) has been amended to reflect this. Substantial equivalence to these revised Part 124 provisions is not sufficient for interim

authorization because amended Section 7004(b) of RCRA specifically provides that EPA cannot authorize a State program under Section 3006 unless the State program provides for the notice and hearing of Section 7004(b).

III. Interim Final Promulgation

EPA is promulgating these revisions to Parts 123 and 124 as interim final regulations. Because the revisions merely incorporate in the regulations the new requirements for public participation contained in Section 7004(b) of RCRA, prior notice and comment is unnecessary.

In addition, the revisions must be effective immediately to put States on notice that their programs for both interim and final authorization must contain the required procedures. Because States will soon begin preparing their applications for Phase II Interim Authorization, there is good cause for promulgating the revisions as interim final regulations, with a comment period following promulgation.

IV. Effective Date

Section 3010 of RCRA provides that EPA's hazardous waste regulations (and revisions thereto) promulgated under Sections 3002 through 3005 will take effect six months after promulgation. The purpose of this requirement is to allow persons handling hazardous waste sufficient lead time to comply with major new regulatory requirements. The revisions promulgated today are not the type of major revisions to the RCRA regulations that Congress had in mind when it provided for a six-month delay between promulgation and the effective date. These revisions impose requirements on EPA and States, rather than on the public generally or the regulated community. The revisions are procedural and impose no substantive requirements on any party. No additional lead time should be necessary to comply with these regulations because the amendments do not significantly change the procedures for public participation.

For the foregoing reasons, EPA is promulgating these revisions as interim final regulations, effective immediately. To afford the public an opportunity to participate in this rulemaking, EPA will accept comments until August 31, 1981. All comments will be considered in developing the final regulation.

V. Economic, Environmental and Regulatory Impacts

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is

"Major" and therefore subject to the requirement to develop a Regulatory Impact Analysis. The Agency has determined that this regulation is not major because it does not meet any of the criteria of Section 1(b) of Executive Order 12291. The regulation is procedural and makes relatively minor changes to already existing procedures for public participation in the issuance of RCRA permits. The practical effect of the changes will be to establish a mandatory duty to hold informal public hearings for draft permits upon request, rather than in the Agency's discretion, to allow additional time for public comment on draft permits and to require that notice of the draft permit be sent to specified parties. The regulation does not meet the Section 1(b) criteria because it will not have an annual effect on the economy of \$100 million or more, or cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or cause significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States based enterprises in domestic or export markets.

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

B. The Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601-612, all "notice and comment" rulemaking which is proposed after January 1, 1981, or as in this comment" rulemaking which is proposed after January 1, 1981, or as in this case, promulgated as interim final, must be accompanied by a regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant economic impact on a substantial number of small entities.

This regulation is procedural and imposes only minor additional requirements on Federal and State government for public participation in the permit process. The regulation will have no additional impact or effects on small business or entities involved in the permit issuance process.

Accordingly, I hereby certify that this interim final regulation will not have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: July 8, 1981.

Anne M. Gorsuch,
Administrator.

Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 123.129 is amended by revising paragraph (d) to read as follows:

§ 123.129 Additional program requirements for interim authorization for Phase II.

(d) State programs shall have requirements for permitting which are substantially equivalent to the provisions listed in §§ 123.7 (a) and (b), except that States must have requirements equivalent to §§ 124.10 (b)(1), (c)(1)(ix), (c)(2)(ii) and 124.12(a).

2. Section 124.10 is amended by revising paragraph (b)(1) and adding new paragraph (c)(1)(ix) and revising (c)(2) to read as follows:

§ 124.10 Public notice of permit actions and public comment period.

(b) *Timing (applicable to State programs, see § 123.7).*

(1) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under paragraph (a) of this section shall allow at least 30 days for public comment. For RCRA permits only, public notice shall allow at least 45 days for public comment. For EPA-issued permits, if the Regional Administrator determines under 40 CFR Part 6, Subpart F that an Environmental Impact Statement (EIS) shall be prepared for an NPDES new source, public notice of the draft permit shall not be given until after a draft EIS is issued.

(c) * * *
(1) * * *

(ix) For RCRA permits only: (A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and (B) To each State agency having any authority under State law with respect to the construction or operation of such facility.

(2) (i) For major permits and NPDES and 404 general permits, publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity; and for EPA-issued NPDES general permits, in the *Federal Register*;

Note.—The Director is encouraged to provide as much notice as possible of the NPDES or 404 draft general permit to the facilities or activities to be covered by the general permit.

(ii) for all RCRA permits, publication of a notice in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.

3. In § 124.12, paragraph (a) is revised to read as follows:

§ 124.12 Public hearings.

(a) *(Applicable to State programs, see § 123.7).* (1) The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest in a draft permit(s); (2) The Director may also hold a public hearing at his or her discretion, whenever for instance, such a hearing might clarify one or more issues involved in the permit decision; (3) For RCRA permits only, (i) the Director shall hold a public hearing whenever he or she receives written notice of opposition to a draft permit and a request for a hearing within 45 days of public notice under § 124.10(b)(1); (ii) whenever possible the Director shall schedule a hearing under this section at a location convenient to the nearest population center to the proposed facility; (4) Public notice of the hearing shall be given as specified in § 124.10.

[FR Doc. 81-20711 Filed 7-14-81; 8:45 am]
BILLING CODE 6560-33-M

40 CFR Part 162

[PH-FRL-1883-4; OPP 250011C]

Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; Temporary Exemption of Nonliquid Swimming Pool Chemicals From Child-Resistant Packing Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule related notice.

SUMMARY: This notice grants a nonrenewable 270-day exemption from the child-resistant packaging requirements for nonliquid swimming pool chemicals in the 1-quart/2-lb and 2- to 7-gallon size range, which contain as active ingredients lithium hypochlorite, calcium hypochlorite, and/or one or more of the isocyanurate derivatives. This exemption was granted upon the request of several registrants who submitted supporting evidence to the agency.

DATES: This temporary exemption becomes effective on July 15, 1981, and expires on April 22, 1982. All nonliquid swimming pool chemicals in the 1-quart/2-lb and 2- to 7-gallon size released for shipment on or after April 22, 1982

which are subject to 40 CFR 162.16 must be in special packaging.

FOR FURTHER INFORMATION CONTACT:

Rosalind L. Gross, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 307, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7180).

SUPPLEMENTARY INFORMATION: EPA issued final regulations, published in the *Federal Register* of March 9, 1979 (44 FR 13022), which require certain toxic pesticides to be in special, i.e., child-resistant, packaging after March 9, 1981. The regulations provide that exemptions from compliance may be requested on a case-by-case basis for specific products for which special packaging is not technically feasible. The regulations further provide that any such exemption decision will be published in the *Federal Register* and will be applicable to any product with identical or substantially similar composition and intended uses. The regulations allow for the specification of a time schedule for the exemption.

I. Background

Several manufacturers of nonliquid calcium hypochlorite, lithium hypochlorite, and/or isocyanurate derivative swimming pool chemicals have requested technical feasibility exemptions from the special packaging regulation 40 CFR 162.16. There are three requests in the 1-quart/2-lb size range and eight requests in the 2- to 7-gallon size range.

II. Grounds for Exemption

A. One-Quart/2-lb Size

The three registrants seeking exemption on technical feasibility grounds for the 1-quart/2-lb size presented the following evidence, which was confirmed in a telephone survey by EPA conducted in March 1981:

Prior to the March 9, 1981 date for compliance with the regulations, they agreed to buy from a packaging manufacturer a one quart "open head pail" package which would meet the child-resistant effectiveness protocol for the special packaging regulations. The registrants expected the one quart package to meet the protocol because an identical design in a larger size had already done so. However, the one quart size has failed to meet the protocol, and its manufacturer is redesigning it. Because of their expectation that this one quart container would meet the protocol, the registrants made no effort to explore alternative packaging sources, and it appears that there are no

other packaging manufacturers who produce or plan to produce a one quart child resistant open head pail suitable for pesticides of this type. The registrants now find that despite their efforts to comply with the March 9, 1981 deadline, they are unable to do so. They have requested a 3-6 month exemption in order to comply with the regulations.

B. Two- To Seven-Gallon Size

The eight registrants requesting an exemption on technical feasibility grounds for the 2- to 7-gallon sizes presented the following evidence, which was confirmed in a telephone survey by EPA conducted in March, 1981:

Special packaging in the 2- to 7-gallon range was not presently available in sufficient quantities to meet their production needs. This unavailability was due to: (1) the difficulty of designing a package capable of meeting the child-resistant effectiveness protocol of EPA and the Consumer Product Safety Commission which would also comply with Department of Transportation safe transport standards, (2) the fact that two of the designs and/or the related data which did meet these requirements were owned by private companies and were not available for general use, and (3) the difficulty of designing a container which would not be corroded by the registrants' products. These products generate a considerable amount of highly corrosive chlorine gas, as they contain more than 39 percent available chlorine. EPA estimates that 30-60 percent of the producers of swimming pool products in this size who produce approximately 250,000-500,000 units annually, still need special packaging. There are three designs which are available. The manufacturers of these three designs could not meet the total demand immediately, and a lead time is required. The length of the exemption requested by the product companies is 2-12 months. The packaging companies requested 2-9 months based on problems with the stage of design development, production gear up, lead time delivery schedule, and availability of materials.

III. Conclusion

The one quart/2 lb size of swimming pool chemicals are granted a 270-day exemption from the special packaging regulation because the manufacturers did make a timely commitment to purchase a special packaging design which it was reasonable to expect would pass the child-resistant effectiveness protocol in time for the March 9, 1981 compliance deadline.

The 2- to 7-gallon size of nonliquid swimming pool chemicals are also granted a 270-day exemption from the special packaging regulations. In so doing, EPA acknowledges the technical difficulty of designing a special package which would meet the safety testing requirements of EPA/CPSC and the DOT and would also not cause excessive corrosion with the registrants' products, and the need for a sufficient lead time to permit packaging manufacturers to produce enough special packages to meet the demand of these registrants.

The 270-day exemption granted by EPA will permit registrants and packaging manufacturers to resolve their technical feasibility problems, ensure that the packages meet the child-resistant effectiveness protocol of EPA/CPSC, and provide adequate supplies of the package. Should it appear during the exemption period that the packaging manufacturers will be unable to meet any of these constraints, the pesticide registrants will be compelled to seek alternative sources of special packaging, so that they will be in compliance by the end of the 270-day period. If they cannot find special packaging in the size and/or style they want, they will have to change sizes and/or styles.

IV. Exemption

A 270-day exemption from 40 CFR 162.16 is granted for: Nonliquid swimming pool chemicals in the 1-quart/2-lb, and 2- to 7-gallon size range which contain as active ingredients one or more of the following: sodium dichloro-s-triazinetrione, trichloro-s-triazinetrione, sodium dichloro-s-triazinetrione dihydrate, potassium dichloro-s-triazinetrione, mono(trichloro)tetra-monopotassium dichloro-penta-s-triazinetrione (these 5 are commonly referred to as the isocyanurate derivatives); lithium hypochlorite; and calcium hypochlorite. This exemption is effective July 15, 1981 and will expire April 22, 1982. Products released for shipment on or after this date must be in special packaging.

However, the agency expects industry to begin using the special packaging in the event it becomes available prior to April 22, 1982. This exemption is nonrenewable.

Dated: June 26, 1981.

Douglas D. Campit,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-20689 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-32-M

41 CFR Part 15-15

[AS-FRL-1882-6]

Contract Cost Principles for Nonprofit Organizations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rule establishes cost principles for nonprofit organizations. The cost principles are for the allowability of Independent Research and Development (IR&D) costs, and Bid and Proposal (B&P) costs in EPA contracts. The Office of Management and Budget issued Circular A-122, entitled "Cost Principles for Nonprofit Organizations" on June 27, 1980. The circular did not include a principle for IR&D or B&P costs, which were left to the discretion of individual agencies.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Environmental Protection Agency, Procurement and Contracts Management Division (PM-214). Attention: Edward Murphy, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-6030.

SUPPLEMENTARY INFORMATION: The Agency has not invited public comment on this rule since the cost principles which the Agency is adopting are identical to the principles set forth in 41 CFR 1-15.2.

Roy N. Gamse,

Acting Assistant Administrator for Planning and Management.

Accordingly, the following part is added as 41 CFR Part 15-15:

PART 15-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Sec.

15-15.000 Scope of part.

Subpart 15-15.6—Contracts with nonprofit organizations.

15-15.601 Scope of subpart.

15-15.605 Selected costs.

15-15.605-3 Bidding costs.

15-15.605-35 Research and development costs.

Authority: 40 U.S.C. 471.

§ 15-15.000 Scope of part.

This part contains general cost principles and procedures for the negotiation and administration of fixed-price, cost-reimbursement, and other types of contracts, the pricing of contracts and contract modifications whenever cost analysis is performed, and the determination, negotiation, or

allowance of cost when such action is required by a contract clause:

Subpart 15-15.6—Contracts with Nonprofit Organizations

§ 15-15.601 Scope of subpart.

This subpart provides principles for determining the costs applicable to contracts performed by non-profit organizations. The cost principles are in addition to those established by the Office of Management and Budget in Circular No. A-122 dated June 27, 1980.

§ 15-15.605 Selected costs.

§ 15-15.605-3 Bidding costs.

Bidding costs are the costs of preparing bids or proposals on potential Government and non-Government contracts or projects, including the development of engineering data and cost data necessary to support the contractor's bids or proposals. Bidding costs of the current accounting period of both successful and unsuccessful bids and proposals normally will be treated as allowable indirect costs, in which event no bidding costs of past accounting period shall be allowable in the current period to the EPA contract. However, if the contractor's established practice is to treat bidding costs by some other method, the results obtained may be accepted only if found to be reasonable and equitable.

§ 15-15.605-35 Research and development costs.

(a) Basic research for the purpose of this Subpart 15-15.6 is that type of research which is directed toward increase of knowledge of science. In such research, the primary aim of the investigator is a fuller knowledge or understanding of the subject under study, rather than any practical application thereof. Applied research, for the purpose of this Subpart 15-15.6 consists of that type of effort which (1) normally follows basic research, but may not be severable from the related basic research, (2) attempts to determine and expand the potentialities of new scientific discoveries or improvements in technology, materials, processes, methods, devices, and techniques, and (3) attempts to "advance the state-of-the-art." Applied research does not include any such efforts when their principal aim is the design, development, or test of specific articles or services to be offered for sale, which are within the definition of the term development as hereinafter provided.

(b) "Development" is the systematic use of scientific knowledge which is directed toward the production of, or improvements in, useful products to

meet specific performance requirements, but exclusive of manufacturing and production engineering.

(c) A contractor's independent research and development is that research and development which is not sponsored by a contract, grant, or other arrangement.

(d) A contractor's costs of independent research as defined in paragraphs (a) and (c) of this section shall be allowable as indirect costs (subject to paragraph (h)), provided they are allocated to all work of the contractor.

(e) Costs of Contractor's independent development, as defined in paragraphs (b) and (c) of this section (subject to paragraph (h)), are allowable to the extent that such development is related to the product line for which the EPA has contracts, provided the costs are reasonable in amount and are allocated as indirect costs to all work of the contractor on such product lines. In cases where a contractor's normal course of business does not involve production work, the cost of independent development is allowable to the extent that such development is related and allocated as an indirect cost to the field of effort of EPA research and development contracts.

(f) Independent research and development costs shall include an amount for the absorption of their appropriate share of indirect and administrative costs, unless the contractor, in accordance with his accounting practices consistently applied, treats such costs otherwise.

(g) Research and development costs (including amounts capitalized), regardless of their nature, which were incurred in accounting periods prior to the award of a particular contract, are unallowable except where allowable as pre-contract costs (See OMB Circular No. A-122 dated June 27, 1980, Attachment B, page 20).

(h) The reasonableness of expenditures for independent research and development should be determined in light of all pertinent consideration such as previous contractor research and development activity, costs of past programs and changes in science and technology. Such expenditures should be pursuant to a broad planned program, which is reasonable in scope and well managed. Such expenditures (especially for development) should be scrutinized with great care in connection with contractors whose work is predominately or substantially with the EPA. Advance agreements as described in 41 CFR 1-15.107 are particularly important in this situation. In recognition that cost sharing of the

contractor's independent research and development program may provide motivation for more efficient accomplishment of such program, it is desirable in some cases that the EPA bear less than an allocable share of the total cost of the program. Under these circumstances, the following are among the approaches which may be used as the basis for agreement: (1) review of the contractor's proposed independent research and development program and agreement to accept the allocable costs of specific projects; (2) agreement on a maximum dollar limitation of costs, an allocable portion of which will be accepted by the EPA; (3) an agreement to accept the allocable share of a percentage of the contractor's planned research and development program.

[FR Doc. 81-20700 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-36-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-37

[FPMR Amdt. F-50]

Utilization and Management of Telecommunications Services

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This final rule updates GSA procedures for submitting revised Standard Form 145, Telephone Service Request, and related information.

EFFECTIVE DATE: July 15, 1981.

FOR FURTHER INFORMATION CONTACT: Robert R. Johnson, Policy and Analysis Division (202-566-0194).

SUPPLEMENTARY INFORMATION: Supplies of revised Standard Form 145, Telephone Service Request (Revised 8-80), may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Stock number 7540-00-577-5830 should be included on the requisition for Standard Form 145.

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning

the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

1. The title of Subpart 101-37.3 is changed to reflect the correct title as follows:

Subpart 101-37.3—Ordering, Using, and Managing Telecommunications Services

2. Section 101-37.301 is revised to read as follows:

§ 101-37.301 General.

(a) This subpart provides policies for ordering telecommunications services from GSA, using locally provided services, and managing special services and equipment.

(b) This subpart generally provides guidelines for ordering and using administrative type day-to-day communications. This subpart also covers use and management policies concerning such special applications as FTS identification symbols, toll-free services, and listening-in devices. Major system changes and new installations are covered in Subpart 101-37.2.

3. Section 101-37.302(a) is revised to read as follows:

§ 101-37.302 General requirements.

(a) *Advance notice.* To allow leadtime for planning and scheduling of work, telecommunications service requests, orders, and installation and building plans should be submitted to the address designated by the GSA regional office serving the agency location as far as possible in advance of the date the service is desired. If necessary, the GSA regional office will provide advice and assistance in completing service request forms and installation plans.

4. Sections 101-37.303(a) and (b) are revised to read as follows:

§ 101-37.303 Telephone service.

(a) *Form for ordering service.* Standard Form 145, Telephone Service Request (Revised 8-80), is to be used by Federal agencies for ordering telephone service from GSA-operated or -managed telephone systems. Federal agencies shall forward all requests for telephone service to the address designated by the GSA regional office.

(b) *Preparation of orders.* GSA regional offices will provide guidance and assistance to agencies on the preparation and submission of the Standard Form 145.

5. Sections 101-37.309-1 and 101-37.309-2(a) are revised to read as follows:

§ 101-37.309-1 General.

The General Services Administration assigns each Federal agency authorized to use the FTS intercity voice network an FTS identification symbol consisting of two letters and four digits. The FTS identification symbol is required only when making an FTS intercity call from a commercial telephone and authorizes the FTS operator to complete the call. GSA will revise these FTS identification symbols periodically to assist agencies in ensuring that only authorized personnel have them. These symbols will be distributed by the GSA Central Office to heads of agencies or their designated control personnel. GSA will not distribute these symbols to other agency personnel.

§ 101-37.309-2 Agency responsibility.

(a) Each agency shall issue the FTS identification symbol to only those FTS users who are authorized to place FTS calls from commercial telephones to FTS intercity voice network telephones. FTS operators will not accept these intercity calls unless the caller furnishes a valid FTS identification symbol and the FTS telephone number being called. Restricted issuance of the FTS identification symbol is essential since its use is considered certification that these calls are official.

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

Dated: June 30, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-20715 Filed 7-14-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Parts 345, 346 and 347

Port Control and Utilization During a Period of War or National Emergency

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule clarification.

SUMMARY: On February 13, 1979, the Maritime Administration (MarAd) published a final rule revising Chapter XIX of Title 32A, Code of Federal Regulations (CFR). The purpose was to provide comprehensive regulations for the control and utilization of ports during a period of war or national emergency.

As the result of action by the Office of the Federal Register, on July 1, 1980, the Maritime Administration published a notice in the Federal Register transferring its National Shipping Authority regulations from Title 32A to Title 46 of the CFR. Former 32A CFR Parts 1901, 1902, and 1903 became 46 CFR Parts 345, 346, and 347.

During negotiations of contracts pursuant to the regulations now published in 46 CFR Parts 346 and 347, MarAd determined that some clarification is needed with respect to the contract provisions concerning the period when these regulations are applicable and the time for required performance by the Federal Port Controllers and Terminal Operators. Amendments to section 2 of Part 345, sections 2-4 of Part 346, and section 3 of Part 347 are made to provide such clarification.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John M. Pisani, Director, Office of Port and Intermodal Development, Maritime Administration, Washington, D.C. 20230 (202) 377-4123.

Accordingly, amendments are made to Parts 345, 346 and 347 of 46 CFR, as follows:

PART 345—RESTRICTIONS UPON THE TRANSFER OR CHANGE IN USE OR IN TERMS GOVERNING UTILIZATION OF PORT FACILITIES

Sec. 2 [Amended].

1. Section 2 of Part 345 is amended by substituting the phrase "war or national emergency" for the phrase "civil defense or national emergency."

2. Section 2 of Part 346 is amended by inserting the words "war or" before the term "national emergency" in paragraph (b).

PART 346—FEDERAL PORT CONTROLLERS

3. Section 3 of Part 346 is revised, to read as follows:

Sec. 3 Standby agreements.

The Director, NSA, may negotiate the standard form of service agreement, specified in section 4, with port authorities on a standby basis, prior to the declaration of a war or national emergency. In such cases, the contractor accepts the obligation to maintain a qualified incumbent in the position specified in Article 1 of the service agreement and to be prepared to furnish the resources specified in Articles 4 and 5. An agreement executed on a standby basis shall become operational upon the declaration of war or national

emergency. An agreement executed after the declaration of war or national emergency shall be operational upon execution.

4. Section 4 of Part 346 is amended by revising Article 12 of the Service Agreement, to read as follows:

Sec. 4 Service agreements.

Article 12. Effective Date, Implementation, Duration and Termination

(a) This agreement is effective as of the day and year set forth above.

(b) (1) if entered into on a standby basis, this agreement shall be operational as of the day and year when the United States notifies the contractor that the services specified in this agreement are required during a period of war or national emergency. *Provided* that during the standby period, the contractor will carry out the obligation specified in paragraph (a) of Article 2. No compensation will accrue to the contractor during the standby period.

(2) if entered into during a period of war or national emergency, this agreement shall be operational when executed.

(c) Unless sooner terminated, the agreement shall extend until 6 months after termination of the emergency.

(d) This agreement may be terminated upon thirty (30) days' written notice by either party to the other party hereto: *Provided, however,* That, notwithstanding any such termination, the contractor shall, at the option of the United States, continue to be responsible for the completion of any work which the contractor is performing on the effective date of termination. Termination or expiration of this agreement shall neither

affect nor relieve any liability or obligation that may have accrued prior thereto.

(e) This agreement may be amended, modified or supplemented in writing at any time by mutual consent of the parties hereto. This agreement may not be amended, modified or supplemented otherwise than in writing.

PART 347—OPERATING CONTRACT

5. Section 3 of Part 347, the Terminal Operating Contract, is amended as follows:

Sec. 3 [Amended].

(a) By inserting the word "Article" before the number in each captioned paragraph and,

(b) By revising Article 3 of the Terminal Operating Contract to read as follows:

Article 3. Effective Date, Implementation, Duration and Termination

(a) This agreement is effective as of the day and year set forth above.

(b) (1) if entered into on a standby basis, this agreement shall be operational as of the day and year when the United States notifies the contractor that the services specified in this agreement are required during a period of war or national emergency: *Provided,* That during the standby period, the contractor will carry out the obligation specified in paragraph (a) of Article 2. No compensation will accrue to the contractor during the standby period.

(2) if entered into during a period of war or national emergency, this agreement shall be operational when executed.

(c) Unless sooner terminated, this agreement shall extend until 6 months after the termination of the emergency.

(d) This agreement may be terminated upon thirty (30) days' written notice by either party to the other party hereto: *Provided, however,* That, notwithstanding any such termination, the operator shall, at the option of the United States, continue to be responsible for the completion of any work which the operator is performing on the effective date of termination. Termination or expiration of this agreement shall neither affect nor relieve any party of any liability or obligation that may have accrued prior thereto.

(e) This agreement may be amended, modified or supplemented in writing at any time by mutual consent of the parties hereto. This agreement may not be amended, modified or supplemented otherwise than in writing.

Authority: The Defense Production Act of 1950 as amended (50 App. U.S.C. 2061 *et seq.*); The Federal Civil Defense Act of 1951, as amended (50 App. U.S.C. 2251 *et seq.*); Reorganization Plans No. 1 of 1958 (72 Stat. 1799) and No. 1 of 1973 (87 Stat. 1089); E. O. 11490 (34 FR 17567, CFR 1966-1970 Comp. p. 820) and E. O. 11921 (41 FR 2494, 3 CFR 1976 Comp.); and Department of Commerce Organization Order 10-8 (38 FR 19707, July 28, 1978).

Dated: July 2, 1981.

By order of the Assistant Secretary for Maritime Affairs.

Robert J. Patton, Jr.
Secretary, Maritime Administration.

[FR Doc. 81-20007 Filed 7-14-81; 8:45 am]

BILLING CODE 3510-15-M

Proposed Rules

Federal Register

Vol. 46, No. 135

Wednesday, July 15, 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

Animal and Plant Health Inspection Service

9 CFR Parts 71 and 83

Screwworms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to relieve restrictions no longer deemed necessary to prevent the spread of screwworms (myiasis) in the United States. Surveillance activity indicates that screwworm infestation no longer occurs in the United States. The effect of this action would be to remove regulations no longer considered necessary for the control of recurring screwworm infestations and to identify recurring screwworm infestations as a disease not known to exist in the United States rather than a disease which is endemic to the United States.

DATE: Comments on or before September 14, 1981.

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

FOR FURTHER INFORMATION CONTACT: Dr. Floyd E. Smith, USDA, APHIS, VS, Room 733, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8233.

SUPPLEMENTARY INFORMATION: This proposed rule is the result of the scheduled review of 9 CFR Part 83, to meet the requirements of Executive Order 12291 and in compliance with the Regulatory Flexibility Act (Pub. L. 95-354). This proposed rule has been reviewed in conformance with Executive Order 12291 and has been classified not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of less than \$100,000; that this rule will not cause a major increase in costs or prices for consumers,

individual industries, Federal, State, or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the purpose of this document is to relieve restrictions on the interstate movement of livestock from certain portions of the States of Arizona, California, New Mexico, and Texas.

The effect of the proposed rule would be to eliminate the requirements for certification by a State or Federal inspector or veterinarian, or an accredited veterinarian that the livestock, prior to their movement from such areas into any other State except those in the controlled zone, were inspected by him within 72 hours before such movement and found to be free of screwworms and free of open wounds, or if open wounds were found, they were adequately treated with a permitted pesticide as specified in the regulations. The livestock from these areas moving into the controlled zone (defined as the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, the Commonwealth of Puerto Rico and the United States Virgin Islands) currently must be accompanied by a certification by an inspector or veterinarian, as specified above, that they are free of screwworm infestation within the 72 hours prior to such movement and that they have been sprayed with or dipped in a permitted pesticide.

The groups affected by this proposed rule would include certain livestock owners and shippers, pesticide manufacturers and retailers, and State and Federal inspectors and accredited veterinarians. However, the impact will not be significant on any of these groups. For example, in the 39 affected counties of Texas, where the vast majority of interstate movements into the controlled zone originate, there are approximately 153,000 cattle owners and over one million cattle; in 1980 only

about 48,000 cattle were shipped from Texas into the controlled zone, requiring certification and treatment. There are an average of 10 cattle per shipment. Therefore, even assuming that every shipment was owned by a different livestock owner, at most 4,800 such owners were affected, or approximately 3 percent of all owners in those counties. The average cost of certification and treatment per animal is \$2.00.

There were only approximately 1,500 livestock moved from the affected areas in Arizona, California, and New Mexico into the controlled zone during 1980. Given the average of 10 animals per shipment, only approximately 150 livestock owners were affected in those States. This is a very insignificant proportion of all livestock owners in those areas. The proposed rule would benefit all of the affected owners and shippers, since treatment of these animals would no longer be required if they are not affected by screwworms.

However, there are approximately 100 accredited veterinarians involved in examining and providing certification for these livestock. These veterinarians would be adversely affected by this proposed rule since they would no longer be able to collect fees for this service. Nevertheless, the number of veterinarians affected is not significant and the loss of the fees would not constitute a significant economic impact since these veterinarians would normally have to examine and test the animals for other diseases prior to interstate shipment in any case.

The permitted pesticides are manufactured by only four chemical firms, none of which can be classified as a small business. Furthermore, the pesticides are used for treatment of many different pests, other than screwworms, such as ticks and fleas. Therefore, the elimination of treatments for screwworms should have no appreciable effect on the many retailers that sell those pesticides.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended; and secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264-1265, as amended; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141), the

Animal and Plant Health Inspection Service is considering amending Part 71 and removing Part 83 of the regulations governing interstate transportation of animals and animal products. This proposed rulemaking would amend 9 CFR Part 71, to reflect the change in status of recurring screwworm infestations to a disease not known to exist in the United States and to remove Part 83 from Title 9, Code of Federal Regulations (9 CFR).

Screwworms are obligated parasites of all warmblooded animals. The larvae feed in wounds of living warmblooded animals causing severe tissue damage and oftentimes death if untreated.

A Federal program to eradicate the pest from the southeastern part of the country using the sterile fly technique was successful in 1958 to 1959. Another campaign to free the southwestern States was declared successful in 1964 to 1965; however, migrations of wild flies from Mexico continued to reinfest the United States in spite of a barrier of sterile flies maintained along the common border between the two countries. The Government of Mexico and the United States entered into a Cooperative Agreement in 1972 to eradicate screwworms from Mexico down to the Isthmus of Tehuantepec and there reestablish the barrier.

The joint program has succeeded to the point that recurring screwworm infestations have been eliminated from the United States and infestations in Mexico have been pushed sufficiently far south to provide protection to the United States.

Currently, Part 83 states that screwworm infestations usually exist from April 15 through November 30 of each year in portions of the States of Arizona, California, New Mexico, and Texas, as designated in paragraphs (a), (b), (c), and (d) of section 83.2 (9 CFR, § 83.2). This amendment would remove the restrictions presently imposed on these areas.

Also, § 71.3(a) identifies "screwworms" as a disease endemic to the United States. Any animals or poultry affected by such diseases are not permitted to be moved interstate. The Department maintains surveillance for screwworm infestations in the United States. During Fiscal Year 1980, only two cases of screwworms occurred in the country. To date, during Fiscal Year 1981, only three cases involving five animals have occurred in this country. These cases were individual and isolated and no further cases occurred following treatment with sterile flies, the Screwworm Adult Suppression System (SWASS), and animal and herd treatment.

This proposed action would remove Part 83 from Title 9, Code of Federal Regulations and would delete the word "screwworms" from § 71.3(a) and would add the word "screwworms" to § 71.3(b), thereby identifying "screwworms" as a disease not known to exist in the United States. Animals and poultry affected by such diseases are also prohibited from moving interstate. The change simply would reflect the fact that screwworm infestations are no longer considered by the Department to be endemic to the United States.

Part 71 of the regulations contains general provisions relating to the interstate transportation of animals (including poultry) and animal products. Section 71.3 generally prohibits the interstate movement of diseased animals and poultry with certain limited exceptions not applicable to screwworms. Section 71.3(f) requires anyone that transports livestock interstate to exercise "reasonable diligence" to ascertain whether such animals or poultry are affected with any contagious, infectious, or communicable disease, or have been exposed to the contagion or infection of such disease. . . .

If Part 83 were eliminated, the only requirement would be for shippers to exercise "reasonable diligence" to determine whether animals being shipped are affected with screwworms. Inspection and certification by inspectors or veterinarians would no longer be required.

Furthermore, Part 71 does not specify which pesticides are to be used in the treatment of screwworm infestation; it does not specify the method or procedures to be employed for proper treatment of livestock for screwworms; and it does not require the supervision of an inspector or accredited veterinarian. All of these requirements are found in § 83.8 of the current regulations.

These differences between Part 71 and Part 83 can be viewed as a lessening of the regulatory burden on livestock owners and shippers. However, if outbreaks of screwworms become widespread once more, the lack of strict procedures to control them could result in severe losses for these same owners and shippers. The applicable laws and regulations (9 CFR 71.2), however, do provide the Secretary with authority to issue quarantines, if he deems them necessary. Such quarantines should be adequate to control any outbreaks of screwworms.

Accordingly, Parts 71 and 83, Title 9, Code of Federal Regulations, would be amended in the following respects:

PART 71—GENERAL PROVISIONS

§ 71.3 [Amended]

1. In § 71.3(a), the word "screwworms" would be deleted.
2. In § 71.3(b), the word "screwworms" would be added after the term "vesicular exanthema," and before the words "and glanders."

PART 83—SCREWWORMS

PART 83—[REMOVED]

3. 9 CFR Part 83—Screwworms, would be removed in its entirety.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

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

Done at Washington, D.C., this ninth day of July 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-20602 Filed 7-14-81; 8:45 am]

BILLING CODE 3410-34-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D-0020]

Ceiling Rates for 26-Week Money Market Certificates

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Proposed rulemaking.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") is considering amending its rule relating to the establishment of interest rate ceilings for \$10,000 minimum denomination money market certificates ("MMCs") (12 CFR 1204.104). The Committee requests comments on the following proposals: (1) To permit the interest rate ceiling on MMCs to be determined by the higher of (a) the rate for 26-week U.S. Treasury bills established immediately prior to the date of deposit or (b) the average of the rates for 26-week U.S. Treasury bills for the eight weeks immediately prior to the date of deposit; and (2) to permit the ceiling rate on an MMC to vary weekly during the term of the deposit. The Committee also requests comments on

the creation of a new short-term deposit instrument.

DATE: Comments must be received by August 10, 1981.

ADDRESS: Interested parties are invited to submit written data, views, or arguments concerning the proposed rules to Gordon Eastburn, Acting Executive Secretary, Depository Institutions Deregulation Committee, Room 1054, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. All material submitted should include the Docket Number D-0020 and will be available for inspection and copying upon request, except as provided in § 1202.5 of the Committee's Rules Regarding Availability of Information (12 CFR 1202.5).

FOR FURTHER INFORMATION CONTACT:

Allan Schott, Attorney-Advisor, Treasury Department (202/566-6798); Daniel L. Rhoads, Attorney, Board of Governors of the Federal Reserve System (202/452-3711); F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4261); Rebecca Laird, Senior Associate Counsel, Federal Home Loan Bank Board (202/377-6446); or David Ansell, Attorney, Office of the Comptroller of the Currency (202/447-1880).

SUPPLEMENTARY INFORMATION: Under current regulations of the Committee, the maximum interest rate that may be paid on MMCs by Federally insured depository institutions is indexed to the rate (auction average on a discount basis) for 26-week U.S. Treasury bills established immediately prior to the date of the deposit ("Bill rate").¹ Such bills normally are auctioned on Monday and the interest rate ceiling based on the Bill rate is effective the following day (12 CFR 1204.104). This ceiling rate is effective through the end of the day on which 26-week U.S. Treasury bills are next auctioned.

¹ Current ceiling rates for MMC's are as follows:

| Auction average | Maximum per cent |
|---|------------------|
| Commercial Banks | |
| 7.50 percent or below | 7.75 |
| Above 7.50 percent | (¹) |
| Mutual Savings Banks and Savings and Loan Associations | |
| 7.25 percent or below | 7.75 |
| Above 7.25 percent, but below 8.50 percent | (²) |
| 8.50 percent, but below 8.75 percent | 9 |
| 8.75 percent or above | (¹) |

¹ Bill rate plus one-quarter of one percent.

² Bill rate plus one-half of one percent.

Under the Committee's first proposal, depository institutions would be permitted to offer MMCs with a fixed interest rate ceiling indexed to the higher of (1) the rate for 26-week U.S. Treasury bills established and announced under the existing procedure, or (2) a moving average of the rate established for 26-week U.S. Treasury bills at the auctions held during the eight weeks immediately prior to the date of deposit. The average Bill rate for the eight week period would be determined weekly and would be announced simultaneously with the current Bill rate for 26-week U.S. Treasury bills. For purposes of determining the applicable interest rate ceiling for MMCs the rate schedule contained in 12 CFR 1204.104 would continue to be used for the average Bill rate as well as the single Bill rate. Depository institutions could then determine which of the rates should apply as the ceiling rate for new MMC deposits. The alternative methods of calculating MMC interest ceilings would enable banks and thrift institutions to be more competitive with money market mutual funds ("MMMFs") throughout an interest rate cycle. The most rapid periods of MMMF growth generally have occurred in declining rate environments when the existing assets in a MMMF's portfolio allow it to offer a yield that is frequently more attractive than current market rates. With the alternative methods of calculating the MMC rate ceiling, however, depository institutions could base their MMC rate on an average of past Treasury bill rates, and thus offer yields more competitive with MMMFs during periods of declining rates. In an environment of rising rates, depository institutions generally have an advantage since they are offering current market rates while existing MMMF assets lock them into lower yields for a short period of time. Since commercial banks and thrift institutions would have the option of indexing MMC rate ceilings to the current Treasury bill rate, they would retain this yield advantage during periods of rising rates. Since this proposal is simply a modification of an existing instrument, the Committee expects the shifting of deposits from lower-cost accounts to be minimized. The Committee therefore requests comment on the proposed alternative method of determining the interest rate ceiling for MMCs and specifically requests comment on the period of time on which to base the average.

The Committee also requests comments on a proposal to allow depository institutions to vary the rate of interest paid on outstanding MMC

deposits weekly. Under current rules, the ceiling rate of interest paid on an MMC may not be increased during the 26-week period without imposition of an early withdrawal penalty. The Committee is considering amending its rules to permit depository institutions to offer a floating rate MMC where the interest rate ceiling would be allowed to fluctuate weekly during the term of the deposit. The ceiling rate would be determined weekly by the most recently announced rate for 26-week U.S. Treasury bills. Accordingly, a depository institution could pay interest on an MMC at a rate varying weekly, with the result that a depositor could obtain a return on his or her MMC that reflects market changes. Additionally, a floating rate MMC would offer flexibility and the resulting benefits of the instrument may help institutions attract funds that they would not have attracted otherwise. The Committee requests comment on the concept of a floating rate ceiling on MMCs, and the operational impact that adoption of such a rule may have on depository institutions.

Additionally, the Committee requests comment on the creation of a new short-term time deposit having characteristics similar to some MMMFs. Such an account, for example, could have a maturity of 91 days and bear interest at a rate indexed to the rate (auction average on a discount basis) for 13-week Treasury bills. A minimum denomination requirement for the initial deposit could be established, and additional deposits with no minimum denomination requirement could be permitted. Withdrawals could be permitted after expiration of perhaps a seven day notice period after the funds have remained on deposit for the initial maturity period. Comment is sought on the desirability of permitting depository institution's to offer accounts with such characteristics, including comment on the appropriate method of determining the interest rate ceiling, minimum denomination requirements for initial deposits, additional deposits and withdrawals from the account, and the maturity period for the account.

The Committee does not believe that these proposals will increase the regulatory burden on depository institutions, but that these proposals will enhance the ability of depository institutions, particularly small institutions, to compete effectively for funds. In view of the potential benefits that could be derived from these proposed actions on the part of both depository institutions and their customers, the Committee has determined that it is appropriate to

provide a thirty-day comment period on this matter. Accordingly, comments on these proposals should be submitted by August 10, 1981.

By order of the Committee, July 9, 1981.

Gordon Eastburn,

Acting Executive Secretary.

[FR Doc. 81-20704 Filed 7-14-81; 8:45 am]

BILLING CODE 4910-25-M

CIVIL AERONAUTICS BOARD

14 CFR Part 223

[EDR-428; Docket No. 39794; Dated July 10, 1981]

Foreign Air Carriers; Free and Reduced-Rate Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB proposes a rule under which it may modify or withdraw the exemption granted to foreign air carriers to carry travel agents or other travel promoters free or at reduced rates, where the Board finds it in the public interest.

DATES: Comments by: August 14, 1981. Comments and relevant information received after this date will be considered by the Board only to the extent practicable.

Request to be put on the Service List by: July 27, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39794, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Ronald A. Brown, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428; 202-673-5203.

SUPPLEMENTARY INFORMATION: Part 223 of the Board's regulations contains rules governing the granting by U.S. and foreign air carriers of free or reduced rate transportation to, among others, travel agents and other transportation-related professionals. In ER-1149, 44 FR 52173, September 7, 1979, we amended Part 223 to permit U.S. and foreign air

carriers to offer travel agents unrestricted free transportation in connection with familiarization tours (14 CFR 223.2(f)). In so doing we concluded that "there (were) no public interest reasons to limit the type of promotional incentives carriers offer travel agents and others who promote air transportation." More recently in ER-1181, 45 FR 46797, July 11, 1980, we expanded the categories of persons eligible for free or reduced rate transportation under Part 223 to include all persons engaged in promoting transportation and their immediate families when such transportation was undertaken for a promotional purpose (14 CFR 223.2(l)). One consideration in our decision to expand the scope of Part 223 was our view that it was in the industry's economic interest to have travel agents and other transportation-related professionals take trips that would put them in a better position to sell the product.

In permitting foreign air carriers to take advantage of the promotional benefits afforded by Part 223, we fully expected foreign governments to extend similar privileges to U.S. carriers. Therefore, §§ 223.2(f) and 223.2(l) exempt all foreign air carriers from the provisions of section 403 of the Act and Part 221 of our regulations to the extent necessary to provide free or reduced-rate air transportation for promotional purposes. We now realize, however, that some foreign governments may choose to restrict the promotional opportunities of U.S. carriers notwithstanding the liberal transportation privileges available to their flag carriers under our rules. Indeed, we understand that at least one foreign government has recently discouraged U.S. carriers from offering free promotional air transportation to the United States at the same time that its flag carrier is offering comparable services in the opposite direction. The effect of this action has been to place U.S. carriers at a competitive disadvantage in marketing their services.

In these circumstances, we perceive a public need for procedures to make clear that reciprocity must exist before foreign air carriers may offer free or reduced-rate transportation under §§ 223.2(f) and 223.2(l). We are therefore amending Part 223 to provide that the transportation privileges conferred by these sections on foreign air carriers may be modified or withdrawn by the Board at any time that it finds such action is in the public interest. Sections 204 and 416 of the Act clearly provide the legal basis for this action.

The proposed rule, if adopted, will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354, which took effect January 1, 1981. The rule would merely provide the Board with the flexibility needed to respond quickly to actions which are inconsistent with the aviation policies of the United States and absent further Board action in specific cases imposes no additional burden on small entities. The preceding discussion contains the reasons for the Board's action, the objectives of the legal basis for the rule. There are no duplicative, overlapping or conflicting Federal rules.

In light of the possible economic inequities involved, and in order to ensure that U.S. carriers obtain the benefit of this rule as soon as possible, we are allowing 30 days for comments.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 223, *Free and Reduced-Rate Transportation*, by adding a new paragraph (m) to § 223.2 to read:

§ 223.2 Persons to whom free and reduced rate transportation may be furnished.

(m) The exemptions granted to any foreign air carrier by paragraphs (f) and (l) of this section may be modified or terminated by the Board at any time without hearing as the public interest may require.

(Secs. 204, 416, Pub. L. 85-726, as amended, 72 Stat. 743, 92 Stat. 1731, 1732, (49 U.S.C. 1324, 1386))

By the Civil Aeronautics Board,
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-20700 Filed 7-14-81; 8:45 am]

BILLING CODE 5320-01-M

14 CFR Part 399

[PSDR-65D; Docket No. 37444; Dated: July 10, 1981]

International Cargo Rate Flexibility Policy

AGENCY: Civil Aeronautics Board.

ACTION: Extension of comment period.

SUMMARY: The CAB has proposed a policy of not suspending international cargo rate changes within a specified zone, except in extraordinary circumstances. The CAB now extends the period for public comments, in

response to a request by counsel for the Electronics Shippers.

DATE: Comments due: July 23, 1981.

ADDRESSES: Twenty copies of comments should be sent to Docket 37444, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

John H. Kiser, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5218.

SUPPLEMENTARY INFORMATION: The Board proposed in PSDR-65 (45 FR 3594, January 18, 1980) to adopt a policy permitting U.S. and foreign air carriers greater flexibility in changing cargo rates in international air transportation. In PSDR-65C (46 FR 34347; July 1, 1981), the Board released a certain staff memorandum on this subject and reopened the comment period until July 16, 1981, to allow further public comments.

On July 9, 1981, counsel for the Electronics Shippers requested a 1-week extension of the comment period, until July 23. He stated that the Electronics Shippers' comments must be coordinated with and approved by 14 different clients, and that it was unlikely that he could obtain and coordinate all the necessary suggestions and approvals by July 16.

In view of the brevity of the requested extension and the importance of obtaining the Electronics Shippers' views on this matter, I find good cause to grant the request.

Accordingly, under authority delegated by the Board in 14 CFR 385.30(d), the time for filing comments in Docket 37444 is extended to July 23, 1981.

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1708; [49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1377, 1378, 1379, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504])

Richard B. Dyson,

Associate General Counsel, Rules and Legislation.

[FR Doc. 81-20699 Filed 7-14-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

Survey of Foreign Direct Investment in U.S. Fish and Seafood Processing Industries

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Proposed rule; extension of comment period.

SUMMARY: At 46 FR 34812, July 6, 1981, the Bureau of Economic Analysis proposed a document relating to a Survey of Foreign Direct Investment in U.S. Fish and Seafood Processing Industries. That document asked for comments not later than July 15, 1981. This document extends that comment period by 22 days, to August 6, 1981.

DATE: Comments are now due on or before August 6, 1981.

ADDRESS: Written comments should be addressed to the U.S. Department of Commerce, Bureau of Economic Analysis, International Investment Division (BE-50), Washington, D.C. 20230. All comments in response to this notice will be available for public inspection from 8:00 a.m. to 4:00 p.m. in room 608, 1401 K Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, (202) 523-0657.

Charles A. Waite,

Acting Director, BEA.

[FR Doc. 81-20709 Filed 7-14-81; 8:45 am]

BILLING CODE 3510-06-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Commonwealth of Massachusetts, Department of Public Utilities: Notice of Request for Declaratory Order; Extension of Time for Comments

18 CFR Part 292

[Docket No. RM 79-55]

July 6, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Request for written comments; extension of comment period.

SUMMARY: On May 6, 1981, the Commission issued a Notice of Request

for Declaratory Order (Docket No. RM79-55) (46 FR 26353, May 12, 1981). The comment period is being extended at the request of the Municipal Electric Authority of Georgia and the National Rural Electric Cooperative Association.

DATE: Comments must be submitted on or before August 5, 1981.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20637 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 209

Service Charges for Allotments of Pay to Savings Accounts of Federal Civilian Employees

AGENCY: Bureau of Government Financial Operations, Fiscal Service, Treasury.

ACTION: Extension of comment period.

SUMMARY: On May 22, 1981 (46 FR 27969), the Department of the Treasury published a Notice of Proposed Rulemaking to increase the service charge for allotments of pay to savings accounts of Federal civilian employees who are employed within the United States. Title 31 U.S. Code, Section 492 requires that employing agencies be reimbursed by recipient financial organizations for the additional cost of sending allotments requested by employees. The comment period established in that notice is hereby extended to October 8, 1981.

DATES: The proposed effective date is changed from October 4, 1981 to January 31, 1982. Comments on this proposal must be received by October 8, 1981.

ADDRESS: Comments should be addressed to the Commissioner, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex, Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT: Mr. John MacArthur, Government Accounting Systems Staff, Bureau of Government Financial Operations, Room 412, Treasury Annex, Department of the Treasury, Washington, D.C. 20226 (202/566-8374).

SUPPLEMENTARY INFORMATION: The May 22, 1981 notice requested that written comments be submitted to the Bureau of Government Financial Operations by July 10, 1981. This deadline has been extended until October 8, 1981, to allow more time for full public participation.

W. E. Douglas,
Commissioner.

[FR Doc. 81-20701 Filed 7-14-81; 8:45 am]

BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1871-1]

Approval and Promulgation of Implementation Plans; Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This document proposes approval of three state implementation plan revisions as required by conditional approval of the Iowa State Implementation Plan. These revisions relate to control methods for emissions of particulate matter.

DATE: Public comments should be received by September 14, 1981.

ADDRESSES: The proposed revisions and support material are available at the Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64104; the Iowa Department of Environmental Quality, Henry A Wallace Building, 900 East Grand, Des Moines, Iowa and the Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S. W., Washington, D. C. Comments should be addressed to Daniel J. Wheeler, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64104.

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

SUPPLEMENTARY INFORMATION: The State of Iowa has submitted plans required by Part D of the Clean Air Act, as amended, to meet the primary and secondary National Ambient Air Quality Standards (NAAQS). In the final rulemaking on these plans (see 45 FR 14561, March 6, 1980 and 46 FR 22368, April 19, 1981) EPA conditionally approved several portions of the state's submission including two portions relating to fugitive dust controls and one relating to emission limits for fuel burning sources of particulates. One condition requires that the state submit an enforcement procedures manual

describing source categories and appropriate measures to be required under the state's fugitive dust control regulation as it applies to sources in primary nonattainment areas by February 1, 1981, and as it applies to sources in secondary nonattainment areas by June 1, 1981. Another condition requires a demonstration, by February 1, 1981, relating to maintenance of standards, that the fugitive dust control rule will remain in effect once an area was redesignated from nonattainment to attainment. The third requires a demonstration that the particulate limits affecting fuel burning sources require affected sources to install reasonably available control technology (RACT). The demonstration was required by February 1, 1981, for sources in primary nonattainment areas and by July 1, 1981, for sources in secondary nonattainment areas. The process to meet these conditions has taken significantly longer than expected due to the change in composition of the state rulemaking body. On January 1, 1981, the Iowa Air Quality Commission, along with all the other speciality commissions, was replaced by the Iowa Environmental Quality Commission. The process of familiarizing the new commissioners with the air pollution control program and the expanded scope of the new commission have delayed consideration of these new rules. It now appears that the revised rules will be submitted during July. EPA believes the state has made, and is continuing to make, a reasonable effort to comply with this condition and EPA believes that this schedule demonstrates substantial compliance with the deadline. If the revised rules are not submitted on schedule, EPA will reevaluate this determination and take appropriate action.

The State of Iowa has submitted proposed state implementation plan (SIP) revisions to meet the conditions. The drafts of these revisions were submitted by the Department of Environmental Quality on March 18, 1981. The public hearing on the revision was held in Des Moines, Iowa on April 7, 1981. Two of the proposed revisions are expected to be adopted at the May meeting of the Iowa Environmental Quality Commission and are expected to be formally submitted by June 15, 1981. The third is expected to be formally submitted in July 1981.

EPA is proposing approval based on the draft submission because it believes the final submission will be substantially similar to the draft. Should the final submission differ significantly from the draft being made available for

public comment today, then EPA will repropose action based on the final submission.

The proposed enforcement procedures manual describes various categories of dust sources within both primary and secondary nonattainment areas. The document identifies the major categories as grain processing and mineral processing. The document further references control techniques for unloading, transfer, storage and loading of products, plant roads and mining operations. The document does not contain details on each of the 19 control methods presented, but rather references a technical guidance document previously published by EPA. EPA believes the manual is adequate to explain to both enforcement personnel and plant owners what is required of a source subject to the state regulation requiring dust control on stationary sources.

The second condition concerns the rule relating to fugitive dust. The rule appears to be worded such that it applies only in nonattainment areas and that if an area is redesignated then the rule no longer applies. The state has proposed to add an additional paragraph requiring that any reasonable precautions implemented pursuant to the nonattainment area provisions shall remain in effect if the nonattainment area is redesignated to either attainment or unclassified after March 6, 1980. EPA believes this revision will satisfy the conditions of approval.

The third condition required a demonstration by February 1, 1981, that the state rules relating to particulate emissions from fuel burning sources require sources to install RACT. The state is in the process of meeting the requirement for RACT by revising the existing emission limits. The state's proposed revision applies to existing fuel burning sources of particulate matter in or significantly affecting particulate nonattainment areas. Under existing rules these sources are limited to 0.60 pounds of particulates per million BTUs of heat input, or to a lesser limit based on boiler size and stack height. The state's evaluation shows that this limit is still appropriate for sources of less than 250 million BTU per hour heat input. The state proposed a limit of 0.30 pounds per million BTU for sources of 500 million BTU per hour heat input or larger and a limit of 0.40 pounds per million for sources between 250 and 500 million BTUs per hour heat input.

An exception to the above is proposed by the state for the Iowa Public Service Company's George Neal Station Unit 1, which cannot meet the limit of 0.30

pounds per million BTU in spite of a sophisticated control system. The State has submitted information to demonstrate that Neal 1 already has RACT. The State has proposed that the limit for this unit be set at 0.50 pounds per million BTU. EPA specifically solicits comments on what emission limit represents RACT for Unit 1.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it would only approve State actions and would impose no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of \$100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709, January 27, 1981.) This rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action would only approve state actions. It would impose no new requirements.

This action is proposed under the authority of Sections 110, 172 and 301 of the Clean Air Act as amended (42 U.S.C. 7410, 7502 and 7601(a)).

Date: May 18, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81-20653 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 85

[EN-FRL 1842-8]

Control of Air Pollution From Motor Vehicles and Motor Vehicle Engines; Exclusion and Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would simplify the application requirements under which manufacturers of new motor vehicles and new motor vehicle engines may obtain exemptions from the prohibitions of section 203(a) of the

Clean Air Act. Section 203(a) prohibits the introduction into commerce of new motor vehicles and new motor vehicle engines which are not covered by a certificate of conformity with Federal emission requirements. This section also prohibits manufacturers, dealers and others from removing or rendering inoperative emission controls installed on motor vehicles or motor vehicle engines either before or after sale to ultimate purchasers. The current regulations allow any person to apply for a testing exemption from these prohibitions. In addition, the present regulations allow manufacturers to obtain pre-certification exemptions to cover uncertified vehicles or engines that are retained under the control of the manufacturer and not leased or sold. If a manufacturer wishes to sell or lease these uncertified vehicles or engines, however, it must obtain a testing exemption. Much less information is required in an application for a pre-certification exemption than in an application for a testing exemption. Remarks from manufacturers have indicated that the current application requirements for both types of exemptions are too burdensome. This proposal would eliminate much of that burden for manufacturers and greatly reduce the administrative cost for EPA. No adverse environmental impacts are anticipated. This proposed rule was described in the Notice of Intent published on April 13, 1981, 46 FR 21628, concerning EPA's efforts to reduce the regulatory burden on the motor vehicle industry.

DATE: Written comments must be received no later than September 14, 1981.

ADDRESSES: Written comments should be submitted to: Docket No. EN-81-9, Central Docket Section (A-130), Environmental Protection Agency, Washington, D.C. 20460. All comments received before the close of business on September 14, 1981 will be considered.

FOR FURTHER INFORMATION CONTACT: John Guy, Investigation/Imports Section, Manufacturers Operations Division (EN-340), Environmental Protection Agency, Washington, D.C. 20460, (202) 472-9413.

SUPPLEMENTARY INFORMATION: Under section 203(b)(1) of the Clean Air Act (Act), the Administrator of EPA is authorized to exempt motor vehicles and motor vehicle engines from the prohibitions of section 203(a) for purposes of "research, investigations, studies, demonstrations, or training, or for reasons of national security." The Administrator is given broad discretion to determine the "terms and conditions

" * * * necessary" to exempt vehicles and engines for these purposes. On September 10, 1974, 39 FR 32609, regulations were promulgated at 40 CFR Part 85, Subpart R, to provide for a program by which any manufacturer could apply for and receive exemptions to cover vehicles or engines used for the purposes mentioned above. These regulations were amended on March 3, 1980, 45 FR 13733, to extend the availability of exemptions under section 203(b)(1) to individuals and other non-manufacturers.

Since the exemption regulations were first promulgated, manufacturers have been able, with few exceptions, to furnish all required information and comply with the terms and conditions under which exemptions are typically granted. However, remarks have been received from some manufacturers that the present exemption requirements are excessively burdensome. It has also been stated that extensive procedures and controls are unnecessary in view of the civil penalties to which a manufacturer is subject for introducing into commerce uncertified vehicles or engines, or for removing emission controls from certified vehicles or engines. While the Agency has permitted manufacturers to submit one application which covers multiple testing programs, manufacturers still believe that it is unnecessarily burdensome to supply all of the required information for each test program they intend to conduct. One domestic manufacturer has suggested that the regulations provide an unfair advantage for foreign manufacturers who are able to conduct much of their development effort outside of the United States where it is not necessary to obtain EPA exemptions.

EPA has reviewed the exemption regulations to consider the manufacturers' remarks and the administrative issues associated with these requirements. As a result of that review, EPA has determined that, for manufacturers only, the amount of specific information required in an exemption application can be significantly reduced without reducing the level of compliance with the conditions of the exemption program. No changes are proposed in the application requirements by which non-manufacturers obtain exemptions.

We believe that the changes proposed in this NPRM will reduce the administrative burden of the exemption program on manufacturers by about two-thirds. This will save manufacturers, as a group, more than 1,000 work hours per year.

Proposed Changes—Testing Exemptions

Under the current regulations, any person desiring a testing exemption must submit, in advance, detailed information concerning such factors as the technical nature of each test, the maximum number of vehicles or engines in each test program, the fraction of total sales represented (in the case of a manufacturer) by those vehicles or engines, the site of each test, the duration of each test, the ownership arrangement of all vehicles or engines in each test program and the intended final disposition of all vehicles or engines. In addition, an explanation as to how vehicle identification or engine serial numbers and test results will be recorded is also required.

This proposed regulation would eliminate, for manufacturers, many of these reporting requirements. EPA proposes these changes in response to manufacturers' needs for flexibility to facilitate the operation of numerous test fleets, the exchange of vehicles or engines from one test fleet to another and the quick establishment of field testing programs when problems are found that affect in-use vehicles or engines. These situations tend to compound the administrative burdens imposed by the current exemption requirements. These situations have not arisen with non-manufacturers, nor have any remarks about any burden associated with the exemption requirements been received from non-manufacturers. Non-manufacturers typically have one small test fleet of less than 25 vehicles or engines. We do not believe that the present exemption requirements pose any significant burden to non-manufacturers; however, we welcome comments on this issue.

EPA believes it is necessary to have more information about a non-manufacturer's testing program so that the Agency can be assured that the purpose of the test program is consonant with those purposes described under section 203(b)(1) of the Act, namely research, investigations, demonstrations or training. We have been approached by some non-manufacturers who wanted exemptions for purposes other than those listed in the Act, such as installing uncertified engines in an entire fleet for the sole purpose of reducing fuel expenditures or selling uncertified vehicles to generate funds to support certification efforts. We have not had similar requests from manufacturers of new motor vehicles or new motor vehicle engines.

The proposed testing exemption alternative for manufacturers would be added at § 85.1705(f). Under this

proposal, a manufacturer would no longer have to submit most of the specific details about each test program that are currently required by § 85.1705. The proposed regulation would allow a manufacturer to request comprehensive, yearly testing exemptions which would cover an anticipated number of test vehicles and/or engines. The manufacturer would furnish only the information required by paragraph (a)(1) and (d)(2) of the existing § 85.1705, along with a description of the record-keeping and control procedures that will be employed to assure that the vehicles or engines are used for purposes consistent with section 203(b)(1) of the Act.

Testing exemptions, for both manufacturers and non-manufacturers, will continue to be granted subject to the terms and conditions of a memorandum of exemption as currently required by § 85.1708.

Proposed Changes—Pre-certification Exemptions

The current regulation regarding pre-certification vehicle and engine exemptions (§ 85.1705(h)) is applicable only to manufacturers and requires the advance submittal of a minimal amount of information. Specifically, manufacturers must submit a statement setting forth the general nature of the fleet activities, the number of vehicles or engines involved, and a demonstration that adequate record-keeping procedures for control purposes will be employed.

The proposed regulation allows vehicles or engines used for pre-certification purposes (as defined by § 85.1702(a) (3) and (4)) to be exempted, without application to EPA, if the manufacturer complies with the record-keeping and labeling conditions which are currently found in the memorandum of exemption issued to a manufacturer when its application for a pre-certification exemption is approved. Under this proposal, manufacturers would no longer be required to sign a memorandum of exemption to cover vehicles or engines exempted for pre-certification purposes.

Beyond these requirements, we believe that the remaining requirements of the regulations, the prohibitions of section 203(a) of the Act and the penalties of section 205 should be sufficient to deter manufacturers from introducing into commerce vehicles or engines that are not covered by a certificate of conformity or an exemption. Furthermore, we believe that the proposed requirements will afford EPA with adequate monitoring capabilities.

To distinguish better between the requirements for pre-certification exemptions and testing exemptions, a separate section, § 85.1706, is proposed for pre-certification exemption requirements.

Proposed Changes—Miscellaneous

To avoid confusion with the requirements for testing exemptions it is proposed that paragraph (g) of § 85.1705 regarding display vehicles and engines be placed in its own section entitled § 85.1707—Display exemption.

Certain additional changes in the numbering and referencing system of Subpart R are necessary to accommodate the changes described in this proposal.

Note.—Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981), requires EPA to determine whether a rule it intends to issue is a major rule and to prepare a Regulatory Impact Analysis (RIA) for every major rule. Section 1(b) of the Order defines a "major rule" as any "regulation" (as defined in the Executive Order) that is likely to result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has determined that this action is not a "major rule" requiring preparation of an RIA. It will not have any detrimental effect on the economy; it will not cause any increase in prices; and it will not have any adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign companies. The revision of exemption requirements as proposed in this rulemaking will reduce the affected industry's cost of compliance with Subpart R of 40 CFR Part 85 and significantly reduce the related paperwork.

Environmental Impact Statement

This proposed regulation should have no adverse environmental effects. Accordingly, no environmental impact statement will be prepared.

Regulatory Flexibility Analysis

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so

as to require a regulatory flexibility analysis. The procedures proposed by this rulemaking will reduce the burden, including costs, of compliance with exemption requirements for small manufacturers. In any case, this NPRM will not affect a substantial number of small businesses, because motor vehicle and motor vehicle engine manufacturers are nearly all large businesses.

Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

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

Dated: July 8, 1981.

Anne M. Gorsuch,
Administrator.

Accordingly, it is proposed that 40 CFR Part 85, Subpart R be amended as follows:

(Secs. 203(b)(1) and 301 of the Clean Air Act (42 U.S.C. 7522(b)(1) and 7061))

1. In § 85.1704, we propose that paragraphs (b) and (c) be revised to read as follows:

§ 85.1704 Who may request an exemption.

(b) Any manufacturer may request a national security exemption under § 85.1708.

(c) For manufacturers, vehicles or engines for pre-certification or export purposes are exempt without application, subject to the provisions of § 85.1706 and § 85.1709, respectively.

2. In § 85.1705, we propose that paragraphs (d)(3) and (h) be removed; that paragraph (g) be redesignated as § 85.1707—Display exemption; and that paragraph (f) be revised to read as follows:

§ 85.1705 Testing exemption.

(d) * * *

(3) [Removed] * * *

(f) A manufacturer of new motor vehicles or new motor vehicle engines may request a testing exemption to cover any vehicles and/or engines intended for use in test programs planned or anticipated over the course of a subsequent one-year period. Any manufacturer requesting such an exemption shall furnish the information required by paragraphs (a)(1) and (d)(2) of this section along with a description of the record-keeping and control procedures that will be employed to assure that the vehicles and/or engines are used for purposes consistent with section 203(b)(1).

§§ 85.1706 through 85.1709 [Redesignated as §§ 85.1708 through 85.1711]

3. We propose that existing §§ 85.1706 through 85.1709 be amended by renumbering them as §§ 85.1708 through 85.1711, respectively.

4. We propose a new § 85.1706 to read as follows:

§ 85.1706 Pre-certification exemption.

(a) Any pre-certification vehicle or pre-certification engine, defined by § 85.1702(a) (3) or (4), is exempt from section 203(a) if the manufacturer complies with the following terms and conditions:

(1) The manufacturer shall create, maintain, and make available at reasonable times for review or copying by appropriate EPA employees records which provide each vehicle identification or engine serial number, indicate the use of the vehicle or engine on exempt status, and indicate the final disposition of any vehicle or engine removed from exempt status; and

(2) The manufacturer shall permanently affix to each vehicle on engine or exempt status in a readily visible portion of the engine compartment (on a readily visible portion of a heavy-duty engine or in a readily accessible position on a motorcycle) a label which cannot be removed without destruction or defacement and which states in the English language, in block letters and numerals of a color that contrasts with the background of the label, the following information:

(i) The label heading: Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine displacement and family identification;

(iv) Model year of vehicle or engine; and

(v) The statement: THIS VEHICLE OR ENGINE IS EXEMPT FROM THE PROHIBITIONS OF SECTIONS 203(a)(1), (3) and (4) OF THE CLEAN AIR ACT, AS AMENDED.

[FR Doc. 81-20690 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-33-M

40 CFR Part 122

[EN-FRL 1870-7]

Consolidated Permit Regulations; NPDES Application Requirements; Duration of Certain NPDES Permits

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule

SUMMARY: This proposed rule would revise a portion of the application

requirements in the consolidated permit regulations to provide a three-month extension of the deadline for National Pollutant Discharge Elimination System (NPDES) permittees to submit certain testing information. This time extension is appropriate because it would allow applicants to adjust to relaxations in the testing requirements and it would provide relief to applicants having difficulty because of local or regional shortages in laboratory testing capacity.

This proposed rule would also revise the requirement that all NPDES permits issued or expiring after June 30, 1981 include any more stringent effluent limitations necessary to meet the July 1 1984 deadline in the Clean Water Act. The June 30, 1981 date would be replaced by a December 31 1982 date. This revision would provide permitting authorities with greater flexibility for issuing permits designed to meet the 1984 deadline.

DATE: Comments must be submitted on or before August 14, 1981.

ADDRESSEE: Send written comments to J. William Jordan, Permits Division, (EN-336), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Gail S. Goldberg or Tom Laverty, Office of Water Enforcement and Permits (EN-336), 401 M St. S.W., Washington, D.C. 20460, (202) 426-7035

SUPPLEMENTARY INFORMATION: On May 19, 1980, at 45 FR 33290, EPA issued final consolidated permit regulations and the consolidated permit application forms, including the NPDES permit application forms under the Clean Water Act. Those regulations and NPDES Form 2c require that existing industrial dischargers include in their applications for permit renewal, quantitative and qualitative data for certain pollutants discharged, used, or produced at the facility. 40 CFR 122.53(d)(7), (9), and (10). The regulations further require that all permits issued after June 30, 1981 to facilities in the NPDES primary industry categories (listed in Appendix A to 40 CFR part 122) contain effluent limitations reflecting the best available technology economically achievable (BAT) and the best conventional pollutant control technology (BCT), as appropriate.

I. Submission of Effluent Data

Industrial facilities are scheduled to submit their NPDES permit renewal

applications in accordance with the table in 40 CFR 122.53(c)(2). A permittee with an NPDES permit expiring between December 1, 1980 and May 31, 1981 must submit a complete application 90 days before its permit expires. Footnote (2) to the table, however, authorizes the NPDES Program Director (the "Director"), upon written request by the applicant, to extend the deadline for submitting the information required by § 122.53(d)(7), (9), and (10) for up to six months or June 30, 1981, whichever is earlier. A permittee with an NPDES permit expiring on or after June 1, 1981 must submit its renewal application 180 days before its permit expires. Footnote (3), however, authorizes the Director to extend the deadline for submitting the application up to the permit expiration date.

Elsewhere in today's Federal Register, EPA is temporarily suspending footnote (2) and portions of footnote (3) to this table, to allow time for public comment and final action on this proposal. This proposed rule would extend the deadline for submitting the information required by § 122.53(d)(7), (9), and (10) from June 30, 1981 to September 30, 1981. This proposed rule would also eliminate the requirement that applicants request the extension and state the reasons for the request in writing. The purpose of this proposed revision is to allow applicants to adjust to changes in the testing requirements of the application form before submitting the requested information and to provide relief to applicants who may be having difficulty in meeting the June 30, 1981 deadline because of local or regional laboratory capacity constraints. EPA particularly invites comments on the length of the proposed extension.

II. Issuance of BAT/BCT Permits

The consolidated permit regulations require that any NPDES permit issued after June 30, 1981 to a discharger in a primary industry category contain effluent limitations to meet the BAT and BCT requirements of sections 301(b)(2)(A), (C), (D), (E), and (F) of the Clean Water Act. 40 CFR § 122.62(c)(2). Similarly, 40 CFR § 122.64(a) requires that any such permit which expires after June 30, 1981 include BAT/BCT effluent limitations. This proposed revision would replace the June 30, 1981 deadline with a December 31, 1982 deadline. Thus, Directors would be authorized to issue short-term BPT permits which expire no later than December 31, 1982 to dischargers in primary industries. Such permits, if issued after June 30, 1981, would not be required to include

the reopener clause contained in § 122.62(c)(1). Permits expiring after December 31, 1982 would be issued to primary industry dischargers only if they include effluent limitations and compliance schedules to meet the BAT/BCT requirements of sections 301(b)(2)(A), (C), (D), (E), and (F) of the Act. This revision is necessary to coordinate the issuance of BAT/BCT permits with the proposed revised requirements for the submission of effluent data under 40 CFR 122.53(d). Moreover, it would authorize NPDES States that do not have State legal provisions comparable to 5 U.S.C. 558(c) (which administratively extends expiring Federal permits pending issuance of renewal permits) to issue short-term BPT permits until BAT permits can be written and issued. EPA does not recommend the use of short-term permits by EPA regions or States which do have legal provisions comparable to 5 U.S.C. 558(c), because their resources could be best used to prepare BAT permits.

Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This proposed regulation is not major because, if issued, it would enable industrial applicants to obtain extensions for submission of required information and to provide permit writers greater flexibility in issuing BAT/BCT permits. Therefore, this proposal would impose no additional costs and meets none of the other criteria established in the Executive Order for a major rule.

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

Regulatory Flexibility Act

EPA also has determined, pursuant to the Regulatory Flexibility Act, that this amendment, if promulgated, will not have a significant economic impact on a substantial number of small entities. To the extent that small businesses are affected by the NPDES application and permit requirements of the consolidated permit regulations, this amendment will either leave unchanged or lessen the economic impact on them.

(Clean Water Act, 33 U.S.C. 1251 *et seq.*)

Dated: July 6, 1981.

Anne M. Gorsuch,
Administrator.

Accordingly, 40 CFR Part 122 is proposed to be amended as set forth below.

§ 122.53 [Amended]

1. In 40 CFR § 122.53(c)(2), footnotes (2) and (3) of the table are deleted and replaced by a new footnote (2), which applies to all permits expiring after December 1, 1980, to read as follows:

*The deadline for submitting information required by paragraphs (d)(7), (9), and (10) of this section is in no event earlier than September 30, 1981. The Director may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the expiration date.

§ 122.62 [Amended]

2. 40 CFR § 122.62(c)(2) is revised to read as follows:

(c) * * *

(2) After December 31, 1982, any permit issued shall include effluent limitations and a compliance schedule to meet the requirements of sections 301(b)(2)(A), (C), (D), (E), and (F) of CWA, whether or not applicable effluent limitations guidelines have been promulgated or approved. These permits need not incorporate the clause required by paragraph (c)(1) of this section.

§ 122.64 [Amended]

3. 40 CFR 122.64(a) is revised to read as follows:

(a) On or before December 31, 1982 any permit issued to a discharger in a primary industry category (see Appendix A):

(1) shall meet one of the following conditions:

- (i) Expire on December 31, 1982;
- (ii) Incorporate effluent standards and limitations applicable to the discharger which have been promulgated or approved under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) of CWA; or
- (iii) Incorporate effluent limitations to meet the requirements of sections 301(b)(2) (A), (C), (D), (E), and (F) of CWA.

(2) Shall not be written to expire after December 31, 1982 unless the discharger has submitted to the Director the information required by § 122.53(d)(7)(ii).

* * * * *

[FR Doc. 81-20687 Filed 7-14-81; 8:45 am]
BILLING CODE 6550-33-M

**INTERSTATE COMMERCE
COMMISSION**

49 CFR Part 1047

[No. 38622]

**Petition of New Jersey Transit
Corporation To Exempt Mass
Transportation Services**

AGENCY: Interstate Commerce
Commission.

ACTION: Notice of proposed rulemaking
(exemption).

SUMMARY: Under 49 U.S.C. 1608(f), the Commission has authority to exempt from former part II of the Interstate Commerce Act the mass transportation services provided by a state or local public body or provided to the state or local public body by contract. New Jersey Transit Corporation, Transport of New Jersey, and Maplewood Equipment Company have petitioned for a partial exemption, primarily covering rate and service matters. The Commission proposes to grant it because it appears consistent with the § 1608(f) criteria.

DATE: Comments of interested persons will be due on or before August 14, 1981.

ADDRESS: An original and fifteen copies of comments should be sent to: Interstate Commerce Commission, Room 5356, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 1608(f),¹ a state or local public body may petition the Commission for an exemption from the Interstate Commerce Act for mass transportation services provided by the state or local body or provided to the state or local body by contract. The section states further that the Commission shall grant the exemption unless the Commission finds that (A) the public interest would not be served by such exemption, (B) the exemption requested would result in an undue burden on interstate or foreign commerce, or (C) the mass transportation services, including rates, proposed to be exempt are not subject to regulation by any state or local public agency.²

In a petition filed April 6, 1981, New Jersey Transit Corporation, Transport of New Jersey, and Maplewood Equipment Company petitioned for partial exemption under section 1608(f). New

Jersey Transit is the body charged under the New Jersey Public Transportation Act of 1979 with responsibility for establishing and providing for the operation and improvement of public transportation in New Jersey. It contracts for interstate and intrastate mass transportation services with motor bus carriers throughout the state, and regulates the fares, schedules, routes, and services of the contracting carriers and of Transport of New Jersey and Maplewood Equipment Company.

Transport of New Jersey is a wholly owned subsidiary of New Jersey Transit, and Maplewood is a wholly owned subsidiary of Transport. Together they operate about 55 interstate bus routes under operating authority obtained from the Interstate Commerce Commission. All three parties appear to be instrumentalities of New Jersey and, accordingly, appropriate petitioners under § 1608(f).

Petitioners request, both for themselves and for any carriers which contract with New Jersey Transit for the provision of services, an exemption from all of former part II of the Interstate Commerce Act, including but not limited to changes in fares; increases, curtailments or abandonment of service; insurance requirements; financial filing requirements; and regulation of service adequacy. Exemption is not requested for charter and special services, acquisitions or mergers, or with respect to issuance or transfer of operating rights (except for transfers between Transport and Maplewood) or removal of restrictions on operating rights.

Petitioners state that exemption would be in the public interest because it would eliminate regulatory duplication where interstate service is involved. They state further that New Jersey law and Urban Mass Transportation Administration requirements protect the public by requiring that New Jersey Transit hold public hearings prior to any change in fares or substantial curtailment of services.

Petitioners' rationale appears to have merit, and we tentatively conclude that exemption is warranted for services provided by petitioners and for contracted services which are actually subject to the jurisdiction of New Jersey Transit. A full exemption to any carrier contracting with New Jersey Transit may be excessive, as some contracting carriers may do only a small portion of their total business with that body. See H. Rep. No. 95-1797, 95th Cong., 2nd Sess. 79, reprinted in 1978 U.S. Code Cong. & Ad. News 6693, 6748 which suggests that the Commission may wish to restrict an exemption so as to preclude an intercity bus carrier from

being completely deregulated through the expediency of signing a contract with a local public body.

Accordingly, we propose to add the following rule at 49 CFR 1047.3:

**§ 1047.3 Mass Transportation Service
Exemption under 49 U.S.C. 1608(f).**

Mass transportation services provided by Transport of New Jersey and Maplewood Equipment Company and mass transportation services provided to the New Jersey Transit Corporation under contract are exempt from the provisions of former Part II of the Interstate Commerce Act, except that the exemption does not apply to those provisions governing: (a) charter and special services; (b) acquisitions or mergers; (c) issuance or transfer of operating rights (except between Transport and Maplewood); and (d) removal of restrictions on operating rights. Mass transportation services shall be defined as single-line, regular-route commuter operations and incidental package express service.

We request the public to comment on whether the exemption would meet the criteria of section 1608(f) as enumerated above and whether the exemption is clearly drafted. Comments should also focus on the following issues: (1) Should present collective ratemaking activities by petitioners be modified in any respect if a partial exemption is granted? (2) Should the exemption extinguish incidental charter authority now held by petitioners? (3) What adverse effect, if any, would an exemption have on competing private carriers? (4) What should be the duration of any exemption granted? Although the matters raised in this notice do not appear to affect significantly the quality of the human environment or the conservation of resources, or small business, comments on these issues are welcome also, and a copy of this decision will be forwarded to the Chief Counsel for Advocacy, Small Business Administration.

Authority: 49 U.S.C. 1608(f).

Decided: July 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum dissented with a separate expression. Acting Chairman Alexis did not participate.

Agatha L. Mergenovich,
Secretary.

Commissioner Trantum, dissenting

The draft notice does not go far enough in returning state transportation matters to New Jersey. I believe the Commission should have sought public comment on broader exemption of the involved traffic.

[FR Doc. 81-20750 Filed 7-14-81; 8:45 am]

BILLING CODE 7035-01-M

¹This section is part of the Urban Mass Transportation Act of 1964, as amended by the Federal Public Transportation Act of 1978.

²If an exemption is granted, the public body continues to be subject to Federal law governing safety, collective bargaining and other employee-employer relations. The Commission also retains authority to amend or revoke the exemption.

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Agency Decisional Processes; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-163), notice is hereby given of a meeting of the Committee on Agency Decisional Processes of the Administrative Conference of the United States, to be held at 9:30 a.m., Friday, July 31, 1981 at the office of Ginsburg, Feldman, Weil & Bress; 1700 Pennsylvania Avenue, NW; Suite 300; Washington, D.C.

The Committee will meet to reconsider its draft recommendation on separation of functions and staff communications with decisionmakers in agency proceedings and to review comments received on the proposed recommendation. The proposed recommendation appears at 46 FR 26487 (May 13, 1981).

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Charles R. Pouncy, staff attorney, Administrative Conference of the United States, 2120 L Street N.W., Washington, D.C., (202-254-7065). Minutes of the meeting will be available on request.

Richard K. Berg,
Executive Secretary.

July 9, 1981.

[FR Doc. 81-20619 Filed 7-14-81; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Finding of No Significant Impact Vegetation Management Program for Site Preparation and Conifer Release, Douglas County, Oregon; Umpqua National Forest, Diamond Lake Ranger District

An Environmental Assessment that discusses the Vegetation Management Program for site preparation and conifer release on 3,583 acres of plantations on Diamond Lake Ranger District has been prepared. The proposed project will be implemented from 1981 to 1983. All proposed treatment areas are located on lands administered by the Umpqua National Forest within Douglas County, Oregon. No flood plains or wetlands are affected by this project. The report is available for public review at the Diamond Lake Ranger District and the Umpqua National Forest Office in Roseburg, Oregon.

This project will use the herbicide 2,4-D aerially applied on 347 acres for site preparation, and may be considered to have effects which are of national concern.

The range of alternative methods considered included chemical, mechanical, manual biological, thermal, combinations, and no action.

Based on the analysis and evaluation described in the environmental assessment for this project, it is my decision to adopt the alternative using the following methods and treatment schedule:

| | Percent | Year of planned accomplishment | Acres |
|--------------------------------|---------|--------------------------------|-------|
| Site Preparation | | | |
| Chemical methods | 30 | | |
| Aerial application glyphosate | | 1981 | 251 |
| Ground application glyphosate | | 1981 | 127 |
| Aerial application velpar | | 1982 | 35 |
| Ground application velpar | | 1982 | 19 |
| Mechanical methods | 30 | | |
| Trakmac slashing | | 1981 | 305 |
| Trakmac planting spots | | 1981 | 118 |
| Manual methods | 0 | | |
| Biological methods | 0 | | |
| Mechanical and thermal methods | 11 | | |
| Tractor pile and burn | | 1981 | 169 |
| Chemical and Thermal methods | 27 | | |

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| | Percent | Year of planned accomplishment | Acres |
|--|---------|--------------------------------|-------|
| Aerial application glyphosate brown and burn | | 1981 | 54 |
| Aerial application picloram and 2,4-D, brown and burn | | 1982 | 347 |
| Manual chemical and thermal methods | 2 | | |
| Hand tool slashing, chemically treat stumps and burn (picloram and 2,4-D) ground | | 1982 | 25 |
| No action | 0 | | |
| Total | 100 | | |
| Release | | | |
| Chemical methods | 67 | | |
| Aerial application glyphosate | | 1981 | 664 |
| Ground application glyphosate | | 1982 | 664 |
| Aerial application velpar | | 1981 | 236 |
| Ground application velpar | | 1982 | 237 |
| Ground application dalpon, atrazine and 2,4-D | | 1982 | 112 |
| Ground application dalpon, atrazine and 2,4-D | | 1982 | 179 |
| Mechanical methods | 6 | | |
| Trakmac slashing | | 1983 | 125 |
| Manual methods | 7 | | |
| Hand tool slashing | | 1983 | 111 |
| Hand pulling | | 1982 | 39 |
| Biological methods | 0 | | |
| Thermal methods | 0 | | |
| Combinations | 0 | | |
| No action | 0 | | |
| Total | 100 | | |

These methods and treatments, with specified mitigation measures and monitoring, provide the best combination of physical, biological, social and economic benefits and is considered to be the environmentally preferable alternative.

I have determined, based on the environmental analysis, that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors: (a) all chemicals are approved by EPA for the proposed use; (b) application of chemicals will comply with applicable EPA labels, State and Federal law, Forest Service policies and the current R-6 Environmental Statement dealing with vegetative management; (c) treatment with chemical, mechanical or hand methods will have only slight and temporary effect on the ecosystems in the treatment areas; (d) physical and biological effects are limited to the areas of planned treatment; and (e) there are no irreversible or irretrievable resource commitments or losses.

Project implementation may take place immediately after the date of this decision.

This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: July 2, 1981.

R. D. Swartzlender,
Forest Supervisor.

[FR Doc. 81-20612 Filed 7-14-81; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Members of Performance Review Boards

AGENCY: Department of Agriculture.

ACTION: Notice.

SUMMARY: This document amends the list of Performance Review Board members published April 20, 1981, 46 FR 22629 and 22630.

EFFECTIVE DATE: Upon publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

Earl C. Hadlock, Chief, Executive Resources, Performance Appraisal and Merit Pay Staff, Office of Personnel, Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C. 20250 (202-447-2830).
John R. Block,

Secretary of Agriculture.

July 9, 1981.

The membership of the Department of Agriculture's Performance Review Boards is amended by deleting the names of James H. Starkey, William T. Cherry, J. B. Penn, Thomas C. Nelson, and Weldon B. Denny and adding the following names:

1. Seeley G. Lodwick
2. William G. Leshner
3. G. William Hoagland
4. Frank W. Naylor, Jr.
5. Clarence L. Tardy
6. Thomas Hammer
7. Everett G. Rank, Jr.
8. Alan T. Tracy
9. Mary E. Carter
10. Raymond A. Pugh
11. John W. Bode
12. Kenneth R. Hook
13. A. James Barnes
14. Paul M. Howard
15. Mary C. Jarratt
16. John B. Crowell, Jr.
17. Richard Cannon
18. John E. Ford
19. Mildred E. Thymian
20. Martin F. Fitzpatrick
21. Kenneth A. Gilles
22. Raymond M. Housley

[FR Doc. 81-20643 Filed 7-14-81; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

Schedule for Awarding SES Bonuses

The Civil Aeronautics Board plans to award bonuses to Senior Executive Service members on or about July 28, 1981.

For further information contact: Wilma Kriviski, Acting Director, Office of Human Resources, Civil Aeronautics Board, (202) 673-6140.

Wilma J. Kriviski,

Acting Director.

[FR Doc. 81-20606 Filed 7-14-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Cordage From Cuba; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on cordage from Cuba. This merchandise is covered by the embargo on trade with Cuba which has been in effect since February 7, 1962. As a result, the Department has tentatively determined to continue the countervailing duty rate established by the Department of the Treasury. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: July 15, 1981.

FOR FURTHER INFORMATION CONTACT:

Joseph Black, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 23, 1954, the Department of the Treasury published a notice in the Federal Register, T.D. 53534 (19 FR 4560), imposing countervailing duties on dutiable cordage from Cuba.

This order was subsequently modified by T.D. 54650, published in the Federal Register on August 2, 1958 (23 FR 5873), limiting the imposition of countervailing duties to cordage which the Cuban government considered "baler twine" or "binder twine". Normally, these two types of twine as defined in the Tariff Schedules of the United States (TSUS)

are free of duty and would have been excluded from countervailing duties under section 303 of the Tariff Act of 1930 ("the Tariff Act"); however, not all the Cuban product meets the description for "binder twine and baler twine" contained in headnote 1(e) of Schedule 3, Part 2 of the TSUS. Therefore, T.D. 54650 limits the countervailing duty order to cordage considered by the Cuban government to be baler or binder twine, but which does not meet the definition for "binder twine and baler twine" in the TSUS.

On January 1, 1980, title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Treasury Department to the Department of Commerce ("the Department"). The Department published in the Federal Register of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the countervailing duty order on cordage from Cuba.

Scope of the Review

Merchandise covered by this review is cordage which the Cuban government considers "binder twine and baler twine," but which does not meet the definition contained in the TSUS. Normally, binder twine and baler twine, as defined by the TSUS, enter under item number 315.20 of the TSUS. The merchandise under consideration here is currently classifiable under item number 315.25 of the TSUS.

Preliminary Results of Review

As a result of our review, we preliminarily conclude that the merchandise has not been imported into the United States since 1962. This merchandise is covered by the embargo on all trade with Cuba, in effect since February 7, 1962 (27 FR 1085).

Therefore, the Department has tentatively determined to continue the countervailing duty rate of 2.488¢ established by T.D. 53534 for future entries of this merchandise. The Department intends to instruct the Customs Service to apply this rate as a cash deposit of estimated countervailing duties on future entries if the embargo on trade with Cuba is terminated. There are no known unliquidated entries of this merchandise.

Interested parties may submit written comments within 30 days of the date of publication of this notice and may

request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative view, and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 10, 1981.

[FR Doc. 81-20693 Filed 7-14-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration/Department of Commerce.

ACTION: Notice of Agency decision to close out files pertaining to certain claims filed under Title IV, Outer Continental Shelf Lands Act Amendments of 1978, as amended (Title IV).

SUMMARY: Notice is given that the Agency has closed out the files with regard to the following claims brought under Title IV, and will take no further action in their regards because the claimants have failed to respond in timely fashion to notices of deficiencies in the claims as filed.

Claim Numbers and Dates of Filing

FCF-11-79 February 26, 1979.
 FCF-23-79 No claim filed (five-day report only).
 FCF-25-79 March 2, 1979.
 FCF-34-79 No claim filed (five-day report only).
 FCF-45-79 No claim filed (five-day report only).
 FCF-46-79 May 7, 1979.
 FCF-48-79 No claim filed (five-day report only).
 FCF-49-79 No claim filed (five-day report only).
 FCF-57-79 June 22, 1979.
 FCF-62-79 No claim filed (five-day report only).
 FCF-64-79 No claim filed (five-day report only).
 FCF-70-79 August 6, 1979.
 FCF-81-79 No claim filed (five-day report only).
 FCF-06-81 No claim filed (five-day report only).
 FCF-08-81 No claim filed (five-day report only).

ADDRESS: NOAA Office of General Counsel (GCEL), Room 275, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Harry Feehan at the above address (telephone: 202-254-8350).

SUPPLEMENTARY INFORMATION: Title IV (43 USC 1841) established the Fishermen's Contingency Fund from which the Secretary of Commerce is authorized to compensate commercial fishermen for damage to, or loss of, fishing gear and for any resulting economic loss due to activities related to oil and gas exploration, development, and production on the Outer Continental Shelf.

In pertinent parts, the regulations implementing Title IV (50 CFR 296) declare as follows. A claim brought under Title IV must contain certain specified information (50 CFR 296.7(e)). The Chief, Financial Services Division, National Marine Fisheries Service (Chief, FSD), is authorized initially to decide whether a claim contains this information, or so much of it as is thought necessary to process the claim (50 CFR 296.7(e), 296.8(b)(1)). If the Chief, FSD, finds that the claim is incomplete, the claimant must be notified in writing of any deficiencies (50 CFR 296.8(b)(3)(i)). Thereafter, a claimant has 60 days in which to correct the deficiency. If the claimant does not so do within 60 days, the claim is not eligible for compensation unless the Chief, FSD, extends the 60-day period (50 CFR 296.8(b)(3)(ii)). The General Counsel is authorized to review any determination by the Chief, FSD, with regard to a deficiency. If the General Counsel finds that a claim has been abandoned by reason of the claimant's having failed to respond in timely fashion to a notice of deficiency from the Chief, FSD, the General Counsel "may close the file without further action under . . . Part 296" (50 CFR 296.8(d)(1)).

With regard to each of the above claims, the claimant failed to respond to a notice of deficiency within 60 days and, in some cases, within 20 or 30 additional days unilaterally granted by the Chief, FSD. Therefore, the General Counsel has found that these claims have been abandoned within the meaning of 50 CFR 296.8(d)(1), has closed the files on them, and will take no further action in their regard.

Signed at Washington, D.C., this 10th day of July, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-20705 Filed 7-14-81; 8:45 am]

BILLING CODE 3510-22-M

Northern Anchovy Fishery

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Notice of preliminary determination of estimated spawning biomass and optimum yield for 1981-82 season.

SUMMARY: This notice announces the preliminary determination of estimated spawning biomass and optimum yield for the northern anchovy fishery (*Engraulis mordax*) in the U.S. fishery conservation zone for the 1981-82 fishing season. The optimum yield has been determined by application of the formula in the fishery management plan (FMP) for the northern anchovy fishery. A final determination will be announced on or about August 1, 1981.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Alan W. Ford, Regional Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731; Telephone (213) 548-2575.

SUPPLEMENTARY INFORMATION:

In consultation with the California Department of Fish and Game and Southwest Fisheries Center, National Marine Fisheries Service (NMFS), the Regional Director has made a preliminary determination that the spawning biomass of northern anchovy (central subpopulation) is estimated to be 2,803,000 short tons. This preliminary determination is based on Administrative Report Number LJ-81-17, Southwest Fisheries Center, NMFS. The report documents the method used to estimate the 1981 spawning biomass of the central subpopulation of northern anchovies. The biomass estimate is based on the anchovy larva abundance measured by four egg and larvae surveys. This method of biomass estimation has been used each year since implementation of the FMP and provides the historical data series for establishing annual harvest quotas.

Applying the formula in the FMP to calculate optimum yield (OY), NMFS has made a preliminary determination for the 1981-82 fishing season that: (1) the OY is 420,700 short tons, (2) the Domestic Annual Harvest capacity is

371,885 short tons, and (3) the total allowable level of foreign fishing (TALFF) is 48,815. The TALFF may be subject to revision due to a recent submission of a joint venture application.

As specified in the FMP the preliminary announcement has been made in consultation with the Pacific Fishery Management Council (Council) and a summary of the information on which the estimates are based has been provided to the Council.

The Administrative Report cited above is under review, and a final determination of OY, harvest quotas, and TALFF, if any, will be announced on or about August 1, 1981.

Dated: July 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-18862 Filed 7-14-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Additional Import Controls on Certain Cotton Apparel From the Republic of the Philippines

July 9, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling cotton playsuits in part of Category 337 (non-traditional), produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1981, at a level of 37,560 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, the United States Government has decided to control imports of cotton textile products in Category 337pt., produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1981, in addition to those categories previously designated.

EFFECTIVE DATE: July 16, 1981.

FOR FURTHER INFORMATION CONTACT:

Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4212).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the *Federal Register* (45 FR 85498) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981. Under the terms of the bilateral agreement, the United States Government has decided also to control imports of cotton textile products in Category 337pt. during the same period. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 337pt. in excess of 37,560 dozen. The level of restraint has not been adjusted to account for any imports after December 31, 1980. Import charges during the January-April 1981 period have amounted to 16,300 dozen. As the data become available, charges will also be made for the period which began May 1, 1981 and extends to the effective date of this action.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

July 9, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24,

1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11851 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 16, 1981, and for the twelve-month period beginning on January 1, 1979, and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 337pt.,¹ produced or manufactured in the Philippines, in excess of 37,560 dozen.²

Textile products in Category 337pt., which have been exported to the United States prior to January 1, 1981, shall not be subject to this directive.

Textile products in Category 337pt. which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textile products from the Philippines has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-20604 Filed 7-14-81; 8:45 am]

BILLING CODE 3510-25-M

Adjusting the Level of Restraint for Certain Man-Made Fiber Textile Products from India

July 9, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the designated

¹ In Category 337, all T.S.U.S.A. numbers except 382.0020, 382.0073, and 382.3329.

² The level of restraint has not been adjusted to reflect any imports after December 31, 1980. Charges for the period January-April 1981 have amounted to 16,300 dozen.

consultation level established for other man-made fiber furnishings, such as lace or net bedding, blankets, sheets and bedspreads (among others), in Category 666, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1981, from 2 million square yards equivalent (256,410 pounds) to 8 million square yards equivalent (1,025,641 pounds).

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India provides consultation levels for certain categories of textile products, such as Category 666, which are not subject to specific ceilings and which may be adjusted upon agreement between the two governments. At the request of the Government of India, the Government of the United States has agreed to increase the level for man-made fiber textile products in Category 666 to 1,025,641 pounds during the agreement year which began on January 1, 1981.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT:

Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 19, 1980, there was published in the *Federal Register* (45 FR 83647) a letter dated December 16, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements establishing levels of restraint for certain categories of cotton, wool and man-made fiber textile products, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of man-made fiber textile products in Category 666, produced or

manufactured in India and exported during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981, in excess of the increased level of 1,025,641 pounds.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 16, 1980, from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in India, in excess of designated levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 8, 1977, you are directed to prohibit, effective on July 9, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 666, produced or manufactured in India, in excess of 1,025,641 pounds.¹

The actions taken with respect to the Government of India and with respect to imports of man-made fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-20665 Filed 7-14-81; 8:45 am]

BILLING CODE 3510-25-M

¹ The level of restraint has not been adjusted to reflect any entries after December 31, 1981.

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP 81-3]

Glass Coffee Decanters; Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: The Commission denies a petition requesting that all glass coffee decanters/pots be required to carry an additional warning label, cautioning users that the pots may fail in a sudden or catastrophic manner, even if the decanters/pots have not been struck against a solid object. The Commission is taking this action because available information does not support a finding that glass coffee decanters/pots present an unreasonable risk of injury and that a mandatory standard is necessary to address the risk. This decision is based on the fact that the injury data do not indicate a severe or frequent problem associated with the hazard of spontaneous breakage of glass coffee decanters/pots. Further, the Commission believes that an additional warning label, as proposed by the petitioner, is inappropriate because there are no additional precautions that can be recommended to avoid a potential "spontaneous" failure.

ADDRESS: Copies of the petition and the staff's briefing materials on the petition may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Elaine A. Tyrrell, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6557.

SUPPLEMENTARY INFORMATION:

1. Background

Section 10 of the Consumer Product Safety Act (CPSA) provides that any interested person may petition the CPSC to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the *Federal Register*.

On January 21, 1981, the Commission received a letter and attachments from John Fiske Brown, registered professional engineer of John Fiske Brown Associates, Forensic Engineers. Mr. Brown expressed concern regarding the injury potential associated with glass coffee decanter/pot failures

(Petition CP 81-3). Mr. Brown stated that the warning labels currently affixed to such items advise users to avoid the condition of "boiling dry" and "impact", but fail to warn of sudden breakage even without impact occurring. He stated his belief that the use of glass is only marginally safe for carrying unheated liquids and that it is unacceptable for carrying hot liquids. In this context, Mr. Brown attached a two-page listing of glass characteristics entitled, "Safety Aspects of Glass Coffee Pots." Mr. Brown also attached a listing of Commission consumer complaints entitled, "Glass Coffee Pot Breakage" that illustrate several patterns of glass coffee pot breakage, including pots which reportedly "exploded".

Therefore, Mr. Brown requested that all glass coffee decanters/pots carry an additional cautionary label which would read, "Warning: May fail in a sudden and catastrophic manner, even if no impact occurs."

2. Commission Decision Regarding the Petition

To address the issues presented by the petition, the Commission staff provided economic and marketing information, prepared a hazard analysis of injury data available from all available Commission data sources associated with glass coffee decanters/pots; sought information on any existing voluntary standards which would be applicable to these products, and assessed the need/appropriateness of labeling or special information and education materials to address the hazard of concern to the petitioner. The staff noted that a variety of terms are used to refer to the type of product described in the petition. Therefore, in the discussion below, several different terms have been used.

Economic and Marketing Information on Glass Coffee Decanters/Carafes

The Commission staff gathered information on the types, prices, and quantities of glass coffee decanters and carafes used by consumers. It was noted that glass coffee decanters and carafes are one subset of a wide variety of apparatus available for brewing and serving coffee. For the sake of discussion, the staff categorized glass coffee decanters/carafes according to those used with automatic drip coffeemakers (ADC's), those used with non-automatic coffeemakers, and those used as coffee servers. Prices for replacement and extra decanters/carafes for the ADC's and non-automatic coffeemakers generally range from \$6.00 to \$9.00, whereas the retail price ranges for carafes used as coffee

servers were higher (\$25.00 to \$45.00), as these items were usually more decorative or made from more expensive materials.

Reportedly, 45-50% of the households in the U.S. (some 39.7 to 44.2 million) have an ADC, and almost all ADC's for consumer use have glass carafes. Comparable data are not available for the other two categories of glass coffee decanters/carafes. However, the Commission staff estimated that, based on the available data and professional judgment, there may be a total of some 80 to 150 million glass coffee decanters/carafes in use by consumers and that 70 to 80 million households (80 to 90% of the total households) have at least one such item.

Hazard Analysis of the Available Injury/Death Data Associated with Glass Coffee Decanters/Pots

The Commission staff estimated that over a two-year period (1978-1980), 17,000 persons were treated in hospital emergency rooms for injuries associated with all types of coffee and tea containers. Further, less than 5% or 775 of these injuries (258 per year) were found to be associated with the "spontaneous" breakage of glass coffee or tea containers. Nearly all of these 775 victims were treated and released from hospital emergency rooms for lacerations received from broken glass. Approximately one percent of these injuries were scald burns requiring hospitalization.

Among the nearly 500 in-depth investigations reviewed, the Commission staff stated that 7 were associated with the breakage of glass coffee pots. In 6 of these cases, the victims were pouring liquid when the glass pot "exploded", "broke", or "shattered". In the remaining case, the victim was a six-year-old bystander who sustained a first-degree scald burn when the pot his father was using "exploded". The Commission staff also found that 49 consumer complaints over a two-year period (including the incidents reported by the petitioner), were associated with the glass breakage hazard. Of these, nearly half reported no injury due to the "spontaneous" breakage of the coffee or tea pot. When an injury was reported, scald burns were reported most frequently. Although the respondents in these cases stated that the pots usually contained hot water when they broke, some indicated that either cold or no water was in the pot when it broke.

Based on an estimate of 80 to 150 million glass coffee decanters/carafes in use by consumers, the staff estimates that there is a likelihood of one injury

per year from the "spontaneous" breakage of glass coffee pots for every 300,000 to 580,000 such items in use in the country.

Available Voluntary Standards Related to Glass Coffee Decanters/Pots

From a library search for applicable voluntary standards, the Commission staff did not find any which specifically addressed the heat-induced breakage of glass coffee decanters.

The staff stated that the type of breakage described in the petition can result from a combination of factors the most critical of which is probably due to thermal stress from uneven heating. Glass objects in general can have relatively large residual stresses built in (due to shape, the shaping process used in manufacture, and heating/cooling history), but the addition of more stress due to use and heat can result in sudden fracture as noted by the petitioner.

Need/Appropriateness of Labeling or Special Information and Education Materials

The Commission staff provided an assessment of the need/appropriateness of labeling or special information and education materials to address the hazard of concern to the petitioner.

The staff stated that the primary function of a warning label was to apprise the consumer of the existence of a hazard and the steps he should take to avoid the hazardous condition. For example, the wording most frequently found on warning labels affixed to glass coffee pots appears below:

To Avoid Breakage:

- Do Not Boil Dry or Heat Pot When Empty
- Do Not Use if Cracked or Scratched
- Do Not Clean With Materials That Scratch
- Do Not Use in High Flame or on Open Electric Elements (or on Open Electric Element Use a Trivet)
- Do Not Bump

The hazard pattern of "spontaneous" failure, as stated by the petitioner, does not appear on the warning labels affixed to glass coffee pots. Such a label, as proposed by the petitioner, would indicate that a hazard may exist, but it could not provide any cautionary steps the consumer should take to avoid the condition. The hazard of "spontaneous" failure is unpredictable and there are no precautions that can be recommended to avoid the condition. Thus, the Commission believes that the consumer's best protection is probably to follow the manufacturer's instructions when using the product.

Other Information Related to the Issues of Petition CP 81-3

In response to the petitioner's statements regarding existing warning labels affixed to glass coffee pots, the Commission staff made limited observations of the glass coffee pots currently available in the Montgomery County, Maryland area. In general, the staff noted that the cautionary or warning statements are printed in an instruction booklet which is packaged with the product. In few cases, the warning label is printed directly on the glass pots, sometimes in two languages, and refers to conditions in addition to those of "boiling dry" and "impact," as stated by the petitioner.

In an attempt to determine if there were standard labeling practices among the manufacturers of glass coffee pots, particularly in regard to the cautionary statements noted to exist on many such items, the Commission staff contacted trade associations and spoke with Mr. Thomas D. McGee, Professor, Materials Science and Engineering Department, Iowa State University. No information was found to indicate that there are standard labeling practices being followed by manufacturers. Further, it was learned that the American Glassware Association, the trade association which presumably would have represented this segment of glassware manufacturing, disbanded more than a year ago.

The Commission staff also received a letter of comment from Professor McGee, regarding the petitioner's two-page attachment, "Safety Aspects of Glass Coffee Pots". Although Professor McGee concurred with several of the points in the petitioner's attachment, he stated that no one knows how to produce and maintain flawless glass (as suggested by the petitioner to obtain "higher practical strengths" in glass). Professor McGee stated that research to neutralize the effect of flaws has resulted in some success, but the "problem for top-of-the-stove ware is more difficult than for ordinary use."

The Commission has carefully considered the issues raised by the petitioner as well as the injury and technical data/information submitted by the staff and has concluded that glass coffee decanters/pots do not present an unreasonable risk of injury and that mandatory labeling as requested by the petitioner is not necessary to address the risk. Based on an estimate of 80 to 150 million glass coffee decanters/carafes in use by consumers, the Commission estimates that there is a likelihood of one injury per year occurring from the "spontaneous"

breakage of glass coffee pots for every 300,000 to 580,000 such items in use in the country. Further, the Commission believes that the additional warning label, as proposed by the petitioner, to apprise consumers of potential "spontaneous" failure is inappropriate because there are no additional precautions that can be recommended to avoid the condition.

Dated: July 6, 1981.

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

[FR Doc. 81-20750 Filed 7-14-81; 8:45 am]
BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

Privacy Act of 1974; Addition of a System of Records

AGENCY: Defense Intelligence Agency.

ACTION: Addition of a system of records

SUMMARY: The Defense Intelligence Agency proposes to add a new system of records to its inventory of records subject to the Privacy Act of 1974. The system notice for this system is set forth below.

DATE: The new system will become effective August 14, 1981, unless public comment is received which results in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should be addressed to the systems managers identified in the system notices.

FOR FURTHER INFORMATION CONTACT:

Mrs. Helen E. Shuford, Chief, Administrative Branch (RTS-1C), Defense Intelligence Agency, B112 Cafritz Building, Washington, DC 20301; Telephone (202) 694-1040.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency inventory of system of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code Section 552a (Pub. L. 93-579; 88 Stat. 1896, *et seq.*) have been published in the *Federal Register* at:

FR Doc. 81-897 (46 FR 6628) January 21, 1981.

FR Doc. 81-16661 (46 FR 29984) June 4, 1981.

A new system report as required by Title 5, United States Code, Section 552a (o) was submitted on June 12, 1981. July 9, 1981.

M. S. Healy,
OSD Federal Register Liaison Officer,
Washington, Headquarters Services,
Department of Defense.

L-DIA 0335

SYSTEM NAME:

Alcohol and Drug Abuse Reporting Program.

SYSTEM LOCATION:

Defense Intelligence Agency,
Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is diagnosed as an alcohol/drug abuser by a physician and subsequently enrolled in a bona fide treatment program.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains employee intake and follow-up records, initial interview forms, counselor observations and impressions of employee's behavior and rehabilitation progress, copies of medical consultation and procedures performed, results of bio-chemical urinalysis for drug abuse, and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority of Title 10, United States Code, Section 133d, the secretary of Defense has established the Defense intelligence Agency as a separate agency of the Department of Defense under his direction and charged the Director of Defense Intelligence Agency with the responsibility of maintaining necessary and appropriate records. (See Department of Defense Directive 5105.21).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, USES, AND THE PURPOSES OF SUCH USES:

Blanket "routine uses" identified at the beginning of this Component's listing of systems do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein be

confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 United States Code, Section 1175 and Title 42 United States Code, Section 4582. These statutes take precedence over the Privacy Act of 1974, (5 U.S.C. 552a) in regard to accessibility of such records may only be disclosed to:

Medical personnel to the extent necessary to meet a bona fide medical emergency.

Government personnel for the purpose of obtaining benefits to which the patient is entitled.

Qualified personnel for the purpose of conducting scientific research, management of financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

A court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefore.

Records are used as a basis for recommending actions to the Command Element and other DIA elements. Depending upon the nature of the information it may be passed to appropriate elements within the Department of Defense, The Department of State, and the Office of Personnel Management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders. (manual)

RETRIEVABILITY:

By name and social security number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets. They are accessible only to authorized personnel all of whom are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are maintained in the Personnel Office, and destroyed two year after termination of the case.

SYSTEM MANGER(S) AND ADDRESS:

Deputy Assistant Director of Personnel, Defense Intelligence Agency, Washington, D.C. 20301

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains

information pertaining to you, submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. Include in your request your full name, current address, current telephone number and social security number or date of birth. Requests can be mailed to the address indicated above or personally delivered to room 3E-233, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of your records must be in writing. Include in your request your full name, current address, telephone number and social security number or date of birth. Also, state that whatever cost is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E-223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the initial determination concerning his or her request, may file a request for administrative review of that determination. These requests must be in writing and filed within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide any additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E-223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Interviews, personal history statements, abstracts or copies of pertinent medical records, abstracts from personnel records, results of tests, physician's notes, observations from employee's behavior, related notes, papers from counselors and/or clinical directors.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-20956 Filed 7-14-81; 8:45 am]

BILLING CODE 3810-70-M

Privacy Act of 1974; Notice of Amendment of a System Notice

AGENCY: Defense Intelligence Agency.

SUMMARY: The Defense Intelligence Agency proposes to amend a system notice for a system of records subject to the Privacy Act of 1974. This

amendment is designed to clarify the routine uses for the records in this system of records. The specific change is set forth below.

DATE: This notice will be amended as indicated on August 14, 1981 unless public comments which result in a contrary determination are received.

ADDRESSES: Comments should be sent to Mrs. Helen E. Shuford, Chief, Administrative Services Branch (RTS-1C), Defense Intelligence Agency, B-112 Cafritz Building, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT:

Mrs. Helen E. Shuford, Chief, Administrative Service Branch (RTS-1C) Defense Intelligence Agency. Telephone 202/695-1040.

SUPPLEMENTARY INFORMATION: On June 4, 1981, at 46 FR 29984 a proposed amendment to the routine uses for system LDIA 0819, entitled: "DIA Financial Management" was published. Subsequently it was determined that the routine uses as published did not clearly reflect the uses to which records from this file are put. Therefore, the change set forth below is proposed. The Defense Intelligence Agency inventory of system of records notices as required by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579, 88 Stat. 1896, *et seq.*) has been published at:

FR Doc. 81-897 (46 FR 6628) January 21, 1981.

FR Doc. 81-16661 (46 FR 29984) June 4, 1981.

This amendment does not fall within the purview of 5 U.S.C. 552a(o) which requires an altered system report. July 9, 1981.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington, Headquarters Services,
Department of Defense.*

CHANGES

LDIA 0819

System Name:

DIA Financial Management

Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses:

Delete last sentence and insert:
"Information may be disclosed to the Departments of State, Treasury, and Justice; the General Accounting Office, the Office of Personnel Management and, in the case of former employees, to their current employers."

LDIA 0819**SYSTEM NAME:**

DIA Financial Management

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE FOR EACH USE:

Information is used to determine the eligibility for waiver of erroneous payment and remission of indebtedness. To support claims of the United States Government for the collection of erroneous payments made. To process employee's claims of payroll problems. Information may be disclosed to the Departments of State, Treasury, and Justice; the General Accounting Office, the Office of Personnel Management and, in the case of former employees, to their current employers."

[FR Doc. 81-20657 Filed 7-14-81; 8:45 am]
BILLING CODE 3810-70-M

Department of the Navy**Privacy Act of 1974; Addition of a System of Records**

AGENCY: Department of the Navy (DON).
ACTION: Addition of a system of records notice.

SUMMARY: The Department of the Navy is adding a system of records notice to its inventory of systems or records subject to the Privacy Act of 1974.

DATE: The proposed action will be effective without further notice on August 14, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should be addressed to the systems managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone 202/694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579; 88 Stat. 1896, *et seq.*), have been published in the Federal Register at:

FR Doc. 81-897 (46 FR 6696) January 21, 1981.

FR Doc. 81-3277 (46 FR 9693) January 29, 1981.

FR Doc. 81-10892 (46 FR 21226) April 9, 1981.
FR Doc. 81-13603 (46 FR 25337) May 6, 1981.
FR Doc. 81-14976 (46 FR 27370) May 19, 1981.

FR Doc. 81-16085 (46 FR 28893) May 29, 1981.

The Navy submitted a new system report for this system under the provisions of 5 U.S.C 552a (o) on June 11, 1981

M. S. Healy,
OSD Federal Register Liaison Officer,
Washington, Headquarters Services,
Department of Defense.
July 9, 1981.

N11012**SYSTEM NAME:**

Navy Personnel Billeting System (NPBS)

SYSTEM LOCATION:

Navy Regional Data Automation Center, San Diego (NARDAC), Naval Air Station, North Island, San Diego, California 92135.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All bachelor military (officers and enlisted) and bachelor civilian personnel requesting berthing currently or in the future at a command where this system is installed may be covered by this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's social security number, name, duty station, forwarding address and home address

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy responsible for the management of a BEQ/BOQ complex. The system is used for reporting status of berthing availability, furniture and maintenance associated with a BEQ/BOQ complex.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained on magnetic disk, magnetic tape, and hard copy reports.

RETRIEVABILITY:

Name and/or SSN.

SAFEGUARDS:

Access to computer room, software and storage media requires special

positive identification cleared through security department. System access from remote terminals is controlled by codes used site ID's.

RETENTION AND DISPOSAL:

An individual's reservation record is maintained on disk for six months and is then system deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Regional Data Automation Center, Requirements Analysis and Design Division, Code 41, Building 334, Naval Air Station, North Island, San Diego, California 92135.

NOTIFICATION PROCEDURES:

Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies in the form of navy messages and/or travel orders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-20655 Filed 7-14-81; 8:45 am]
BILLING CODE 3810-77-M

Availability of Indexes of Final Dispositions of Complaints of Wrong Submitted Pursuant to Article 138, Uniform Code of Military Justice (UCMJ) and Reports of Wrong Submitted Pursuant to Article 1106, U.S. Navy Regulations, 1973

On May 16, 1978, at 43 Federal Register 21030, the Department of the Navy published information concerning the availability of indexes of final dispositions of Complaints of Wrong submitted pursuant to Article 138 of the Uniform Code of Military Justice (10 U.S.C. 938) and Reports of Wrong submitted pursuant to Article 1106, *U.S. Navy Regulations, 1973*. Inasmuch as

some of that information has become outdated, the third and fourth paragraphs of the May 16, 1978, notice are hereby cancelled. The following current information is provided in substitution:

Internally reproduced copies of the index are available at \$3.80 per copy, the direct cost of duplication. This price is subject to change as the result of the addition of new pages in the future. Each additional page will add \$.10, the direct cost of its duplication, to the price of the index.

Copies of the index can be obtained by writing to the following address: Judge Advocate General (Code 13), Department of the Navy, 200 Stovall Street, Alexandria, Virginia 22332.

Additionally, internally reproduced copies of individual complaint files are available at the aforementioned office at \$.10 per page, the direct cost of duplication.

For further information contact: Head, Military Affairs Branch, Administrative Law Division, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, Virginia 22332.

Dated: July 8, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-20650 Filed 7-14-81; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF EDUCATION

Intergovernmental Advisory Council on Education; Meeting

AGENCY: Intergovernmental Advisory Council on Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Intergovernmental Advisory Council of Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: July 30-31, 1981.

ADDRESS: July 30—Holiday Inn Capitol, 550 C Street SW., Washington, D.C. 20024.

July 31—Gallaudet College, Ely Center, Multi-Purpose Room, 7th and Florida Avenue NE., Washington, D.C. 20002.

FOR FURTHER INFORMATION CONTACT: Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202 (202) 245-9248.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education is established under section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council is established to provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations relating to education.

The meeting of the Council is open to the public but a portion will be closed on July 31.

The Policy, Priorities, and Agenda Committee will meet at 2:00 p.m. on July 30 in the Mercury Room of the Capitol Holiday Inn to discuss papers entitled *General Mission and Alternative Specific Roles of the Council and Alternative Criteria and a Range of Some Possible Initial Selections for the Council's Work Program*. The Rules, Procedures and Budget Committee will meet at 2:00 p.m. on July 30 in the Gemini Room of the Capitol Holiday Inn to discuss papers entitled *General Mission and Alternative Specific Roles of the Council and Relative Policy, Fiscal and Administrative Independence of the Council: Issues and Alternatives*.

The meeting of the full Council will begin at 9:00 a.m. and conclude at 4:30 p.m. on July 31, 1981, in the Multi-Purpose Room, Ely Center at Gallaudet College. The proposed agenda includes: presentations by Secretary T. H. Bell on goals and mission of the Department of Education, Under Secretary William C. Clohan on Block Grants, and Deputy Under Secretary John H. Rodriguez on Organization of the Department; discussion of Council contracted papers on *General Mission and Alternative Specific Roles of the Council; Alternative Criteria and a Range of Some Possible Initial Selections for Council's Work Program; and Relative Policy, Fiscal and Administrative Independence of the Council: Issues and Alternatives*.

The meeting will be closed to the public from 3:00 p.m. to 4:00 p.m. to discuss personnel issues. The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) and under exemptions (2) and (6) of Section 552(c) of the Government in the Sunshine Act (Pub. L. 94-409; 5 U.S.C. 552b(c) (2) and (6)). Discussion of personnel issues will touch upon matters which would constitute a serious invasion of privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5

U.S.C. 552b will be available to the public within 14 days of the meeting.

Records are kept of all Council proceedings, and are available for public inspection at the office of the Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Rm. 4027, Washington, D.C. 20202 from the hours of 8:30 a.m. to 5:00 p.m.

Signed at Washington, D.C., on July 10, 1981.

John H. Rodriguez,

Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 81-20717 Filed 7-14-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Mabee Petroleum Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: July 8, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461, telephone number (202) 653-3517.

SUPPLEMENTARY INFORMATION: On May 1, 1981, the OE published notification in the *Federal Register* that it executed a Consent Order with Mabee Petroleum Corporation (Mabee) of Midland, Texas on April 20, 1981, 46 FR 24622 (1981). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by Mabee pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Mabee refunded the sum of \$435,308 by certified

check made payable to the United States Department of Energy on May 11, 1981. This sum has been received by the OE and deposited in a suitable account pending determination of its proper distribution.

The following persons submitted notices of claim to the OE: Cities Services Company, Mobil Oil Corporation, The Commonwealth of Massachusetts.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to received the \$435,308, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on July 8, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refund and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refund should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 8th day of July, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-20618 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. EF81-2021 and EF81-2011]

Bonneville Power Administration; Filing

July 9, 1981.

Take notice that on June 24, 1981, pursuant to Delegation Order No. 0204-33, as amended and supplemented, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy filed for Commission review of Rate Order Nos. BPA-5 and BPA-4, which confirmed, approved and placed into effect as of July 1, 1981, on an interim basis the Bonneville Power Administration's Transmission Rate Schedules FPT-2, ET-2, UFT-2, IR-1, Wholesale Power Rate Schedules PF-1, IP-1, MP-2, CF-1, CE-1, NR-1, NF-1, RP-1, FE-1, SI-1, and the General Rate Schedule Provisions setting forth the terms and conditions of service under the foregoing rate schedules.

The transmission rate schedules previously in effect on an interim basis were: FPT-1, UFT-1 and ET-1. The wholesale rate schedules previously in effect were: EC-8, EC-9, IF-2, MF-2, F-7, F-8, J-2 and H-6.

The new rate schedules constitute Bonneville's first transmission rate increase and first wholesale power rate increase since the passage of the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96-501) on December 5, 1980.

Pursuant to the Bonneville Project Act (Pub. L. 75-329 as amended), the Federal Columbia River Transmission System Act (Pub. L. 93-454), the Reclamation Project Act of 1939 (Pub. L. 85-611 as amended), the Flood Control Act of 1944 (Pub. L. 78-534), Section 2 of the Grand Coulee Third Powerhouse Authorization (Pub. L. 89-448 as amended) and the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96-501), the BPA Administrator conducted a revised power repayment study to determine the revenue necessary to recover the cost of producing, purchasing, and transmitting the electric power BPA markets, to repay investments as required by statute, and to recover other costs associated with the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). The study showed a need for a 78.5 percent increase in total revenues over the repayment study period, excluding revenues required to cover the cost of acquiring investor-owned utility exchange resources. Total revenues needed will be met by the increase in transmission rates approved by Rate Order No. BPA-5 and the increase in wholesale rates approved by Rate Order No. BPA-4.

BPA prepared a Cost-of-Service Analysis the most recent version of which shows that revenues under the three transmission rate schedules need to be increased an average of 43 percent in order to recover the allocated costs of providing transmission service.

According to the Assistant Secretary, the existing transmission rate schedules would produce revenues of approximately \$30,154,000 in fiscal year 1982. The new transmission rates would produce approximately \$43,000,000 during that year (an increase of approximately 41%).

The cost of the utility exchange resources have not yet been determined. BPA will acquire that power at the average system cost of the seller which will be determined using a methodology currently being developed.

According to the Assistant Secretary, the existing wholesale power rate schedules would produce revenues of approximately \$599,846,000 in fiscal year 1982. The new wholesale rate schedules would produce approximately \$1,057,000,000 during that year (an increase of approximately 76%).

Combined, the existing wholesale power and transmission rate schedules would produce revenues of approximately \$630,000,000 in fiscal year 1982, assuming average water conditions. The new wholesale power and transmission rates would produce approximately \$1,100,000,000 during that year (an increase of 74%) under these same conditions excluding revenues associated with the exchange costs. BPA expects the cost of the exchange resources to fall between \$350 million and \$500 million. The cost of the exchange purchases has not been determined because the methodology for that determination requires a separate review process and separate approval by the FERC.

BPA stated that present revenues are inadequate for a number of reasons. Since the last time rates were adjusted, there have been significant cost increases, including the addition of new programs required by the Regional Act. According to BPA, the cost increases include substantial increases in the construction cost of nuclear power plants from which BPA has acquired power generation capability, other purchase power costs, interest costs, and the costs to operate, maintain and construct new Federal generation and transmission facilities. BPA stated that these cost increases have not been matched by revenue increases. BPA further stated that revenues from the 1979 rate levels have been less than forecasted. BPA also stated that new programs add substantial costs and include funding for the Regional Planning Council, fish and wildlife, local government assistance, load forecasting, increased public involvement, system planning, energy conservation, and new resources.

The new schedules are applicable to all of Bonneville's power customers and to all of Bonneville's transmission customers. These rates and provisions will be effective on an interim basis from July 1, 1981 through June 30, 1982, or until the FERC confirms and approves them or substitute rates on a final basis. Approval is requested for a period not to exceed 5 years subject to the authority of the BPA Administrator to propose an adjustment of these rates to the extent allowed by contract during the 5-year period as may be necessary to assure sufficient revenue to meet annual operating expenses and timely repayment of the Federal investment. It is presently anticipated that rate modifications will be needed during 1982 after BPA's new transmission policy has been formulated. It is requested 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 NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 15, 1981. Protests will be considered by the Commission 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. 81-20729 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-586-000]

Dayton Power & Light Co.; filing

July 13, 1981.

The filing Company submits the following:

Take notice that on July 2, 1981, The Dayton Power and Light Company (DP&L) tendered for filing an executed Service Agreement For Partial Requirements And/Or Transmission Wheeling Service To Municipalities For Resale (Service Agreement) between DP&L and the City of St. Marys, Ohio.

The proposed Service Agreement permits the City of St. Marys to receive partial requirements and transmission wheeling service from DP&L under its FERC Electric Tariff, Original Volume No. 2. The previous service agreement between DP&L and the City of St. Marys, under which the City of St. Marys received service pursuant to DP&L FERC Electric Tariff Original Volume No. 1, is superseded.

DP&L requests the Commission waive its notice and filing requirements and permit the proposed Service Agreement to become effective June 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 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. 81-20730 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-588-000]

Florida Power & Light Co.; Filing

July 9, 1981.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) tendered for filing on July 1, 1981, the following tariff sheets as part of its FPC Electric Tariff, Original Volume No. 1 applicable to six municipal customers and seven rural electric cooperatives: Seventh Revised Sheet No. 5, Fifth Revised Sheet No. 6, Fifth Revised Sheet No. 7, Fifth Revised Sheet No. 8, and Fifth Revised Sheet No. 9 and First Revised Sheet No. 9A.

FPL also tendered for filing First Revised Sheet Nos. 4, 5 and 6 to the Florida Power & Light Company Interchange Transmission Service Tariff With Interchange Transmission Service Rate Schedule Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service), and D (Firm Service).

FPL also tendered for filing the following: Proposed Amendment No. 2 to the November 19, 1979 Agreement to Provide Specified Firm Power Electric Service between Florida Power & Light Company and Seminole Electric Cooperative, Inc.; Proposed Amendment No. 1 to Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and the Utilities Commission of the City of New Smyrna Beach, Florida, executed on January 28, 1977; and Proposed Amendment No. 2 to the Contract Between Florida Power & Light Company and Jacksonville Electric Authority for Transmission of Power and Energy in the Implementation of the Power Sale Agreement Between Jacksonville Electric Authority and Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company; and Southern Company Services, Inc., executed February 14, 1980.

FPL proposes to place the revised tariff sheets and amendments into effect on September 1, 1981, although the Company will voluntarily defer

implementation until January 1, 1982. Additionally, FPL requests inclusion of CWIP in rate base pursuant to Section 2.16(b) of the Commission's regulations. FPL asserts that it is in financial distress and that it requires relief from additional CWIP in rate base. FPL states that without rate relief its earnings show a negative rate of return and will not cover dividend obligations. All of the above-listed rate schedules and contract amendments are also being filed with rates that reflect the inclusion of additional construction work in progress in the rate base. FPL requests an expedited hearing on the CWIP issue.

FPL states that the proposed rates would increase revenues from wholesale sales by approximately \$49 million with CWIP in rate base for the 12 month period ending September 30, 1982, and approximately \$39 million without CWIP in rate base.

FPL is also requesting a waiver under Section 35.14(10) of the Commission's Regulations to include certain capacity costs in purchased power in its wholesale fuel adjustment clause.

According to FPL, appropriate portions of this filing have been served upon FPL's wholesale customers and the Florida Public Service Commission.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 28, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to 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. 81-20731 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-579-000]

Iowa Power & Light Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that Iowa Power and Light Company (Iowa Power) on June 26, 1981, tendered for filing a Joint Dispatch Data Exchange Agreement (Agreement) and Amendments thereto, between Iowa Power, Iowa-Illinois Gas and Electric

Company (Iowa-Illinois), Iowa Public Service Company (Public Service), Iowa and Iowa Electric Light and Power Company (Iowa Electric). The Agreement is dated March 29, 1978, Amendment No. 1 is dated August 1, 1979, and Amendment No. 2 is dated December 23, 1980.

The Agreement relates to implementation and operation of a central data exchange facility for the purpose of coordinating the Utilities respective interests in operational control of jointly owned electric power generating facilities. Amendment No. 1 revises Exhibit A of the Agreement allows Interstate to become a party to the Agreement. Amendment No. 2 revises Exhibit A of the Agreement and allows Iowa Electric to become a party to the Agreement.

Iowa Power requests that the Commission waive its prior notice requirements and accept the Agreement for filing with a retroactive effective date of March 29, 1978, Amendment No. 1 with a retroactive effective date of August 1, 1979, and Amendment No. 2 with a retroactive effective date of December 23, 1980.

Copies of this filing were served upon each affected party and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 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. 81-20732 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. RP79-8-007, et al.]

Kansas-Nebraska Natural Gas, Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

July 13, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date

of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 on or before July 27, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

Appendix

| Filing date | Company | Docket No. | Type filing |
|-------------|---------------------------------------|--------------|-------------|
| 6/22/81 | Consolidated Gas Supply Corp. | RP72-157-044 | Report. |
| 6/26/81 | Kansas-Nebraska Natural Gas Co. | RP79-8-007 | Report. |
| 6/29/81 | Kansas-Nebraska Natural Gas Co. | RP78-10-004 | Report. |
| 6/30/81 | Eastern Shore Natural Gas Co. | RP72-134 | Report. |
| 6/30/81 | Natural Gas Pipe Line Co. of America. | RP80-11-006 | Report. |
| 7/2/81 | Tennessee Gas Pipeline Co. | RP81-38-002 | Report. |

[FR Doc. 81-20733 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-590-000]

Missouri Power & Light Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that Missouri Power & Light Company (MPL) on July 6, 1981, tendered for filing a proposed Electric Service Agreement between MPL and the City of Owensville, Missouri (Owensville).

MPL states that the Agreement, approved by Ordinance No. 142 of the City of Owensville, Missouri, supersedes the Electric Service Agreement between MPL and Owensville entered into on December 15, 1980. MPL proposes that the new Agreement become effective on October 1, 1981. The new Agreement eliminates some provisions which were agreed to but have not been implemented because the city government of Owensville has made changes in the manner in which areas of new electrical load will be served. The new Agreement will provide for reduced capacity to the city of 8512 kVa from the existing capacity of 18,312.5 kVa. The new Agreement eliminates an additional point of delivery agreed to in the December 1980 Agreement but which has not been constructed. The term of the Agreement

is for twelve years with automatic renewal for successive two-year periods unless terminated by either party. Termination may not occur during the first ten years of the Agreement's term. Thereafter, termination by either party may occur with two years' notice. Under the new agreement, the City will have no equipment purchase requirement upon termination at its election. The minimum charge under the new Agreement is \$4,450.00 per month, a reduction from the \$6,250.00 per month provided in the December 1980 Agreement due to the fact that previously agreed-upon facilities will not be constructed. The new Agreement requires the City to give MPL six (6) months' advance written notice of any proposed new municipal use or resale which will result in a 1 MW addition or more to the load. The new Agreement was entered into to provide Owensville with the necessary capacity to meet the anticipated growth of the City over the term of the Agreement.

Copies of the filing were served upon MPL's jurisdictional customers and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 August 3, 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. 81-20734 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP81-65-000]

National Fuel Gas Supply Corp.; Investigatory Conference

July 10, 1981.

Take notice that on July 23, 1981, at 1:00 p.m., the Staff of the Federal Energy Regulatory Commission will convene a conference to explore potential rate discrimination and other issues arising from a tariff charge filed by National Fuel Gas Supply Corporation in this docket. This conference will be held in

compliance with the Commission's order of June 19, 1981, directing the Staff to hold a conference for the purpose of investigating National Fuel's filing.

The conference will be held at a hearing room in the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Participation in the conference will be limited to the Staff, National Fuel, authorized intervenors in this docket, customers of National Fuel, interested state commissions, and representatives of interested consumer groups.

Participation in the conference will not be deemed to authorize intervention as a party to this proceeding. Authorization for intervenor status must be sought in accordance with the provisions of § 1.8 of the Commission's Rules of Practice and Procedure.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20735 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. TA81-2-16-001]

**National Fuel Gas Supply Corp.;
Proposed Tariff Change**

July 10, 1981.

Take notice that on July 2, 1981, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Thirty-Sixth Revised Sheet No. 4, proposed to be effective August 1, 1981.

National states that the purpose of this revised tariff sheet is to adjust National's rates pursuant to Article 17 (PGA) of the General Terms and Conditions and Article V of its Stipulation and Agreement in Docket No. RP80-95. National further states that Thirty-Sixth Revised Sheet No. 4 reflects an increase in National's rates of 34.85¢ per Mcf.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants party 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. 81-20736 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP79-204-004]

**Natural Gas Pipeline Company of
America; Proposed Changes in FERC
Gas Tariff**

July 10, 1981.

Take notice that on July 1, 1981, Natural Gas Pipeline Company of America, (Natural) tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume 2. Natural states that the proposed changes will make effective certain changes pursuant to an amendment dated March 1, 1981, to Rate Schedule X-111, a transportation and exchange agreement dated December 29, 1978, between Natural and Colorado Interstate Gas Company (CIG). An effective date of March 1, 1981 was requested.

Copies of this filing were mailed to CIG.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 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. 81-20737 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-585-000]

**New York State Electric & Gas Corp.;
Filing**

July 13, 1981.

The filing Company Submits the following:

Take notice that New York State Electric & Gas Corporation (NYSEG), on June 29, 1981, tendered for filing

proposed changes in its FERC Rate Schedules Nos. 27, 28, 30, 33 and 35. It is estimated that the proposed changes would increase revenues from jurisdictional sales and service by about \$18,300 based on the 12 month period ended April 30, 1981.

Pursuant to an order authorizing a temporary rate increase, adopted by the Public Service Commission of the State of New York (P.S.C.) on May 20, 1981 in NYSEG's current major rate case, NYSEG made a filing of revised leaves to Schedule P.S.C. No 115—Electricity, which were allowed to become effective June 1, 1981. This increase was based upon the assertion the NYSEG's Mortgage Indenture coverage requirements would not be attained during the fall and winter of 1981-82 unless interim relief was granted and thus, NYSEG would have been unable to issue the long term debt required for its construction program. The P.S.C. approved the temporary rate increase subject to refund. Rate Schedule P.S.C. No. 115 is incorporated in the previously noted FERC schedules.

NYSEG has filed with its jurisdictional customers, copies of this proposed notice, the filing letter, the pertinent revenue effect schedules and applicable tariff leaves.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure before July 31, 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. 81-20738 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. ER77-5 and E-8152]

Otter Tail Power Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that on June 15, 1981, Otter Tail Power Company (Otter Tail) submitted for filing a response to a letter of deficiency, issued by the Office of Electric Power Regulation, concerning

Otter Tail's filing in compliance with Commission No. 93.

A copy of this filing has been served upon the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 27, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20739 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-582-000]

Pacific Gas and Electric Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PGandE) on July 1, 1981, tendered for filing the following contract amendments:

1. Amending Agreement to the Agreement for the Sale Electric Power and Energy to Bureau of Electricity, Department of Public Utilities, City of Alameda. Dated April 22, 1981.

2. Agreement for Sale of Electric Capacity and Energy by Pacific Gas and Electric Company to City of Healdsburg. Dated May 5, 1981.

3. Amending Agreement to the Agreement for the Sale of Electric Power and Energy to City of Lodi. Dated April 15, 1981.

4. Amending Agreement to the Agreement for the Sale of Electric Power and Energy to City of Lompoc. Dated April 8, 1981.

5. Amending Agreement to the Agreement for the Sale of Electric Power and Energy to City of Santa Clara. Dated June 9, 1981.

6. Amending Agreement to the Agreement for Sale of Electric Capacity and Energy by Pacific Gas and Electric Company to City of Ukiah. Dated June 17, 1981.

These amendments are submitted for inclusion in PGandE's FPC Electric Tariff, Original Volume No. 2. The above amendments shall hereinafter be referred to as "Agreements." PGandE is filing the Agreements because the Cities have requested that their original Agreements be amended in order to accommodate the delivery of Northwest Energy to the Cities, under the terms of the Northern California Power

(NCPA)—PGandE Interruptible Transmission Service Agreement which has been filed July 1, 1981.

Additionally, the Amending Agreement (Agreement) for City of Healdsburg (City) provides for all Power Requirements of the City to be obtained from PGandE, under the terms and conditions of the Agreement. The Agreement also provides for the conversion of the City's facilities from 12 kv to 60 kv capacity. This conversion took place in June 1974 and service is not being charged under the terms of this Agreement.

Rates for the NCPA member cities will continue to be those rates contained in Rate Schedule R-1 of PGandE's FPC Electric Service Tariff, Original Volume No. 2. Section 2 of said schedule is the basis for the voltage discount which will now apply to the City.

PGandE requests an effective date of July 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon each of the Cities and the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 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 the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20740 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-583-000]

Pacific Gas & Electric Co.; Filing

July 13, 1981

The filing Company submits the following:

Take notice that on July 1, 1981, Pacific Gas and Electric Company (PG & E) tendered for filing a contract dated April 14, 1981, entitled "Interruptible Transmission Service Contract Between Pacific Gas and Electric Company and Northern California Power Agency" (Contract) and Resolution No. 81-25

Northern California Power Agency, dated May 15, 1981, with attached NCPA Service Schedule and Certificate of Accuracy.

PG & E requests an effective date of July 1, 1981 and therefore requests Waiver of the Commission's notice requirements.

The Contract provides that, to the extent that there is unused capacity available on PG & E's share of the Pacific Northwest-Southwest intertie, and PG & E determines it has transmission capacity available of PG & E's system, PG & E shall offer to provide non-firm transmission service for Northern California Power Agency (NCPA) on an interruptible basis, to any member of NCPA which has executed a Service Schedule for such service.

The rates for interruptible transmission service shall be the sum of:

(a) Any applicable transmission energy losses plus

(b) A service charge of 1 mil/kWh on all energy delivered to NCPA cities plus

(c) A spinning reserve charge calculated on either an hourly or daily basis.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20741 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-584-000]

Pacific Gas & Electric Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PG&E) on July 1, 1981 tendered for filing a signed letter agreement dated June 25, 1981 stipulating to an amendment to the United States Power Contract No. 14-06-200-2948A (Contract) between the

Western Area Power Administration (Western) and PG&E dated July 31, 1967.

The letter agreement further defers review of certain rates and charges pursuant to Article 32 of the Contract from July 1, 1981, to December 31, 1981. Review of these rates was first deferred from April 1, 1981, to July 1, 1981, pursuant to a letter agreement dated January 27, 1981.

The January 27, 1981, letter agreement was filed with and accepted by FERC in FERC Docket No. ER81-245-000. The rates and charges, review of which is deferred by the June 25, 1981, letter agreement, are provided under the following articles:

Article 22(c)(i)—Sales from Capacity Account, Article 22(c)(2)(ii)—Sales from Energy Account No. 2, Article 28(b)(1), (28)(b)(2), 28(b)(3)—Meter Rental.

The parties have agreed to further deferment of the April 1, 1981, rate review date to allow the parties sufficient time to complete their joint review of the rates in a more thorough manner.

The proposed effective date for the June 25, 1981, letter agreement is the date of filing hereof. Pacific requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 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. 81-20742 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

Docket No. CP79-84-004

**Panhandle Eastern Pipe Line Co.;
Proposed Changes in FERC Gas Tariff**
July 10, 1981.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on June 30, 1981 tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

First Revised Sheet No. 1712

Second Revised Sheet No. 1733
Second Revised Sheet No. 1741
Second Revised Sheet No. 1749
Second Revised Sheet No. 1759
First Revised Sheet No. 1812
First Revised Sheet No. 1813
Second Revised Sheet No. 1834
Second Revised Sheet No. 1842

Panhandle states that such changes are made to amend Rate Schedules TS-4 and TS-5 for the transportation and storage of natural gas on behalf of various Panhandle customers, with ANR Storage Company. Specifically such changes are made to reflect ISD's increased transportation charges as provided for by the Commission's Order of November 28, 1980 in Docket No. RP81-8. Panhandle proposes that these sheets become effective May 1, 1981.

A copy of this filing has been served on the various Panhandle customers involved in the service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 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. 81-20743 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-592-000]

**Public Service Co. of Indiana, Inc.;
Filing**

July 13, 1981.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc. on July 8, 1981, tendered for filing pursuant to the Interconnection Agreement between Public Service Company of Indiana, Inc., Southern Indiana Gas and Electric Company, United States of America and Indiana Statewide Rural Electric Cooperative, Inc. a Fourth Supplemental Agreement to become effective September 2, 1981.

Said Supplemental Agreement increases the demand charge for Short

Term Power from 60¢ per kilowatt per week to 85¢ per kilowatt per week.

Copies of the filing were served upon Southern Indiana Gas and Electric Company, Indiana Statewide Rural Electric Cooperative, Inc. and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 4, 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. 81-20718 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-580-000]

**Public Service Co. of Oklahoma;
Cancellation**

July 10, 1981.

The filing Company submits the following:

Take notice that on June 29, 1981, the Public Service Company of Oklahoma (PSO) tendered for filing a Notice of Cancellation of FERC Rate Schedule 209, between PSO and Southwestern Power Administration. PSO proposes an effective date of September 30, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 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. 81-20719 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-587-000]

San Diego Gas & Electric Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that San Diego Gas & Electric Company (SDG&E), on July 2, 1981, tendered for filing a FERC Electric Tariff under which SDG&E will sell and deliver nonfirm energy to any electric utility for resale in accordance with SDG&E's Service Schedule, SDG&E-1. SDG&E requests that the filing be made effective on July 1, 1981. Due to the nature of this rate for nonfirm energy, it cannot be predicted when sales will be initiated.

Cost support for the proposed rate schedule was included with the filing.

Copies of the filing were served on potential resale customers of SDG&E, and on the State Regulatory Commissions of California, New Mexico, and Arizona.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 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. 81-20720 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. CI72-295-001 et al.]

Superior Oil Company (Successor in Interest to Canadian Superior Oil (U.S.) Ltd.); Redesignation

July 13, 1981

Take notice that on June 19, 1981, The Superior Oil Company (Successor in Interest to Canadian Superior Oil (U.S.) Ltd.), of Post Office Box 1521, Houston,

Texas 77001, filed an application in Docket No. CI72-295-001, *et al.*, to amend certain certificates currently held by Canadian Superior Oil (U.S.) Ltd., to show The Superior Oil Company as certificate holder, to redesignate certain rate schedules, and to substitute The Superior Oil Company for Canadian Superior Oil Company (U.S.) Ltd., as a party in any pending proceedings before the Commission.

Effective February 28, 1981, Canadian Superior Oil Company (U.S.) Ltd., conveyed and transferred to Applicant all of its oil and gas properties and assets, together with all rights, privileges, obligations and responsibilities incident thereto.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20721 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-581-000]

Tapoco, Inc.; Filing

July 10, 1981.

The filing Company submits the following:

Take notice that on June 29, 1981, Tapoco, Inc. (Tapoco) tendered for filing documents relating to an amendment to the 1962 Agreement among Tapoco, The Tennessee Valley Authority (TVA), the Aluminum Company of America (Alcoa) and Nantahala Power and Light Company (Nantahala) commonly referred to as the New Fontana Agreement.

Tapoco states that this amendment reduces the 6 MW of assumed losses provided for in the Agreement to 4,099 kw, thereby providing Nantahala and Tapoco jointly with an additional 1,901 kw of entitlements. Tapoco requests that the above-mentioned amendment become effective as of May 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 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. 81-20722 Filed 7-14-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. TA81-2-17-002]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 10, 1981.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on July 2, 1981, tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Sixtieth Revised Sheet No. 14
Sixtieth Revised Sheet No. 14A
Sixtieth Revised Sheet No. 14B
Sixtieth Revised Sheet No. 14C
Sixtieth Revised Sheet No. 14D
Fourth Revised Sheet No. 14E

These sheets are being issued pursuant to provisions of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff contained in Section 12.4, Demand Charge Adjustment Commodity Surcharge; Section 23, Purchased Gas Cost Adjustment and Section 26, Louisiana First Use Tax (LFUT) Adjustment. These sheets are also being issued pursuant to Article IX, Transportation Tracker, and Article XI Staten Island LNG Facility, of the Stipulation and Agreement in RP78-87 approved by Commission Order issued April 4, 1980.

The changes proposed consist of:

(1) Changes in the DCA Commodity Surcharges pursuant to Section 12.4, mentioned above;

(2) PGA Adjustments of \$.081/dth reduction in the demand component of rates and an increase of 65.77¢/dth in the commodity component based on increases in the projected cost of gas purchased from producer and pipeline suppliers and an increase in the Account 191 balance as of May 31, 1981, pursuant to Section 23;

(3) Projected Incremental Pricing Surcharges for the period August, 1981 through January, 1982, pursuant to Section 23;

(4) A LFUT Adjustment Surcharge pursuant to Section 26 to clear the May 31, 1981 balance in the Deferred LFUT Account. In accordance with the Commission's order issued June 29, 1981, in Docket No. TA81-2-17, Texas Eastern has not included a current adjustment in its proposed rates for August 1, 1981, since the U.S. Supreme Court has found the tax to be unconstitutional and has enjoined collection of the tax;

(5) Increases in the T&C by Others Adjustments to reflect increased projected transportation and compression costs and the estimated July 31, 1981 balance in the Deferred Transportation Cost Account pursuant to the provisions of Article IX of the RP78-87 Stipulation and Agreement; and

(6) A reduction to the Rate Schedule SS rates to reflect the decrease in actual costs incurred in operating and maintaining the Staten Island LNG Facility for the 12 month period ended February 28, 1981, pursuant to the provisions of Article XI of the RP78-87 Stipulation and Agreement.

The proposed effective date of the above tariff sheets is August 1, 1981.

The changes proposed include costs associated with gas which Texas Eastern is importing from Canada pursuant to the certificate granted to Texas Eastern by order issued June 10, 1981, in Docket No. CP79-332, *et al.* According to footnote 1 of § 154.38(d)(4) of the Commission's regulations these

new pipeline supplies cannot be reflected in rate changes filed pursuant to Texas Eastern's PGA clause without prior Commission approval. Accordingly, to the extent required Texas Eastern has requested such approval and waiver of such Commission regulations as may be necessary for Texas Eastern to recover the costs of the gas which it is importing from Canada by means of the Purchase Gas Adjustment clause in its tariff on file with the Commission. In particular, Texas Eastern requested the Commission to grant the approval necessary to allow the imported gas to be reflected in Texas Eastern's PGA clause to the same extent that "wellhead purchases, field purchases . . ." may be reflected in a pipeline's PGA clause. Such approval is sought by Texas Eastern not only with respect to the instant PGA filing but also to subsequent PGA filings which Texas Eastern may make. The granting of this approval and any necessary waiver permitting Texas Eastern to reflect the cost of the imported volumes in filings made in its PGA clause is consistent with the recent action taken by the Commission with respect to volumes of gas imported from Canada by other pipelines. See Ordering Paragraph (D) of the order issued December 15, 1980, in *Transcontinental Gas Pipe Line Corporation*, Docket No. CP80-372.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 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. 81-20723 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-17-003]

Texas Eastern Transmission Corp.;
Proposed Changes in FERC Gas Tariff

July 10, 1981.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on July 2, 1981, tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Fifty-ninth Revised Sheet No. 14
Fifty-ninth Revised Sheet No. 14A
Fifty-ninth Revised Sheet No. 14B
Fifty-ninth Revised Sheet No. 14C
Fifty-ninth Revised Sheet No. 14D

Texas Eastern states that the sole purpose of the above tariff sheets is to eliminate from Texas Eastern's rates the current adjustment for the Louisiana First Use Tax (LFUT) which became effective on February 1, 1981.

Texas Eastern states that this filing is made pursuant to Order Directing Pipelines To Cease Collection Of The First Use Tax From Their Customers, Terminating Tracking Of The First Use Tax And Requiring The Filing Of Revised Rate Tariff Sheets issued June 29, 1981. This order was issued in light of the fact that on June 15, 1981, the Supreme Court issued its decree implementing its May 26, 1981 opinion in *Maryland v. Louisiana*, Original No. 83, finding that the LFUT is unconstitutional and enjoining the State of Louisiana from collection of the LFUT.

Accordingly, Texas Eastern proposes in accordance with the Commission's orders and in light of the decision of the Supreme Court to remove the LFUT current adjustment from its rates effective May 1, 1981. Such tariff sheets are filed subject to the express condition that they are subject to the Supreme Court's decision in *Maryland v. Louisiana* becoming final and nonappealable and the collection of the LFUT being permanently enjoined. Further, they are subject to the Commission's order issued June 29, 1981, becoming final and nonappealable. Further, in the event the State of Louisiana is lawfully permitted to collect the LFUT as provided in the current Louisiana law for periods after May 1, 1981, these tariff sheets will not become effective until the date on which the State of Louisiana is not permitted to collect such tax.

The proposed effective date of the above tariff sheets is May 1, 1981.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 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. 81-20724 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-121]

United Gas Pipe Line Co.; Drafting Conference and Informal Settlement Conference

July 10, 1981.

Take notice that on July 16, 1981, at 10:30 a.m., there will be a drafting conference pertaining to a tentative agreement which, among other things, reserves certain issues for subsequent resolution and on August 11, 1981, at 10:00 a.m. until 12:00 p.m., and from 1:00 p.m. until 5:00 p.m., there will be an informal settlement conference regarding the reserved issues. The meeting place for these conferences will be at the offices of the Securities Exchange Commission, 500 North Capitol Street, N.W., Room 776, Washington, D.C.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20725 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-589-000]

West Texas Utilities Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that on July 6, 1981, West Texas Utilities Company (WTU) submitted for filing two executed Delivery Point and Service Specifications sheets providing for changes in conditions of service under Service Agreements between WTU and the City of Sonora executed under WTU's FERC Electric Tariff, Original Volume No. 1. The changes provide for the establishment of a new delivery point and the decrease in stated maximum contract demand at the existing delivery point.

WTU states that copies of the filing have been sent to the public Utility Commission of Texas and the City of Sonora.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 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. 81-20726 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-591-000]

Wisconsin Power and Light Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that on July 6, 1981, Wisconsin Power and Light Company (WPL) tendered for filing an amendment and supplement to the power pool agreement dated June 10, 1981 between the Madison Gas & Electric Company, Wisconsin Public Service Corporation and WPL. WPL states that this is an amendment and supplement to the three company power pool agreement originally dated July 26, 1973.

WPL requests a proposed effective date of June 10, 1981, and therefore, requests a waiver of notice requirement of the Commission's regulations. WPL states that a copy of the amendment and supplement to the power pool agreement and the filing have been provided to the Madison Gas & Electric Company, Wisconsin Public Service Corporation, and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before August 3, 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. 81-20727 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed; Week of June 12 through June 19, 1981

During the week of June 12 through June 19, 1981, the appeals and applications for exception on other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals,
July 9, 1981.

List of Cases Received by The Office of Hearings and Appeals

[Week of June 12 through June 19, 1981]

| Date | Name and location of applicant | Case No. | Type of submission |
|---------------|--|----------|--|
| June 9, 1981 | American Federation of Government Employees, Lakewood, Colorado. | BAA-0691 | Appeal of OMB Circular No. A-76. If granted: A cost comparison study prepared pursuant to OMB Circular No. A-76 by DOE's Albuquerque Operations Office would be reviewed. |
| June 15, 1981 | Laketon Asphalt Refining, Inc., Washington, D.C. | BFA-0694 | Appeal of an Information Request Denial. If granted: The May 14, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Laketon Asphalt Refining, Inc. would receive access to certain DOE information. |
| June 15, 1981 | Plateau, Inc., Washington, D.C. | BFA-0692 | Appeal of an Information Request Denial. If granted: The April 30, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Plateau, Inc. would receive access to certain DOE information. |
| June 16, 1981 | Young Refining, Inc., Washington, D.C. | BFA-0693 | Appeal of an Information Request Denial. If granted: The May 7, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Young Refining, Inc. would receive access to certain DOE information. |
| June 16, 1981 | James W. Mayo, Bethesda, Maryland | BFA-0695 | Appeal of an Information Request Denial. If granted: The Information Request Denial issued by the Department of Energy would be rescinded, and James W. Mayo would receive access to certain DOE information. |
| June 17, 1981 | Barkett Oil Company, McLean, Virginia | BRS-0167 | Request for Stay. If granted: Barkett Oil Company would receive a stay of its obligation to file responses to the Notices of Probable Violation pending a determination to transfer the proceedings to the Department of Justice. |
| June 17, 1981 | Office of Special Counsel, Washington, D.C. | BRZ-0105 | Request for Interlocutory Order. If granted: The factual findings specified in the Office of Special Counsel's motion would be deemed admitted by Texaco, Inc. (Case No. DRO-0199). |
| June 18, 1981 | Central Sales, Miamisburg, Ohio | BEE-1666 | Exception from the Reporting Requirements. If granted: Central Sales would not be required to file form EIA-9A ("No. 2 Distillate Price Monitoring Report"). |
| June 18, 1981 | Taylor Oil Company, Washington D.C. | BEG-0058 | Request for Special Redress. If granted: The Administrative Litigation Division of the Office of General Counsel would not be permitted to participate in an enforcement proceeding involving the Taylor Oil Company (Case No. BRO-1254). |
| June 18, 1981 | Western Oil Sales Company, Seattle, Washington. | BEE-1667 | Exception from the Reporting Requirements. If granted: Western Oil Sales Company would not be required to file the EIA form relating to sales of diesel fuel. |
| June 12, 1981 | Charter Oil Company, Jacksonville, Florida. | BYX-0218 | Supplemental Order. If granted: The May 4, 1981 Decision and Order (Case No. DXE-2108) issued to Charter Oil Company by the Office of Hearings and Appeals would be amended to reflect certain adjustments which were not included in the previous calculation of the appropriate level of exception relief. |
| June 12, 1981 | Miller & Chevalier, Washington, D.C. | BFA-0690 | Appeal of Information Request Denial. If granted: The May 11, 1981 Information Request issued by the Deputy General Counsel for Regulation would be rescinded, and Miller & Chevalier would receive access to certain DOE information. |

Notices of Objection Received

[Week of June 15 to June 19]

| Date | Name and Location of Applicant | Case No. |
|---------------|---|----------|
| June 15, 1981 | Little America Refining Co., Inc., Washington, D.C. | DEX-0005 |
| June 15, 1981 | Little America Refining Co., Washington, D.C. | DEX-0116 |

[FR Doc. 81-20617 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-01-M

**ENVIRONMENTAL PROTECTION
AGENCY**

(EN-FRL 1862-7)

**California State Motor Vehicle
Pollution Control Standards;
Amendments Within the Scope of
Previous Waiver of Federal
Preemption**
AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of scope of waiver of Federal preemption.

SUMMARY: This notice announces that California does not need a waiver of Federal preemption to enforce certain amendments to its new motor vehicle pollution control program because these amendments fall within the scope of California regulations covered by a previously granted waiver. The amendments, applicable to new heavy-duty engines, extend the emission standards for 1980-1982 model year heavy-duty engines to include model year 1983, and delay the more stringent 1983 and subsequent model year heavy-duty engine emission standards for one year until model year 1984. Since the changes are included within the scope of a previous waiver, a public hearing to consider them is unnecessary. However, if any party asserts an objection to these findings on or before August 14, 1981, EPA will consider holding a public hearing to provide an opportunity to present testimony and evidence to show that there are issues to be addressed through a Section 209(b) waiver determination and that I should reconsider my findings. Otherwise these findings will become final at the expiration of this 30-day period.

DATES: Any objection to the findings in this notice must be filed on or before August 14, 1981; otherwise, at the expiration of this 30-day period these findings will become final. Upon receipt of any timely objection EPA will consider holding a public hearing which will be announced in a subsequent Federal Register notice.

ADDRESSES: Any objection to the findings in this notice should be filed with Mr. Charles N. Freed, Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Copies of the above standards and procedures at issue in this notice, as well as those documents used in arriving at this decision, are available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at the U.S.

Environmental Protection Agency, Central Docket Section, Gallery I, 401 M Street SW., Washington, D.C. 20460 (Docket EN-81-5). Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, California 95812.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION:
I. Introduction

Section 209(a) of the Clean Air Act, as amended, 42 U.S.C. 7543(a) ("Act"), provides:

No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No State shall require certification, inspection or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Section 209(b)(1) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of Section 209(a) for any State which has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. The Administrator must grant a waiver unless he finds that: (A) the determination of the State is arbitrary and capricious, (B) the State does not need the State standards to meet compelling and extraordinary conditions, or (C) the State standards and accompanying enforcement procedures are not consistent with Section 202(a) of the Act.

As previous waiver decisions have explained, State standards or enforcement procedures are not consistent with Section 202(a) if there is inadequate lead time to permit the development of the technology necessary to meet those requirements, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and State test procedures impose inconsistent

certification requirements.¹ California is the only State which meets the Section 209(b)(1) eligibility criteria for receiving waivers.

Once California has received a waiver of Federal preemption for its standards and enforcement procedures for a class of vehicles, it may adopt other conditions precedent to initial retail sale, titling or registration of the subject class of vehicles without the necessity of receiving a further waiver of Federal preemption.² If California acts to change a previously waived standard or accompanying enforcement procedure, the change may be included within the scope of the previous waiver if it does not cause California's standards, in the aggregate, to be less protective of public health and welfare than applicable Federal standards, does not cause California's requirements to be inconsistent with Section 202(a) of the Act, and raises no new issues affecting the Administrator's previous waiver determinations.³

II. Discussion

On August 19, 1980, CARB notified EPA⁴ that it had amended its "California Exhaust Emission Standards and Test Procedures for 1982 and Subsequent Model Heavy-Duty Engines and Vehicles"⁵ so as to extend the current 1980 exhaust emission standards one year through model year 1983 which, in effect, postpones the model year 1983 standards until model year 1984. The California exhaust emission standards at issue (prior to this amendment) were, for model years 1980-1982, 1.0/25/6.0 grams per brake-horsepower-hour hydrocarbons, carbon monoxide and hydrocarbons plus oxides of nitrogen, respectively (g/Bhp-hr HC/CO/HC+NO_x),⁶ and, for model year

¹ See, e.g., 43 FR 32182 (July 25, 1978).

² See 43 FR 36679, 36680 (1978).

³ See 44 FR 61096, 61099-61101 (1979); see also, letter from Marvin B. Durning, Assistant Administrator for Enforcement, Environmental Protection Agency (EPA), to Thomas C. Austin, Executive Officer, California Air Resources Board (CARB), March 8, 1979.

⁴ Letter from Gary Rubenstein, Deputy Executive Officer, CARB, to Douglas M. Costle, Administrator, EPA, August 19, 1980 [hereinafter "CARB August 19, 1980 Letter"].

⁵ Title 13, California Administrative Code, Section 1956.7, as amended May 22, 1980.

⁶ The California standard for 1980-1982 actually provides for two sets of standards; California affords the manufacturer the option of showing compliance with the 1.0/25/6.0 g/Bhp-hr HC/CO/HC+NO_x set of standards or a 25/5 g/Bhp-hr CO/HC+NO_x set of standards for each engine family. The amendment at issue continues this option through model year 1983. Hereinafter, whenever I refer to the 1980-1982 standard, I am referring to the two alternative sets of standards.

1983, 0.5/25/4.5 g/Bhp-hr/HC/CO/HC+NO_x. The amendment which is the subject of this waiver request would extend the 1.0/25/6.0 g/Bhp-hr HC/CO/HC+NO_x (or 25/5 g/Bhp-hr CO/HC+NO_x) standard through 1983 and would postpone the application of the 0.5/25/4.5 g/Bhp-hr HC/CO/HC+NO_x standard until 1984.⁷

In its letter, CARB stated its belief that the changes caused by the amendment were included within the scope of a waiver of Federal preemption that EPA already granted to California.⁸ I agree with CARB's belief that these changes are included within the scope of a previous waiver because they are merely changes to existing standards or enforcement procedures covered by a waiver; they do not cause the California standards, in the aggregate, to be less protective than applicable Federal standards; they do not cause California's requirements to be inconsistent with Section 202(a) of the Act; and they present no new issues affecting EPA's previous determinations with regard to California's standards and enforcement procedure.

EPA waived Federal preemption for California to enforce its 1980-1982 model year and 1983 and subsequent model year heavy-duty exhaust emission standards on June 22, 1977.⁹ On May 22, 1980, CARB held a public hearing in response to requests from various heavy-duty engine and vehicle manufacturers to reconsider the 1983 California heavy-duty engine exhaust emission standards. The manufacturers were concerned about the ramifications of the Federal enactment of new transient test procedures¹⁰ for heavy-

duty engines which are to go into effect beginning with model year 1984.¹¹ The manufacturers stated that inadequate lead time existed for conversion of facilities to perform transient testing, for development of Federal engines based on transient procedures, and for simultaneous development of California engines based upon the "steady-state" test procedures.¹² Since the manufacturers considered it likely that California would adopt the new Federal transient cycle test procedures,¹³ the manufacturers were concerned that the 1983 California engines would be certified for only one year.¹⁴ The manufacturers thus claimed that performing separate certification tests for model year 1983 for engines already certified in earlier model years would be unnecessary and costly and that the availability of product lines in California could be severely limited in model year 1983 due to higher priority of the Federal program.¹⁵ Based on these arguments and CARB findings that the one year extension would have no measureable effect on air quality, CARB decided to grant a one-year extension of its 1980-1982 model year standards to ease the manufacturers' burdens for model year 1983.¹⁶

CARB's postponement of the former 1983 model year standard leaves in effect the 1980-1982 model year standards for one additional model year. Although this postponement lessens the stringency of the 1983 model year standards covered by previous waivers of Federal preemption, the amended

properly controlling the dynamometer, the engine can be subjected to conditions which more closely simulate the operation of an engine in a vehicle on the road, thereby obtaining more representative emission test results. See 45 FR 4136, 4137-4139 (January 21, 1980).

¹¹ See CARB August 19, 1980 Letter.

¹² *Id.*

¹³ On January 21, 1981, by Resolution 81-1, CARB adopted the Federal transient cycle test procedures, to be applied to 1984 and subsequent model year heavy-duty engines, as an optional set of test procedures. CARB also adopted, in the same resolution, optional exhaust emission standards for heavy-duty engines of the same model years to be applied to those engines tested under the optional transient cycle test procedures. See Memorandum to Docket EN-81-5 from Michael Chernekoff, Memorandum of Telephone Conversation with Rod Summerfield, CARB, dated February 23, 1981. See also note 6, *supra*.

¹⁴ The model year 1980-1982 engines are to be certified to the less stringent standards using the steady-state procedures, the model year 1983 engine would have to be certified to the more stringent standards using the steady-state tests, and the model year 1984 engine would be certified again to the more stringent, but this time using the new transient test procedure. See CARB August 19, 1980 Letter.

¹⁵ *Id.*

¹⁶ See State of California, Air Resources Board, Resolution 80-24, May 22, 1980.

standards which would be in effect for model year 1983 remain at least as, or more, stringent than the corresponding Federal standards,¹⁷ precisely as was the case in model years preceding 1983. Therefore, the postponement does not affect California's determination that its own standards are at least as protective as Federal standards. Additionally, EPA found CARB's existing standards to be technologically feasible when it previously granted California a waiver of Federal preemption.¹⁸ Extending the standards one additional year presents no new issues of technological feasibility because the manufacturers can use the same technology they already have developed for model years 1980-1982 in model year 1983. Thus, no new technology is required to meet the 1983 standards. This amendment also raises no new issues affecting the previous waiver determinations. Therefore, the amendment is included within the scope of the previous waiver for California's 1980-1982 and 1983 and subsequent model year heavy-duty engine exhaust emission standards and test procedures.

III. Findings and Decision

Accordingly, the amendment to California's 1980-1982 and 1983 and subsequent model year heavy-duty engine exhaust emission standards and test procedures is within the scope of the waiver previously granted for these regulations. This finding will become final August 14, 1981, unless a *bona fide* objection is filed.

My decision will affect not only persons in California but also the manufacturers located outside the State who must comply with California's standards in order to produce motor vehicles for sale in California. For this reason I hereby determine and find that this decision is of nationwide scope and effect.

Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981) requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare Regulatory Impact Analyses for all major rules. Section 1(b) of the Order defines "major rule" as any regulation (as defined in the Executive Order) that is likely to result in:

¹⁷ The Federal standards for 1980-1983 model year gasoline-fueled and diesel-fueled heavy-duty engines are 1.5/25/10 g/Bhp-hr HC/CO/HC+NO_x. An alternative standard, to be selected at the manufacturer's option, is 5.0/25 g/Bhp-hr HC+NO_x/CO. 40 CFR 86.080-10, 86.080-11. Note that California's primary standard is more stringent than the Federal counterpart, but that the California and Federal alternative standards are identical.

¹⁸ See note 9, *supra*.

⁷ In its August 19, 1980 letter, CARB stated that it is studying plans to adopt new standards and test procedures for 1984 based upon the new Federal standards and test procedures (45 FR 4136 (January 21, 1980)). See also note 13, *infra*, and accompanying text.

⁸ CARB August 19, 1980 Letter. For a discussion of the waiver CARB was referring to, see note 13, *infra*, and accompanying text.

⁹ 42 FR 31637 (June 22, 1977). On the same date, but in a separate decision, EPA also waived Federal preemption for California to enforce its 1979 model year heavy-duty engine emission standards on the condition that California also adopt additional alternative standards and test procedures. See 42 FR 31639 (June 22, 1977). See also 43 FR 20549 (May 12, 1978) wherein EPA determined that the condition that EPA established in the June 22, 1977, waiver was satisfied.

¹⁰ At present, both California and Federal regulations provide for model engine exhaust emission testing which subjects the engine to a sequence of steady-state (i.e., unchanging) speed and torque combinations which recently have been found by EPA to have little relationship to actual patterns of use. 45 FR 4136, 4138 (January 21, 1980). The new transient test procedures adopted by EPA for 1984 and later model years, employ, in laboratory tests, a dynamometer (a computer-based controller) and emission sampling apparatus. By

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

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

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

EPA has determined that this waiver determination does not constitute a major rule. The likely effects, if any, on the economy, or otherwise, of this determination will be a cost savings to consumers, Government agencies and industries affected, and a beneficial effect on competition (both foreign and domestic), employment, investment, productivity, and innovation.

Accordingly, a Regulatory Impact Analysis is not being prepared for this waiver determination.

This action is not a "rule" as defined in 5 U.S.C. 601(2) because EPA is not required to undergo "notice and comment" under Section 553(b) of the Administrative Procedure Act, or any other law. Therefore, EPA has not prepared a supporting flexibility analysis addressing the impact of this action on small business entities.

Dated: July 8, 1981.

Anne M. Gorsuch,
Administrator.

[FR Doc. 81-20652 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-33-M

[OPP-50537A; PH-FRL-1882-3]

Ciba-Geigy Corp.; Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit, No. 100-EUP-1, issued to Ciba-Geigy Corp. for use of 1,544 pounds of the fungicide *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)alanine methyl ester on potatoes to evaluate control of early and late blight.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the

Federal Register of May 5, 1981 (45 FR 25138), announcing that Ciba-Geigy Corp., Greensboro, NC 27409, had been issued an extension of an experimental use permit for use of 1,544 pounds of the fungicide *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)alanine methyl ester. Ciba-Geigy has requested that the permit be amended to add the State of Ohio (24 acres). All other conditions of the experimental use program remain the same.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: July 2, 1981.

Douglas D. Camp,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-20648 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-32-M

[EN-FRL 1883-2]

Fuels and Fuel Additives; Waiver Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On February 20, 1981, Anafuel Unlimited (Anafuel) submitted an application for a waiver of the section 211(f) prohibition on certain fuels and fuel additives set forth in the Clean Air Act (Act). This application is for a proprietary fuel known as Petrocoal which consists of up to 12 percent, by volume, of methanol, up to six percent of certain four-carbon alcohols, by volume, in the presence of a proprietary inhibitor of not less than 0.023 grams per gallon (gpg) and not more than 0.033 gpg in unleaded gasoline. The Administrator of EPA has until August 19, 1981 (date of receipt of the application) to grant or deny a waiver.

Notice of receipt of this application appeared in the **Federal Register** on April 13, 1981 (46 FR 21695).

Because of the proprietary nature of Petrocoal and because of EPA's desire to render a determination on the maximum amount of data, Anafuel agreed to provide a reasonable amount of the premixed fuel Petrocoal for test purposes provided the prospective tester executed a confidentiality agreement with Anafuel.

Public docket EN-81-8 was established for this waiver request and the comment period, for receipt of any comments or test data, closed on May 28, 1981.

However, problems were encountered by Anafuel in supplying Petrocoal to those parties who requested it.

Therefore, EPA will accept comments submitted no later than July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas E. Moore, Attorney-Advisor, Field Operations and Support Division (EN-397), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 472-9367.

Dated: June 19, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-20651 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-33-M

[OPP-50539; PH-FRL-1882-4]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

36638-EUP-4. Albany International, Controlled Release Division, 110 A Street, Needham Heights, MA 02194. This experimental use permit allows the use 33.5 pounds of the pheromone (Z)-11-hexadecenal on artichokes to evaluate control of artichoke plume moth mating. A total of 240 acres are involved. The program is authorized only in the State of California. The experimental use program is effective from May 1, 1981 to May 1, 1982. A temporary exemption from the requirement of a tolerance for residues of the active ingredients in or on artichokes has been established. (Franklin Gee, PM 17, Rm. 401, CM#2, (703-557-7028))

464-EUP-70. Dow Chemical U.S.A., Agricultural Products Department, P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 2,000 pounds of the herbicide triclopyr on non-cropland to evaluate control of weeds. A total of 2,000 acres are

involved. The program is authorized only in the States of Colorado, New Mexico, Oklahoma, and Texas. The experimental use program is effective from May 1, 1981 to May 1, 1983. (Robert Taylor, PM 25, Rm. 412E, CM#2, (703-557-7066))

3125-EUP-176. Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120. This experimental use permit allows the use of 187.5 pounds of the biological insect growth regulator 2-chloro-N[[[4-(trifluoromethoxy(Phenyl)amino)carbonyl]-

b
enzamide on forest to evaluate control of gypsy moth larvae. A total of 3,000 acres are involved. The program is authorized only in the State of Pennsylvania. The experimental use program is effective from April 24, 1981 to April 24, 1982, this permit is being issued with the limitation that none of the material will enter the food chain. (Franklin Gee, PM 17, RM. 401, CM#2, (703-557-7028))

20954-EUP-15. Zoecon Corporation, 975 California Avenue, Palo Alto, CA 94304. This experimental use permit allows the use of 16.6 pounds of the pheromone gossypure on cotton to evaluate control of the pink bollworm. A total of 240 acres are involved the program is authorized only in the States of Arizona and California. The experimental use program is effective from May 1, 1981 to May 1, 1982. A permanent exemption from the requirement of a tolerance for residues of the active ingredient in or on cottonseed has been established (40 CFR 180.1043). (Franklin Gee, Pm 17, Rm. 401, CM#2, (703-557-7028))

20954-EUP-16. Zoecon Corporation, 975 California Avenue, Palo Alto, CA 94304. This experimental use permit allows the use of 9.3 pounds of the pheromone gossypure on cotton to evaluate control of the pink bollworm. A total of 200 acres are involved the program is authorized only in the States of Arizona and California. The experimental use program is effective from May 1, 1981 to May 1, 1982. A permanent exemption from the requirement of a tolerance for residues of the active ingredient in or on cottonseed has been established (40 CFR 180.1043). (Franklin Gee, PM 17, Rm. 401, CM#2, (703-557-7028))

20954-EUP-17. Zoecon Corporation, 975 California Avenue, Palo Alto, CA 94304. This experimental use permit allows the use of 9.3 pounds of the pheromone gossypure on cotton to evaluate control of the pink bollworm. A total of 200 acres are involved the program is authorized only in the States of Arizona and California. The

experimental use program is effective from May 1, 1981 to May 1, 1982. A permanent exemption from the requirement of a tolerance for residues of the active ingredient in or on cottonseed has been established (40 CFR 180.1043). This permit and the two above will use the same active ingredients, but different formulations. (Franklin Gee, PM 17, Rm. 401, CM#2, (703-557-7028))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above, it is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 619, as amended, (7 U.S.C. 136))

Dated: July 2, 1981.

Douglas D. Camp

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-20650 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-3500/3; PH-FRL-1882-2]

Rotenone; Completion of Pre-RPAR Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA has concluded that available data do not indicate that rotenone presents a risk of unreasonable adverse effects to man or the environment. The Agency has therefore removed rotenone from its list of suspect chemicals.

FOR FURTHER INFORMATION CONTACT: Thomas Miller, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Environmental Protection Agency, Room 711, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202 (703-557-7420).

SUPPLEMENTARY INFORMATION: The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, 7 U.S.C. 136(a) et seq. requires that all pesticides which are sold and distributed in the United States must be registered in accordance with the statutory standard for registration set forth in FIFRA. That standard requires (among other things) that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment", which is defined to

mean "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." Under the regulations issued pursuant to FIFRA, the Agency has developed an administrative review process in order to gather risk and benefit information about pesticides which appear to pose adverse health or environmental effects. This process, which has been designated the Rebuttable Presumption Against Registration (RPAR) process, (see 40 CFR 162.11) allows participation by all interested groups and culminates in a regulatory decision about a pesticide.

The Agency placed rotenone on the RPAR review list because of evidence that rotenone posed the potential of meeting or exceeding certain of the 40 CFR 162.11 risk criteria. Specifically, with regard to oncogenicity, a 1973 study that indicated potential oncogenicity has protocol deficiencies, and attempts to duplicate its results have failed. More recent testing and scientific review of rotenone do not suggest the likelihood of oncogenicity or any other significant adverse effect of concern. Therefore, on the basis of the available data, the Agency has concluded that rotenone has not met or exceeded the RPAR risk criteria, and that the issuance of a Rebuttable Presumption Against Registration is not warranted. Therefore, the Agency is concluding its review of rotenone as an RPAR candidate, but will initiate negotiations to effect certain label changes to reduce the risks attributable to the uses of rotenone. The U.S. Fish and Wildlife Service is currently performing or plans to perform studies to further characterize the potential of rotenone to produce adverse effects. Therefore, the Agency will not require the generation of certain additional data pursuant to the authority of section 3(c)(2)(B) of FIFRA.

Dated: June 23, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-20649 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81-429, 81-430 File Nos. BPH-800508AA, BPH-800827AI]

HLD & M Communications, and Ronald Smith; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: June 26, 1981.

Released: July 8, 1981.

In re Applications of HLD & M COMMUNICATIONS Cape Charles, Virginia, Reg: 96.1 MHz, Channel 241, 50 KW (H&V), 499 feet, BC Docket No. 81-429, File No. BPH-800508AA; RONALD SMITH, Cape Charles, Virginia, Reg: 96.1 MHz Channel 241, 50 KW (H&V), 500 feet, BC DOCKET NO. 81-430 File No. BPH-800827AI; For Construction Permit for a New FM Station.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by HLD & M Communications (HLD & M) and Ronald Smith (Smith).

2. HLD & M. Analysis of the financial data submitted by HLD & M reveals that \$261,966 will be required to construct the proposed station and operate for three months, itemized as follows:

| | |
|--|------------------|
| Equipment down payment..... | 37,323 |
| Equipment cash purchase..... | 111,968 |
| Land (five months lease payments)..... | 2,500 |
| Miscellaneous costs..... | 57,000 |
| Three months operating costs..... | 53,175 |
| Total..... | \$261,966 |

HLD & M plans to finance construction and operation with \$2,000 in existing capital and \$410,000 from a loan from D.C. National Bank (Washington, D.C.). The balance sheet submitted as part of the HLD & M amendment filed August 11, 1980 does not fully comply with the requirements of Item 2(a), Section III since it is undated and does not clearly establish whether there are any current and/or long-term liabilities. Further, the "bank loan commitment letter" submitted with the same amendment is not a commitment but a indication that the bank would "be interested in pursuing this matter with the intention of providing financing." Compliance with Paragraph 4(e), Section III has not been shown. ¹Therefore, no funds have been shown as available to HLD & M. A financial issue will be specified.

3. Section 1.1301 *et seq.* of the Rules requires applicants with antennas over 300 feet in heights to submit the environment narrative statement described in Section 1.1311. Although HLD & M has submitted such a statement for its transmitter site described in its tendered application, it

¹This paragraph requires applicants relying on loans or extensions of credit from financial institutions to submit copies by which these institutions have indicated their willingness to provide such funds including the amount of the loan or credit, terms or payment or repayment of loan, collateral or security required, rate of interest to be charged, and any attendant special requirements.

has failed to provide such a statement for its amended move of 2.49 miles to the site described in its amendment filed June 13, 1980.

4. HLD & M has also erred in its response to Table 1, Section II (Percent of Ownership of Partnership). The list provided accounts for only 90% of HLD & M, showing the following principles with the listed percentages: James Hudson (13.95%), Keith Seay (3.15%), Willie Leftwich (13.95%), Chester Davenport (13.95%), and Early D. Monroe, Jr. (45%). HLD & M will be required to file amendments of the above-referenced items with the presiding Administrative Law Judge.

5. Data submitted by the applicant indicates that there might be a significant difference in the size of the areas and populations which would receive service from the proposals. ² Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issue specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to HLD & M Communications:

(a) The source and availability of funds to meet anticipated costs; and

(b) Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified to

²HLD & M has not provided a complete answer to Item 14, Section V-B on either the square miles or the population within its proposed 1 mV/m contour. Although it lists the population of Northampton County as 15,300, the exhibit provided on its amendment filed June 13, 1980 is not sufficiently clear and we cannot therefore make a determination which cities and counties lie within the proposed 1 mV/m contour. We will order the applicant to amend both its response to this item and to provide a good copy of Exhibit E-2, filing both with the presiding Administrative Law Judge. Smith lists its proposed 1 mV/m contour as containing 1174 square miles and 540,710 population.

construct and operate the proposed FM facility.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

8. It is further ordered, That HLD & M file the following amendments with the presiding Administrative Law Judge:

(a) An amended response to Table 1, Section II;

(b) An amended response and narrative statement as required by Item 17, Section V-B; and

(c) An amended response to Item 14, Section V-B with a good copy of Exhibit E-2.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to Section 311 (a)(2) of the Communications Act of 1934, as amended, and Section 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-20660 Filed 7-14-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-45]

Pacific Lumber & Shipping Company, Inc., et al., v. Star Shipping A/S; Filing of Complaint and Assignment

Notice is given that a complaint filed by Pacific Lumber & Shipping Company, Inc., et al. against Star Shipping A/S was served July 2, 1981. Complainant alleges that respondent has violated section 14 third and fourth and section 16 of the Shipping Act, 1916 in regard to

handling of cargo damages or loss claims.

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,
Secretary.

[FR Doc. 81-20599 Filed 7-14-81; 8:45 am]
BILLING CODE 6730-01-M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance); Scandinavian World Cruises (Bahamas) Ltd. and DFDS Seaways (Bahamas) Ltd.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Scandinavian World Cruises (Bahamas) Limited and DFDS Seaways (Bahamas) Ltd., c/o Scandinavian World Cruises, 1441 Port Blvd., Port of Miami, Miami, Florida 33132.

Dated: July 9, 1981.
Francis C. Hurney,
Secretary.

[FR Doc. 81-20600 Filed 7-14-81; 8:45 am]
BILLING CODE 6730-01-M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance); Scandinavian World Cruises (Bahamas) Ltd. and Scandinavian Seaways (Bahamas) Ltd.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and

Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Scandinavian World Cruises (Bahamas) Limited and Scandinavian Seaways (Bahamas) Ltd., c/o Scandinavian World Cruises, 1441 Port Blvd., Port of Miami, Miami, Florida 33132.

Dated: July 9, 1981.
Francis C. Hurney,
Secretary.
[FR Doc. 81-20601 Filed 7-14-81; 8:45 am]
BILLING CODE 6730-01-M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance); Scandinavian World Cruises (Bahamas) Ltd. and United Steamship (Bahamas) Ltd.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Scandinavian World Cruises (Bahamas) Limited and United Steamship Company (Bahamas) Limited, c/o Scandinavian World Cruises, 1441 Port Blvd., Port of Miami, Miami, Florida 33132.

Dated: July 9, 1981.
Francis C. Hurney,
Secretary.
[FR Doc. 81-20602 Filed 7-14-81; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh

possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than August 7, 1981.

Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690; Walter E. Heller, International Corporation, Chicago, Illinois (real estate appraisals; United States): To engage through a *de novo* subsidiary, Abacus Realty Appraisers, Inc., in the following activity: performing appraisals of all types of real estate (e.g. residential, commercial and industrial) wherever located in the United States, primarily for outside customers, wherever located, and for banking and nonbanking affiliates of the applicant, pursuant to § 225.4(a)(14) of Regulation Y. These activities would be conducted from offices in Chicago, Illinois, serving the entire United States. Comments on this application must be received not later than August 5, 1981.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120; Security Pacific Corporation, Los Angeles, California (leasing and servicing activities; United States): To engage through its subsidiary, Security Pacific Finance Corp. in leasing and servicing activities with respect to personal property and equipment and real property. These activities would be conducted from existing offices of Security Pacific Finance Corp. in Cherry Hill, New Jersey; Irvine, California; Pasadena, California; and San Diego, California, serving the United States.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20666 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

Brenton Banks, Inc.; Acquisition of Bank

Brenton Banks, Inc., Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Community Holding Company, Knoxville, Iowa, and thereby acquire indirect control of The Community National Bank & Trust Company of Knoxville, Knoxville, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20661 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

First City Bancorporation of Texas, Inc.; Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of The Fort Bend National Bank of Richmond, Richmond, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of

Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20663 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

Michigan National Corp.; Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by consolidation to Peoples State Bank of East Tawas, East Tawas, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20662 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

NCNB Corp.; Acquisition of Bank

NCNB Corporation, Charlotte, North Carolina, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 81.5 percent or more of the voting shares of The First National Bank of Lake City, Lake City, Florida. The factors that are considered in acting on the application are set forth

in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20667 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

Perry Bancshares, Inc.; Formation of Bank Holding Co.

Perry Bancshares, Inc., Perry, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Perry State Bank, Perry, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20668 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

Shawmut Corp.; Acquisition of Bank

Shawmut Corporation, Boston, Massachusetts, has applied for the

Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with First Melville Bancorp, Inc., New Bedford, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Shawmut Bancorporation, Boston, Massachusetts, is also engaged in the following nonbank activity: commercial finance. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Manies,
Assistant Secretary of the Board.
[FR Doc. 81-20669 Filed 7-14-81; 8:45 am]
BILLING CODE 6210-01-M

Society Corp.; Acquisition of Bank

Society Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 54.1 per cent or more of the voting shares of Lancaster National Bank, Lancaster, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 4, 1981. Any comment of the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Manies,
Assistant Secretary of the Board.
[FR Doc. 81-20670 Filed 7-14-81; 8:45 am]
BILLING CODE 6210-01-M

Texas Commerce Bancshares, Inc.; Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of First National Bank of Stafford, Houston, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 9, 1981.

D. Michael Manies,
Assistant Secretary of the Board.
[FR Doc. 81-20664 Filed 7-14-81; 8:45 am]
BILLING CODE 6210-01-M

V & V Holding Co.; Formation of Bank Holding Co.

V & V Holding Company, Lander, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90.86 per cent of the voting shares of Central Trust Company, Lander, Wyoming, a bank holding company with respect to Central Bank and Trust, Lander, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

V & V Holding Company, Lander, Wyoming, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage through Central Trust Company, Lander, Wyoming in the activities that

may be performed or carried on by a trust company. These activities would be performed from offices of Applicant's subsidiary in Lander, Wyoming, and the geographic area to be served in Fremont County, Wyoming. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonable be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than August 4, 1981.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Manies,
Assistant Secretary of the Board.
[FR Doc. 20665 Filed 7-14-81; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare Program; Statistical Standards for Evaluating Intermediary Performance During Fiscal Year 1981

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice with comment period.

SUMMARY: This is HCFA's annual notice containing statistical standards to be used for evaluating the performance of fiscal intermediaries in the administration of the Medicare program

for fiscal year 1981. The standards are based on available statistical data contained in routine intermediary reports and consist of measures of timeliness and cost of an intermediary's Medicare operations.

The evaluation of an intermediary consists of two steps. First, we determine whether the intermediary meets broad performance criteria dealing with general administration of its Medicare operations. If the intermediary meets the general criteria, we will measure its performance against statistically derived numerical standards in specific areas. We will consider the results of evaluations using the criteria and standards whenever we make, renew or terminate an intermediary agreement; assign or reassign providers to an intermediary; or designate regional or national intermediaries.

We are publishing this notice as final in order to avoid further delay in the use of the standards in fiscal year 1981 evaluations. When we published the statistical standards for fiscal year 1980 (45 FR 42184, June 23, 1980), we provided a formal comment period but received only one response. In view of this, and because the intermediary community has participated in the development of the fiscal year 1981 standards, we do not believe a formal notice of proposed rulemaking is necessary in this case. However, if interested parties wish to comment, we will accept the comments and consider them as we develop future standards.

EFFECTIVE DATE: July 15, 1981. To assure consideration, comments should be received by September 14, 1981.

ADDRESSES: Please address your comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave. S.W., Washington, D.C., or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPO-13-GNC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309-G of the Department's office at 200 Independence Ave. S.W., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

FOR FURTHER INFORMATION CONTACT: Newton Dikoff, 301-594-8190.

SUPPLEMENTARY INFORMATION:

Background

Under section 1816 of the Social Security Act, organizations and agencies participate in the administration of Part A (Hospital Insurance) of the Medicare program under contract with the Secretary. These agencies or organizations are known as fiscal intermediaries, and they perform actual bill processing and benefit payment functions. Providers of services submit claims to these intermediaries, which determine whether the services are covered under Medicare and determine reasonable costs. The intermediaries then reimburse the providers on behalf of the beneficiaries.

We evaluate the performance of intermediaries annually using performance criteria contained in 42 CFR 421.120 and statistical standards published in accordance with 42 CFR 421.122 (45 FR 42174, June 23, 1980). The evaluation itself is a two-step process. The first step (i.e., the performance criteria) provides the major thrust for assessing intermediary performance. Intermediaries must first pass performance criteria in the areas of bill processing, provider reimbursement, beneficiary services, fiscal management, and general administration. We require satisfactory performance in *all* areas of operations described by the performance criteria. If performance is unsatisfactory, we may initiate adverse administrative action. If performance is satisfactory, we undertake the second step of the evaluation. This step is based on the application of the statistical standards contained in this notice.

We consider the results in any determinations concerning:

- The making, renewing or terminating of agreements with intermediaries;
- Assignment or reassignment of providers to intermediaries; and
- Designation of regional or national intermediaries for classes of providers.

Statistical Standards

As required by 42 CFR 421.122, we are publishing statistical standards for evaluating the performance of Medicare intermediaries during the Federal Government's fiscal year 1981 (October 1, 1980 through September 30, 1981). We will use these standards to evaluate intermediary performance in three major areas: unit cost of claims processing, timeliness of claims processing, and timeliness of settling provider cost reports. As was the case in fiscal year

1980, we will evaluate the overall "quality" of intermediary performance for fiscal year 1981 by the performance criteria listed in 42 CFR 421.120. In the meantime, we are continuing to develop statistical standards for this category of performance.

We have modified the fiscal year 1980 evaluation system for use in measuring intermediary performance for fiscal year 1981. We will measure each of three major areas (unit cost, timeliness of claims processing, and timeliness of provider cost report settlement) individually and not collectively, as we did in fiscal year 1980. We will assign a starting score of 100 to each of the three areas, and we will subtract points from the starting score for intermediary performance that does not meet the levels set by the standards. The new method of assessment of points will allow for a more equitable comparison of intermediary performance because intermediaries that are similar in performance will have similar scores. This was not necessarily true in the 1980 scoring system because of the pass-fail mechanism of awarding points.

An intermediary must achieve a score of 75 points in each of the major areas to pass. If an initial score of 75 or better is attained in a statistical area, bonus points will be awarded for levels of performance exceeding the standards. Failure to achieve a minimum score of 75 in any of the three statistical areas will result in an overall assessment of unsatisfactory performance for the statistical standards phase of the evaluation process.

To promote the best possible performance, we set all of the statistical standards at levels of achievement reached by 50 percent of the intermediaries in prior years. However, the minimum passing score of 75 points is representative of the level of achievement reached by 85 percent to 90 percent of the intermediaries and is intended to identify inefficient intermediaries.

The three major areas collectively contain 15 standards by which each intermediary will be evaluated in fiscal year 1981 (see attachment A). We assigned each of the 15 standards a weight between 0 and 1, and we will multiply points received in any of these standards by the weight of the standard before we apply them to the starting score. We will use the bonus point concept in the standards to provide an incentive to the intermediaries to exceed the standards as much as possible. Because there is only one standard in the unit cost area, it has been assigned a weight of one. In the other statistical

areas, the individual standards carry weights according to their relative importance within the statistical area to beneficiaries, providers, and governmental record-keeping requirements. We derived these weights on the basis of our experience in the claims process and after consultation with the intermediary community.

There are 8 standards in the area of claims processing timeliness: 2 each for inpatient hospital, outpatient hospital, skilled nursing facility (SNF), and home health agency (HHA) claims. We assigned relatively equal weights to the standards for each type of claim because we believe each is equally important. We set the standards at different levels for each type of claim to reflect the varying difficulties of processing each type of claim and the actual achievements reached by intermediaries in these areas. All 8 standards are based on a level of achievement reached by about 50 percent of the intermediaries, and all have been given a weight between 0 and 1.

There are 6 standards in the area of cost report settlement timeliness: 2 each for hospitals, SNFs, and HHAs. We assigned relatively equal weights to the SNF and HHA cost report standards, and slightly higher weights to the hospital cost report standards. This reflects the relative importance of each to the effective and efficient administration of the Medicare program. As with claims processing, we set the standards at different levels for different types of cost reports to reflect the varying difficulties encountered by intermediaries in processing each type and the actual achievements reached by intermediaries in these areas. All 6 standards are based on a level of achievement reached by about 50 percent of the intermediaries, and all have been given a weight between 0 and 1.

Unit Cost

We based the standard for unit cost of claims processing on fiscal year 1979 data adjusted to reflect the effect of inflation and increased productivity estimated to occur through fiscal year 1981. These estimates are based on fiscal year 1981 budgets submitted by intermediaries. Intermediaries routinely take productivity and inflation factors into account when submitting their budgets. In the calculation of unit cost per claim, we define the numerator "cost" as the intermediary's Medicare fiscal year 1981 administrative costs. These costs exclude nonrecurring costs and costs related to provider reimbursement, provider audit,

Professional Standards Review Organization (PSRO) and Health Maintenance Organization (HMO) activities, and State premium taxes, where applicable. For Blue Cross Plans, the numerator includes a share of Blue Cross Association administrative support costs. These data will be derived from the final Interim Expenditure Report (Form HCFA-1527) filed for fiscal year 1981. We define the denominator "claim" as the intermediary's total number of processed claims for fiscal year 1981 as correctly reported on its Intermediary Workload Report (Form HCFA-1566).

We developed a formula using multiple regression analysis to adjust the intermediary's unit cost for significant measurable factors that are not within the intermediary's control in order to allow for a more equitable comparison with the standard. Regression analysis is a statistical tool that is used to identify variables (such as differing salary levels between geographic areas) that impact significantly upon a given measure (such as unit cost) and to quantify the extent of such impact. In studying Medicare Part A unit costs, we used this method to examine several hundred variables with potential impact upon unit costs. The regression analysis identified four of these factors as being significant: a geographical salary index, the inverse claims volume, the ratio of inpatient and HHA bills to the total bills processed, and the ratio of SNF and "other" bills to the total bills processed (see below for further definitions of these terms). All four of these factors were determined to be beyond the control of the intermediaries.

Using the formula we developed, we will adjust each intermediary's unit cost for fiscal year 1981 for the effect of noncontrollable factors V_1 through V_4 as follows: Adjusted Unit Cost Per Claim = (Unit Cost Per Claim) - $3.58 \times [V_1 - 1.00] - 2.07 \times [V_2 - .063] - 1.78 \times [V_3 - .374] - 6.60 \times [V_4 - .070]$.

The intermediary's values for the noncontrollable variables are defined as follows:

V_1 = An index value based on Life Office Management Association (LOMA) data on average starting salaries for clerk-typists employed by the insurance industry in 1979 (see Attachment C);

V_2 = Inverse Monthly Claims Volume (12 times 1,000 divided by the number of claims reported as processed during fiscal year 1981 on the Intermediary Workload Report);

V_3 = Ratio of Inpatient Hospital and Home Health Agency Claims Processed

to Total Claims Processed (based on fiscal year 1981 claims processed data reported on the Intermediary Workload Report); and

V_4 = Ratio of Skilled Nursing Facility and Other (column vi of the Intermediary Workload Report) Claims Processed to Total Claims Processed (based on fiscal year 1981 claims processed data reported on the Intermediary Workload Report).

Timeliness of Claims Processing

For the claims processing timeliness standards, we define the processing period as the length of time in calendar days from the date of initial receipt of the claim by the intermediary to the date of receipt of the processed claim by HCFA. We determine the percent of claims processed within a specific time frame as follows. Using the universe of processed claims passing the intermediary's edits during fiscal year 1981 and required to be sent to HCFA, we will divide the number of claims processed within the specific time frame by the total number of claims processed and then multiply by 100.

Our analyses show the major noncontrollable factor affecting claims timeliness to be the proportion of claims by type. Therefore, instead of trying to adjust a single set of standards for these proportions, we have established standards by type of claim according to the following definitions:

- Inpatient hospital claims—HCFA-1453 forms submitted by hospitals.
- Skilled Nursing Facility claims—HCFA-1453 forms submitted by SNFs.
- Home Health Agency claims—HCFA-1487 forms submitted by HHAs.
- Outpatient claims—HCFA-1483 forms (Provider Billing for Medical and Other Health Service Claims) submitted by providers.

Timeliness of Provider Cost Report Settlement

There are two measures of timeliness of provider cost report settlement for each type of provider. The first is the percentage of provider cost reports with provider accounting fiscal years ending during the Federal Government's fiscal year 1980 that are settled by the end of the Federal Government's fiscal year 1981 (percent of fiscal year 1980 cost reports settled by the end of fiscal year 1981). The second is the percentage of cost reports with provider accounting fiscal years ending during the Federal Government's fiscal year 1979 that are settled by the end of the Federal Government's fiscal year 1981 (percent of fiscal year 1979 cost reports settled by the end of fiscal year 1981).

Analyses reveal the major noncontrollable factor affecting provider cost report settlement timeliness to be the proportion of providers by type. We take this factor into account by the setting of standards for each type of provider.

The cost report fiscal year ending date determines the amount of time available to the intermediary for processing the cost report. Because of this, we developed a formula to adjust intermediaries' actual performance in this area for the noncontrollable factor of cost report fiscal year ending dates in fiscal year 1980. However, adjustments for fiscal year 1979 cost reports were not indicated because of the mitigating effect of the extra length of time.

We calculate the adjusted percentage of fiscal year 1980 cost reports settled by the end of fiscal year 1981 for each type of provider by multiplying the intermediary's actual percentage of settled fiscal year 1980 cost reports by its adjustment factor. The adjustment factor is the ratio of 100 percent to a weighted average of the percentage of cost reports with ending dates during each quarter of fiscal year 1980:

Adjustment factor (hospitals) = $100.0 \div ((\text{percentage of hospital cost reports with ending dates in October-December 1979}) + (.875 \times \text{percentage of hospital cost reports with ending dates in January-March 1980}) + (.75 \times \text{percentage of hospital cost reports with ending dates in April-June 1980}) + (.625 \times \text{percentage of hospital cost reports with ending dates in July-September 1980}))$.

We compute the adjustment factors for SNF cost reports and HHA cost reports the same way, except that we use SNF and HHA cost report data, respectively, instead of hospital cost report data. An example might be as follows: an intermediary settles 33.3 percent of its fiscal year 1980 HHA cost reports by the end of the fiscal year 1981 and has the following distribution of HHA cost report ending dates:

| | Per- cent |
|--------------------------|--------------|
| October to December 1979 | 0 |
| January to March 1980 | 0 |
| April to June 1980 | 100 |
| July to September 1980 | 0 |

Applying the above formula to these percentages, the adjustment factor for this example is 1.33 and the intermediary's adjusted percentage of FY 1980 HHA cost reports settled is 44.4 percent.

Scoring

We will evaluate each intermediary with respect to the 15 standards in fiscal year 1981. As previously explained, each of the three major statistical areas (unit cost of claims processing, timeliness of claims processing, and timeliness of provider cost report settlement) will be evaluated individually. There is one standard for unit cost, 8 for claims timeliness, and 6 for the timeliness of provider cost report settlements. Unsatisfactory performance in any of the three major statistical areas will result in an overall assessment of unsatisfactory performance for the statistical standards.

The starting score for each of the three statistical areas is 100 points. Each individual standard has a formula used to calculate points based on the intermediaries' performance for that standard. In addition, each standard carries a weight between 0 and 1 relative to its importance within its statistical area. The calculated points are multiplied by that weight before being applied to the starting score. Attachment A lists the standards for fiscal year 1981, the point scoring formulas for the standards, and each standard's weight.

If an intermediary exactly meets each of the standards within a statistical area, it will achieve the starting score of 100 points. For performance better or worse than the set standards, the point scoring formulas and the standards' weights will be used to subtract points or establish potential bonus points for the statistical areas. For performance below the standard, calculated points (after multiplying by the weight) are subtracted from the starting score of 100. An intermediary with a score of 74 or less is performing unsatisfactorily in the statistical area and is not eligible for bonus points in that area. The use of bonus points is intended to help further distinguish between various levels of acceptable performance by intermediaries whose overall performance in an area is passing. We

will not use bonus points in an area to help an intermediary whose performance does not achieve a passing score in that area. An intermediary that acquires 75 or more points is then eligible to accumulate bonus points. An intermediary can possibly accumulate more than 100 points in any of the statistical areas. Attachment B contains examples of how the scoring will be accomplished.

We intend the scoring methodology to provide incentives to intermediaries to perform as well as possible. The graded assessment of points for performance below a standard will allow HCFA to distinguish more easily between various levels of deficient performance in order to determine whether and to what extent adverse action should be taken. The bonus points will make it easier to distinguish between various levels of acceptable performance as one consideration in the awarding of future work.

Attachment C is a table showing the salary index (variable V, in the cost adjustment formula) for current intermediaries. With this information and the definitions provided above, intermediaries should be able to track their individual performance with respect to the standard for the adjusted unit cost per claim. In addition, throughout the evaluation period, HCFA will provide intermediaries with information on their performance relative to each of the 15 standards in Attachment A.

(Sections 1102, 1816 and 1871 of the Social Security Act (42 U.S.C. 1302, 1395h, and 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: April 6, 1981.

Carolyn K. Davis,
Administrator, Health Care Financing Administration.

Approved: June 26, 1981.

Richard S. Schweiker,
Secretary.

Attachment A.—Statistical Standards and Relative Points for Evaluating Medicare Intermediaries for Fiscal Year 1981

| Area | Stand- ard | Scoring formula ¹ | Weight |
|--|---------------|------------------------------|--------|
| Unit cost of claims processing: | | | |
| 1. Average adjusted unit cost per claim | \$4.07 | 50 (\$4.07—PERF) | 1.00 |
| Timeliness of claims processing: | | | |
| 1. Inpatient—percent processed in 30 days | 92.5 | 1.5 (PERF—92.5) | .15 |
| 2. Inpatient—percent processed in 60 days | 99.0 | 4.0 (PERF—99.0) | .10 |
| 3. Outpatient—percent processed in 30 days | 90.0 | 0.5 (PERF—90.0) | .15 |
| 4. Outpatient—percent processed in 60 days | 99.0 | 4.0 (PERF—99.0) | .10 |
| 5. SNF—percent processed in 30 days | 80.0 | 1.0 (PERF—80.0) | .15 |
| 6. SNF—percent processed in 60 days | 95.0 | 2.5 (PERF—95.0) | .10 |
| 7. HHA—percent processed in 30 days | 82.5 | 1.0 (PERF—82.5) | .15 |
| 8. HHA—percent processed in 60 days | 95.0 | 5.0 (PERF—95.0) | .10 |

Attachment A.—Statistical Standards and Relative Points for Evaluating Medicare Intermediaries for Fiscal Year 1981—Continued

| Area | Standard | Scoring formula ¹ | Weight |
|---|----------|------------------------------|--------|
| Timeliness of cost report settlement: ² | | | |
| 1. Hospital—percent of FY 1980 cost reports settled by end of FY 1981 | 90.0 | 0.6 (PERF—90.0) | .25 |
| 2. Hospital—percent of FY 1979 cost reports settled by end of FY 1981 | 100.0 | 6.0 (PERF—100.0) | .15 |
| 3. SNF—percent of FY 1980 cost reports settled by end of FY 1981 | 92.5 | 0.6 (PERF—92.5) | .20 |
| 4. SNF—percent of FY 1979 cost reports settled by end of FY 1981 | 100.0 | 2.5 (PERF—100.0) | .10 |
| 5. HHA—percent of FY 1980 cost reports settled by end of FY 1981 | 100.0 | 1.0 (PERF—100.0) | .20 |
| 6. HHA—percent of FY 1979 cost reports settled by end of FY 1981 | 100.0 | 12.5 (PERF—100.0) | .10 |

¹ The variable "PERF" refers to the intermediary's actual performance for the standard. The coefficients in the scoring formulas (e.g., 50 for unit cost) are set so that intermediaries performing at the 85th–90th percentile level would lose 25 points. As an example, the 90th percentile of unit costs is \$4.57, \$4.07—\$4.57 = -.50, which is then multiplied by a factor of 50. This results in a loss of 25 points (—50 × 50 = —25).

² Adjusted for fiscal year ending dates.

Attachment B.—Example of Scoring Statistical Standards

| Area | Standard | Performance | Subtraction (—) bonus (+) points ¹ | Weight | Weighted subtraction (—) bonus (+) points | Area score |
|---------------------------------------|----------|-------------|---|--------|---|------------|
| Unit cost: | | | | | | |
| 1. Adjusted unit cost | \$4.07 | \$4.39 | —16.0 | 1.00 | —16.0 | 84 |
| Timeliness of claims processing: | | | | | | |
| 1. Inpatient—30 days | 92.5% | 89.5% | —4.5 | .15 | —0.8 | |
| 2. Inpatient—60 days | 99.0% | 98.9 | —0.4 | .10 | 0.0 | |
| 3. Outpatient—30 days | 99.0% | 91.7 | +0.9 | .15 | +0.1 | |
| 4. Outpatient—60 days | 99.0% | 98.4 | —2.4 | .10 | —0.2 | 104.3 |
| 5. SNF—30 days | 80.0% | 81.7 | +1.7 | .15 | +0.3 | |
| 6. SNF—60 days | 95.0% | 97.7 | +6.8 | .10 | +0.7 | |
| 7. HHA—30 days | 82.5% | 95.8 | +13.3 | .15 | +2.0 | |
| 8. HHA—60 days | 95.0% | 98.9% | +19.5 | .10 | +2.0 | |
| Timeliness of cost report settlement: | | | | | | |
| 1. Hospitals—FY 1980 reports | 90.0% | 87.8% | —13.3 | .25 | —3.3 | |
| 2. Hospitals—FY 1979 reports | 100.0% | 90.4% | —57.6 | .15 | —8.6 | |
| 3. SNF—FY 1980 reports | 92.5% | 95.0% | +1.5 | .20 | +0.3 | 770.4 |
| 4. SNF—FY 1979 reports | 100.0% | 100.0% | 0.0 | .10 | 0.0 | |
| 5. HHA—FY 1980 reports | 100.0% | 53.7% | +46.3 | .20 | —9.3 | |
| 6. HHA—FY 1980 reports | 100.0% | 93.5% | —83.8 | .10 | —8.4 | |

¹ See Attachment A for appropriate formula.

² No bonus points may be awarded because intermediary's timeliness score is below passing level of 75.

Attachment C—Life Office Management Association Data on Average Starting Salaries for Clerk-Typists Employed By Insurance Companies in August 1979

| Intermediary | Salary index (V.) |
|-----------------------------|-------------------|
| Alabama B/C | .953 |
| Arkansas B/C | .950 |
| Arizona B/C | .967 |
| Los Angeles, California B/C | 1.112 |
| Oakland, California B/C | 1.092 |
| Colorado B/C | 1.043 |
| Connecticut B/C | .982 |
| Delaware B/C | .978 |
| District of Columbia B/C | 1.089 |
| Florida B/C | .939 |
| Atlanta, Georgia B/C | 1.039 |
| Columbus, Georgia B/C | .929 |
| Idaho B/C | .958 |
| Chicago, Illinois B/C | 1.102 |
| Indiana B/C | .969 |
| Des Moines, Iowa B/C | .951 |
| Sioux City, Iowa B/C | .939 |
| Kansas B/C | .963 |
| Kentucky B/C | .954 |
| Louisiana B/C | .947 |
| Maine B/C | .929 |
| Maryland B/C | 1.025 |
| Massachusetts B/C | 1.068 |
| Michigan B/C | 1.091 |
| Minnesota B/C | 1.003 |
| Mississippi B/C | .949 |
| Kansas City, Missouri B/C | .984 |
| St. Louis, Missouri B/C | .994 |
| Montana B/C | .949 |
| Nebraska B/C | .969 |
| New Hampshire/Vermont B/C | .930 |
| New Jersey B/C | 1.056 |

Attachment C—Life Office Management Association Data on Average Starting Salaries for Clerk-Typists Employed By Insurance Companies in August 1979—Continued

| Intermediary | Salary index (V.) |
|--------------------------------|-------------------|
| New Mexico B/C | .963 |
| Albany, New York B/C | 1.007 |
| Buffalo, New York B/C | 1.006 |
| New York, New York B/C | 1.124 |
| Rochester, New York B/C | 1.032 |
| Syracuse, New York B/C | 1.000 |
| Utica, New York B/C | .949 |
| North Carolina B/C | .885 |
| North Dakota B/C | .945 |
| Cincinnati, Ohio (HCC) B/C | .981 |
| Cleveland, Ohio B/C | 1.045 |
| Columbus, Ohio B/C | .974 |
| Toledo, Ohio B/C | 1.023 |
| Oklahoma B/C | .977 |
| Oregon B/C | 1.028 |
| Allentown, Pennsylvania B/C | .977 |
| Harrisburg, Pennsylvania B/C | 1.002 |
| Philadelphia, Pennsylvania B/C | 1.030 |
| Pittsburgh, Pennsylvania B/C | 1.025 |
| Wilkes-Barre, Pennsylvania B/C | .915 |
| Rhode Island B/C | .938 |
| South Carolina B/C | .933 |
| Chattanooga, Tennessee B/C | .926 |
| Memphis, Tennessee B/C | .960 |
| Texas B/C | 1.021 |
| Utah B/C | .973 |
| Richmond, Virginia B/C | .972 |
| Roanoke, Virginia B/C | .953 |
| Washington/Alaska B/C | 1.084 |
| Charleston, West Virginia B/C | .936 |
| Parkersburg, West Virginia B/C | .936 |
| Wheeling, West Virginia B/C | .938 |

Attachment C—Life Office Management Association Data on Average Starting Salaries for Clerk-Typists Employed By Insurance Companies in August 1979—Continued

| Intermediary | Salary index (V.) |
|--------------------------------|-------------------|
| Milwaukee, Wisconsin B/C | 1.025 |
| Wyoming B/C | .967 |
| Puerto Rico (Jacksonville) B/C | .939 |
| Aetna—California | 1.138 |
| Aetna—Connecticut | 1.028 |
| Aetna—Florida | .956 |
| Aetna—Illinois | .984 |
| Aetna—Massachusetts | .960 |
| Aetna—Nevada | 1.020 |
| Aetna—Pennsylvania | 1.030 |
| Aetna—Washington | 1.084 |
| Cooperative De Seguros | .768 |
| Hawaii Medical Service | 1.050 |
| HCFA—ODR | 1.025 |
| Kaiser | 1.092 |
| Mutual of Omaha | .969 |
| Nationwide | .974 |
| Prudential | .955 |
| Travelers—Michigan | 1.091 |
| Travelers—New York | 1.124 |

[FR Doc. 81-20642 Filed 7-14-81; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-81-651]

Office of the Area Manager, Baltimore Area Office; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Area Manager is designating officials who may serve as Acting Area Manager during the absence, disability, or vacancy in the position of Area Manager.

EFFECTIVE DATE: This designation is effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Katharine K. Nikkel, Director, Management and Budget Division, Office of Regional Administration, Philadelphia Regional Office, Department of Housing & Urban Development, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, (215) 597-2908.

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all preceding listed officials in this designation are

unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Area Manager.
2. Director, Housing Division.
3. Director, CPD Division.
4. Area Counsel.

This designation supersedes the designation effective 06/07/79.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Thomas R. Hobbs,

Area Manager, Baltimore Area Office.

Harry W. Staller,

Acting Regional Administrator, Region III.

[FR Doc. 81-20620 Filed 7-14-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-81-652]

Office of the Service Office Supervisor, Charleston, West Virginia; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Service Office Supervisor is designating officials who may serve as Acting Service Office Supervisor during the absence, disability, or vacancy in the position of the Service Office Supervisor.

EFFECTIVE DATE: This designation is effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Katharine K. Nikkel, Director, Management and Budget Division, Office of Regional Administration, Philadelphia Regional Office, Department of Housing and Urban Development, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106, phone 215-597-2908. (This is not a toll-free number).

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Service Office Supervisor during the absence, disability, or vacancy in the position of the Service Office Supervisor, with all the powers, functions, and duties redelegated or assigned to the Service Office Supervisor: Provided, that no official is authorized to serve as Acting Service Office Supervisor unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy for Development, Housing Division.
2. Deputy for Management, Housing Division.

This designation supersedes the designation effective January 1, 1979.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Carl A. Smith,

Supervisor, Charleston, West Virginia Service Office.

Harry W. Staller,

Acting Regional Administrator, Region III.

[FR Doc. 81-20622 Filed 7-14-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D81-649]

Office of the Area Manager, Pittsburgh Area Office Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Area Manager is designating officials who may serve as Acting Area Manager during the absence, disability or vacancy in the position of the Area Manager.

EFFECTIVE DATE: This designation is effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Katharine K. Nikkel, Director, Management and Budget Division, Office of the Regional Administration, Philadelphia Regional Office, Department of Housing & Urban Development, Curtis Building, 6th & Walnut Streets, Philadelphia, PA. 19106. Phone Number: 215/597-2908 (This is not a toll-free number).

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Area Manager
2. Director, Housing Division
3. Director, Community Planning and Development Division
4. Area Counsel

This designation supersedes the designation effective January 1, 1979.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Harry W. Staller,

Acting Regional Administrator, Region III.

William R. Costello,

Acting Area Manager, Pittsburgh Area Office.

[FR Doc. 81-20624 Filed 7-14-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-81-650]

Office of the Area Manager, Philadelphia Area Office; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Area Manager is designating officials who may serve as Acting Area Manager during the absence, disability, or vacancy in the position of Area Manager.

EFFECTIVE DATE: This designation is effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Katharine K. Nikkel, Director, Management and Budget Division, Philadelphia Regional Office, Department of Housing and Urban Development, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-2908.

DESIGNATION: Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Area Manager.
 2. Area Counsel.
 3. Director, Housing Division.
 4. Director, Community Planning & Development Division.
 5. Director, Fair Housing & Equal Opportunity Division.
 6. Deputy Director, Multifamily Housing Development.
 7. Deputy Director, Housing Management.
 8. Deputy Director, Single Family Housing Development.
 9. Deputy Director, Community Planning & Development Division.
- This designation supersedes the designation effective June 7, 1979.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Harry W. Staller,

Acting Regional Administrator, Region III.

W. Oliver Leggett,

Area Manager, Philadelphia Area Office.

[FR Doc. 81-20623 Filed 7-14-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-81-653]

**Office of the Area Manager,
Washington, D.C., Area Office;
Designation**

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Area Manager is designating officials who may serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager.

EFFECTIVE DATE: This designation is effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Katharine K. Nikkel, Director, Management and Budget Division, Office of Regional Administration, Philadelphia Regional Office, Department of Housing and Urban Development, Curtis Building, 8th and Walnut Streets, Philadelphia, PA. 19106, telephone number 215-597-2904 (This is not a toll free number).

Designation of Acting Area Manager for Washington, D.C. Area Office

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of Area Manager, with all the powers, functions, and duties delegated or assigned to the Area Manager. *Provided*, That no official is authorized to serve as Acting Area Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Area Manager.
2. Area Counsel.
3. Director, Housing Division.
4. Director, Community Planning & Development.
5. Director, Fair Housing & Equal Opportunity.

(This designation supersedes the designation effective June 27, 1975.)

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Terry C. Chisholm,

Area Manager, Washington, D.C. Area Office.

Harry W. Staller,

Acting Regional Administrator.

[FR Doc. 81-20621 Filed 7-14-81; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

[Docket No. N-81-1078]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective August 14, 1981, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-5333. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The system is the Executive Emergency Cascade Alerting System (HUD/DEPT-74). It contains limited information about HUD employees who have been appointed to HUD's executive emergency teams. The system is maintained for the purpose of permitting rapid alerting of the team members in case of a national emergency. Appendix A, which lists the addresses of HUD's offices was published at 45 FR 67628 (October 10, 1980). A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on June 5, 1981.

HUD/DEPT-74

SYSTEM NAME:

Executive Emergency Cascade Alerting System.

SYSTEM LOCATION:

Headquarters and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current HUD employees who have been designated as executive emergency team members.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records are comprised of the employee's name, office and home telephone numbers, only.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained under the authority of Executive Order No. 11490.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Individual name.

SAFEGUARDS:

Distribution of team lists and access to team lists is restricted to authorized personnel.

RETENTION AND DISPOSAL:

These records are retained and disposed of in accordance with officially approved mandatory standards contained in HUD Handbooks 2225.6 (HUD Records Schedules) and 2228.2 (General Records Schedules).

SYSTEM MANAGER AND ADDRESS:

Director, Emergency Preparedness Staff

Office of Administrative Services
Department of Housing and Urban Development

451 Seventh Street, S.W.
Washington, D.C. 20410

NOTIFICATION PROCEDURE:

For information assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES.

Subject individuals.

Authority: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., July 9, 1981.

Albert J. Kliman,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 81-20654 Filed 7-14-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[C-29125]

Coal Lease Offering by Sealed Bids

U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, Corner 20th and Arapahoe Street, Denver, CO 80205. Notice is hereby given that certain resources hereinafter described in La Plata County, Colorado, will be offered for lease by sealed bid of \$25.00 or more per acre to the qualified bidder submitting the highest bid in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 2:00 P.M., August 11, 1981, in Conference Room, 5th floor. (Above address) No bids received after 1:00 P.M. will be considered.

Coal Offered: The coal resource to be offered is limited to a maximum of 835,000 tons of coal recoverable by underground mining methods from the Menafee #1 formation coal seam under the following lands located approximately 4 1/2 miles southwest of Hesperus, Colorado:

T. 35 N., R. 11 W., NMPM

Sec. 31: N 1/2 NE 1/4 SE 1/4

Sec. 32: SW 1/4

La Plata County, Colorado, containing 180 acres more or less. The coal quality is as follows: Btu—13,400 per ton; Sulfur—7%, Ash—4.2%; 2.4% moisture and averages 5.8 feet in thickness. The coal is classified as high volatile "B" bituminous.

Rental and Royalty: A lease issued as a result of this offering will provide for payment of an annual rental of \$3. per acre and a royalty payable to the United States of 8% of the value of coal mined by underground methods. The value of the coal shall be determined in accordance with 30 CFR 211.63.

Notice of Availability: Bidding instructions are included in the Detailed Statement of the Lease Sale. A copy of the Detailed Statement and of the proposed coal lease are available at the Colorado State Office of the Bureau of Land Management, Public Room, Main Floor, Corner of 20th and Arapahoe, Denver, Colorado.

All case file documents and written comments submitted by the public on fair market value or royalty rates, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, are available for public inspection in the Public Room, Main Floor, Corner of 20th and Arapahoe, Denver, Colorado.

Alvah Q. Whitley,

Leader, Montrose Team Branch of Adjudication.

[FR Doc. 81-30679 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

[N-29324]

Nevada; Realty Action Corrected Exchange of Public and Private Lands in Douglas and Clark Counties

July 7, 1981.

FR Doc. 81-16510, appearing on Page 29770 of the issue of Wednesday, June 3, 1981 and the correction thereto appearing in the June 22, 1981 issue on page 32319 are hereby further modified with respect to the legal description of the lands to be disposed of:

Mount Diablo Meridian, Nevada

T. 13 S., R. 71 E.,

Sec. 9, Lots 6, 9, 12 and 14, SE 1/4 SE 1/4 SE 1/4 NW 1/4, S 1/2 S 1/2 SW 1/4 NE 1/4, S 1/2 SW 1/4 SE 1/4 ANE 1/4, E 1/2 E 1/2 NE 1/4 SW 1/4;

comprising 86.65 acres of public land.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81-30680 filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

[N-31788]

Nevada; Realty Action Noncompetitive Sale of Public Lands in Lander County, Nevada

July 7, 1981.

The following described lands have been examined and identified as suitable for disposal by direct sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the fair market value:

Mount Diablo Meridian, Nevada

T. 18 N., R. 45 E.,

Sec. 20, SE 1/4 NW 1/4 NE 1/4 NW 1/4 SW 1/4, S 1/2 NE 1/4 NE 1/4 NW 1/4 SW 1/4, NE 1/4 NW 1/4 SE 1/4 NW 1/4 SW 1/4, W 1/2 NE 1/4 SE 1/4 NW 1/4 SW 1/4, NE 1/4 NE 1/4 SE 1/4 NW 1/4 SW 1/4;

containing 4.375 acres.

The sale will take place on approximately September 15, 1981. The lands are being sold to Andrew P. Kaltenbach, the owner of Frontier Tavern and owner of the improvements on the tract for sale. The Frontier Tavern provides a variety of services to the public, including a cafe-tavern-store, service station, and motel. Because of its location, it is important that the business be self-sufficient. The 4.375-acre parcel is the smallest amount of land which contains the following improvements necessary to keep the Frontier Tavern operating as a self-sustained business: trailer spaces for employees, a portion of a parking lot, a sewage system and a garbage dump. Fair market value of the land has been determined to be \$3,750.00.

The proposed sale is consistent with the Bureau's planning system. Public interest will be served, as the sale will assist the economy of the area by satisfying local government and private needs for land identified for disposal.

The sale of this tract has been discussed with the Board of Lander County Commissioners.

The following conditions will be applicable to the sale:

1. All minerals will be reserved to the United States.

2. A right-of-way for ditches and canals will be reserved to the United States.

3. The sale of these lands will be subject to valid existing rights including, but not limited to, those rights for highway purposes granted to the Nevada State Highway Department, its successors or assigns, under the Act of November 9, 1921, 42 Stat. 212. (Nev-033433 and Nev-042798).

The decision to conduct the sale is based on information contained in the

environmental assessment and land report written for this case. These documents are available for inspection at the Bureau of Land Management, Battle Mountain District Office, Second and Scott Streets, P.O. Box 194, Battle Mountain, Nevada 89820.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Secretary of the Interior (BLM 320). Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81-20681 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

[W-74746]

Wyoming; Order Providing for Opening of Land

July 2, 1981.

1. By order dated October 3, 1980, the Federal Energy Regulatory Commission vacated the lands withdrawn for Power Project No. 765, insofar as it affects the 100-foot-wide right-of-way located in the following described lands:

Sixth Principal Meridian, Wyoming

T. 13 N., R. 119 W.,

Sec. 6, S $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 14 N., R. 120 W.,

Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The lands are located in Uinta County, Wyoming.

2. By virtue of the authority contained in Section 204 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, as amended, 16 U.S.C. 818) and in accordance with the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526) as amended, it is ordered that at 10:00 a.m. on August 24, 1981, the land described above will be relieved of the restrictions imposed by the provisions of Section 24 of the Federal Power Act, *supra*, and the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621), subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

3. The State of Wyoming has not exercised the preference right of application for highway rights-of-way or material sites afforded it by Section 24 of the Federal Power Act.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-20682 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

[W-74747]

Wyoming; Invitation for Coal Exploration License, Sparrow Coal, Inc.

Sparrow Coal, Inc. hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying the following described land in Lincoln and Sublette Counties, Wyoming:

Sixth Principal Meridian, Wyoming

T. 33 N., R. 115 W.,

Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;

Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$,

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

Sec. 8, All;

Sec. 9, E $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;

Sec. 10, All;

Sec. 15, All;

Sec. 16, All;

Sec. 21, All;

Sec. 22, All.

T. 34 N., R. 115 W.,

Sec. 5, S $\frac{1}{2}$;

Sec. 6, lots 1, 2, 3, 4, 5, 6, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 7, lots 1, 2, 3, 4, E $\frac{1}{2}$;

Sec. 8, All;

Sec. 9, S $\frac{1}{2}$, NW $\frac{1}{4}$;

Sec. 10, SW $\frac{1}{4}$;

Sec. 15, W $\frac{1}{2}$;

Sec. 16, All;

Sec. 17, All;

Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$;

Sec. 20, E $\frac{1}{2}$;

Sec. 21, All;

Sec. 22, All;

Sec. 27, All;

Sec. 28, All.

T. 35 N., R. 115 W.,

Sec. 31, lots 3, and 4.

T. 34 N., R. 116 W.,

Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;

Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;

Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;

Sec. 10, All;

Sec. 11, All;

Sec. 12, All;

Sec. 13, All;

Sec. 14, All;

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

Sec. 23, All;

Sec. 24, All.

T. 35 N., R. 116 W.,

Sec. 13, W $\frac{1}{2}$;

Sec. 14, All;

Sec. 23, All;

Sec. 24, W $\frac{1}{2}$;

Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 26, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 27, E $\frac{1}{2}$;

Sec. 34, All;

Sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$;

Sec. 36, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,

W $\frac{1}{2}$ SW $\frac{1}{4}$.

Containing 24,701.71 acres.

All of the coal in the above lands consists of unleased Federal coal. The purpose of the exploration program is to determine, by drilling, the location, extent, and quality of the coal beds that occur between known occurrences at the Deadman Mine, The Blind Bull Mine and the Kleinstick (Cottonwood) Mine within the boundaries of the above-described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number W-74747): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001 and the Regional Forester, Intermountain Region (Region 4), U.S. Forest Service, Federal Building, 324 25th Street, Ogden, Utah 84401.

This notice of invitation will be published in this newspaper once each week for two (2) consecutive weeks beginning the week of July 20, 1981, and in the *Federal Register*. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Sparrow Coal, Inc. no later than August 14, 1981. The written notice should be sent to the following addresses: Sparrow Coal, Inc., P.O. Box 5989, Helena, Montana 59604, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section, P. O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the *Federal Register* pursuant to Title 43 of the Code of Federal Regulations, § 3410.2-1(d)(1).

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-20685 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Proposed United States World Heritage Nomination; Cahokia Mounds State Historic Site, Ill.

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: The Department of the Interior, through the National Park Service, announces the identification of Cahokia Mounds State Historic Site in

Illinois as a proposed U.S. World Heritage nomination. This property was selected from a list of potential U.S. nominations published in the *Federal Register* on April 14, 1981 (46 FR 21830). A draft nomination document will be prepared for the site, and will subsequently be evaluated by the Federal Interagency Panel for World Heritage.

DATES: The Federal Interagency Panel for World Heritage will meet in November 1981 to review the accuracy and completeness of the draft nomination document, and to make recommendations to the Secretary of the Interior. Subject to this review and necessary approvals, the Secretary, or his designee, will transmit a nomination to the United Nations Educational, Scientific and Cultural Organization (UNESCO), through the Department of State, such that it is received by UNESCO no later than December 31, 1981, for evaluation during 1982. If approved, notice of U.S. World Heritage nomination will be published in the *Federal Register* in December 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A Ritsch, Acting Associate Director, Recreation Resources, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240 (202-343-4462).

SUPPLEMENTARY INFORMATION: The Convention Concerning the Protection of the World Cultural and Natural heritage, ratified by the United States and 58 other nations as of this date, establishes a means through which natural and cultural properties of outstanding universal value to mankind may be recognized and protected. Sites are identified and nominated by participating nations for inclusion on the World Heritage List, which currently includes 85 properties. The 21-member nation World Heritage Committee judges the nominations against established criteria, which were published in a January 13, 1981, *Federal Register* notice (46 FR 3075). The country nominating a site for inclusion on the World Heritage List assumes responsibility for taking appropriate legal, scientific, technical, administrative and financial measures necessary for the protection, conservation, presentation, rehabilitation, and transmission to future generations of the property it nominates.

The Department of the Interior, through the National Park Service, implements its responsibilities under the World Heritage Convention in accordance with the statutory mandate of Title IV of the National Historic

Preservation Act Amendments of 1980 (Pub. L. 96-515; 16 U.S.C. 470a-1, a-2). On January 13, 1981, the Department announced its interpretive guidelines for implementing the World Heritage Convention in accordance with this new legislative mandate. These guidelines (46 FR 3073) will remain in effect until formal program rules are published.

In the United States, the Secretary of the Interior is responsible for implementing provisions of the World Heritage Convention, including preparation of U.S. nominations to the World Heritage List. Recommendations on the proposed nominations are made by the Federal Interagency Panel for World Heritage, which includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; and the Department of State.

Proposed United States World Heritage Nomination

The cultural property listed below has been identified as a proposed U.S. nomination to the World Heritage List. The identification of this Site as a proposed nomination indicates that a draft nomination document will be prepared for the property. This document will subsequently be evaluated by the Federal Interagency Panel for World Heritage when it convenes in November 1981, at which time a decision on whether to nominate it to the World Heritage List will be made. A brief description of the Site and the World Heritage criteria that it appears to satisfy are provided.

Illinois

Cahokia Mounds State Historic Site

Cahokia Mounds State Historic Site, located in southwestern Illinois eight miles northeast of St. Louis, Missouri, is the site of a major prehistoric Indian settlement, and encompasses approximately 1300 acres. It contains the largest earthen mound in North America, and is recognized as the fountainhead of Mississippian culture, which flourished from 600 A.D. to 1100 A.D. As center of the Mississippian culture, Cahokia Mounds exerted considerable influence throughout the southeast, midsouth, and midwest. *Criteria:* (ii) it has exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture,

monumental arts, or townplanning and landscaping; (iii) it bears a unique or at least exceptional testimony to a civilization which has disappeared; and (iv) it is an outstanding example of a type of structure which illustrates a significant stage in history.

Dated: July 9, 1981.

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 81-20671 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Determination of Valid Existing Rights; Daniel Boone National Forest

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

ACTION: Findings on Greenwood Land and Mining Company's request for a determination of valid existing rights to conduct underground coal mining operations in the Daniel Boone National Forest in Pulaski and McCreary Counties, Kentucky.

SUMMARY: The Greenwood Land and Mining Company is seeking a determination that its underground coal mining operations on Federal lands in the Daniel Boone National Forest are not prohibited or limited by Section 522(e) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1227(e). Specifically, Greenwood Land and Mining Company has requested the Director of OSM to determine that the company has "valid existing rights" under that section of the Act. The Director is giving notice of these findings determining valid existing rights and requesting public comments thereon. These findings will be subject to public comment for a period of 30 days. At the end of the public comment period, these findings will become the final decision of OSM, unless otherwise ordered by the Director.

DATE: Interested persons may submit written comments on these findings. Comments must be received on or before August 14, 1981.

ADDRESSES: Written comments should be addressed to the Director, Office of Surface Mining, U.S. Department of the Interior, Room 233, South Interior Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, with one copy to the Acting Regional Director, Office of Surface Mining, Region II, U.S. Department of the Interior, 530 Gay Street, S.W., Knoxville, Tennessee 37902. Copies of the Greenwood Land and Mining Company's "Request for

Determination Pursuant to Section 522(d) of the Surface Mining Control and Reclamation Act of 1977" are available for inspection in the OSM Region II, Knoxville, Tennessee, and in Room 153, South Interior Building, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

W. Hord Tipton, Acting Regional Director, Region II, Office of Surface Mining, 530 Gay Street, S.W., Knoxville, Tennessee 37902, (615) 971-5100; or Carl Close, Assistant Director, State and Federal Programs, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, (202) 343-4225.

SUPPLEMENTARY INFORMATION: Section 522 of the Surface Mining Control and Reclamation Act of 1977 prohibits "surface coal mining operations" on Federal lands within the boundaries of any national forest, subject to "valid existing rights" and another exemption not relevant here. The term "surface coal mining operations" is defined in Section 701(28) of the Surface Mining Control and Reclamation Act (30 U.S.C. 1291(28)) and 30 CFR 700.5 and includes the surface impacts incident to underground coal mining operations. The term "valid existing rights" is defined at 30 CFR 761.5, as modified by the February 26, 1980, opinion of the District Court for the District of Columbia. In re: Permanent Surface Mining Regulation Litigation, No. 79-1114, Slip Opinion at p. 17-18.

By letter dated March 9, 1981, the Greenwood Land and Mining Company requested of the Office of Surface Mining, Region II, a determination of valid existing rights for their underground mining activities on Federal lands in the Daniel Boone National Forest in Pulaski and McCreary Counties, Kentucky. Greenwood Land and Mining Company's request was filed with the Regional Director in which the lands involved are located (Region II) pursuant to informal procedures previously prepared by OSM to implement 30 CFR 761.4(a)(2).

The Director has made findings that Greenwood Land and Mining Company does have valid existing rights and, subject to public comment, proposes to issue a letter-decision similar to that which appears below. This decision would mean that compatibility determinations under Section 522(e)(2) would be unnecessary in order for Greenwood to mine in areas where Greenwood has been determined to have valid existing rights. The determination of valid existing rights will also exempt those specified areas from any petition to designate Federal

lands in the Daniel Boone National Forest as unsuitable for all underground coal mining. All of Section 522 concerns the designation of lands unsuitable for mining. Under Section 522(e) and 30 CFR 761.11, those operations with valid existing rights are exempt from the Congressionally mandated prohibitions in Section 522(e); under Section 522(a)(6), and 30 CFR 762.13(e) lands where substantial financial and legal commitments were made in coal mining operations are exempt from designation by the petition process outlined in Section 522(c). The relationship between these two phases is discussed in the preamble to the permanent regulations, 44 FR 14991 (March 13, 1979). There it is made clear that valid existing rights is a greater property right than significant financial and legal commitments:

First, OSM decided that the VER phrase must be distinguished from the definition of substantial legal and financial commitments . . . in order for property owners to qualify for VER and thereby mine in the prohibited areas of Section 522(e), they must have a property interest in the mine that is even greater than the substantial legal and financial commitments needed to mine despite a designation by petition under Section 522(a). Thus, OSM believes that VER must be more than "significant investments, that have been made on the basis of a long-term coal contract, in powerplants, railroads, coal preparation, extraction, handling and storage facilities, and other capital intensive activities," as substantial legal and financial commitments is defined in Section 762.5.

Therefore, a finding of valid existing rights will also include a finding of substantial financial and legal commitments, and thereby exempt those areas with VER from further consideration for designation as unsuitable for mining. However, any finding of valid existing rights and significant financial and legal commitments will in no way affect the responsibility of Greenwood to comply with the permitting and performance standards requirements of the interim and permanent Federal lands programs, 30 CFR Part 211 and 30 CFR Part 740, respectively.

OSM is in the process of obtaining additional information in order to determine the physical extent of the valid existing rights claimed by Greenwood. OSM is considering basically two alternatives in delineating the exact extent of the VER: (1) have VER over the surface area affected by the face-up and support activities incident to the underground mining; or

(2) have VER cover those areas (including surface overlying underground workings) contemplated to be affected under the operating plans submitted to the Forest Service prior to August 3, 1977.

The geographical extent of the VER should be as precisely defined as feasible. OSM considers that Greenwood's valid existing rights should have the same geographical extent as the mining Greenwood contemplated and was committed to on August 3, 1977. OSM will work closely with the Forest Service and Greenwood to secure complete documentation. The degree of difficulty in determining geographical limits will be a function of the amount of information on each mine required by Forest Service operating plans during the involved period.

Because the geographical limits of VER will depend on the evidence available, OSM has decided to reserve the right to use either or both of these alternatives in defining the extent of Greenwood's VER. Again, the Office is not unmindful of the fact that as a result of limited State and Federal regulation prior to the passage of the Act, some of which was discussed above, there is a limited amount of information relevant to a precise definition of the extent of VER. While the second alternative is preferable and precise geographical limits will be determined wherever possible, there may be cases where such a determination is impossible. In those cases, the first alternative would have to be used.

Finally, pursuant to 30 CFR 761.5(b) OSM's findings include a determination of VER for haul roads serving the mines and existing as of August 3, 1977. This determination would not extend to new roads constructed after that date. The following letter-decision reflects the Director's findings. It will be forwarded by OSM to the addressee at the expiration of the 30-day public comment period unless otherwise ordered by the Director, and it will thereby become effective.

Dated: July 10, 1981.

J. Steven Griles,
Acting Director.

Mr. Rudolph L. Ennis,
Suite 2021 United American Plaza, Knoxville,
Tenn.

Re: Greenwood Land and Mining Company
Dear Mr. Ennis: I have reached a final decision on your request of March 9, 1981, written on behalf of your client, Greenwood Land and Mining Company, for certain determinations pursuant to Section 522(e) of the Surface Mining Control and Reclamation Act of 1977, relating to Greenwood's underground mining activities on Federal

lands in the Daniel Boone National Forest in Pulaski and McCreary Counties, Kentucky. Our analyses and determination of the existence of valid existing rights for Greenwood's mining operations are described below:

Legal Requirements

Section 522(e) of the Act states:

After the enactment of this Act and subject to valid existing rights, no surface coal mining operations except those which exist on the date of enactment of this Act shall be permitted . . . (2) on any Federal lands within the boundaries of any national forest (proviso omitted).

Further, 30 CFR 761.5(a) defines "valid existing rights" as

(a) Except for haul roads,

(1) Those property rights in existence on August 3, 1977, that were created by a legally binding conveyance, lease, deed, contract or other document which authorizes the applicant to produce coal by a surface coal mining operation; and

(2) The person proposing to conduct surface coal mining operations on such lands either

(i) Had been validly issued on or before August 3, 1977, all State and Federal permits necessary to conduct such operations on those lands, or

(ii) Can demonstrate to the regulatory authority that the coal is both needed for, and immediately adjacent to, an on-going surface coal mining operation for which all permits were obtained prior to August 3, 1977;

(b) For haul roads, valid existing rights means:

(1) A recorded right of way, recorded easement, or a permit for a coalhaul road recorded as of August 3, 1977, or

(2) Any other road in existence as of August 3, 1977 . . .

The "all permits" requirement of 30 CFR 761.5(a)(2)(i) was later modified by an opinion rendered by Judge Flannery in *In re Permanent Surface Mining Regulation Litigation*, No. 79-1114, February 26, 1980, such that ". . . a good faith attempt to obtain all permits before the August 3, 1977, cut-off date should suffice for meeting the all permits test." Slip opinion at 17-18.

Greenwood has not requested a determination under 30 CFR 761.5(a)(2)(ii). As a result, the company will qualify for valid existing rights if it possesses a valid conveyance, lease or other document (30 CFR 761.5(a)(1)) and all required permits for operation or can show a good faith attempt to secure all permits prior to August 3, 1977 (30 CFR 761.5(a)(2)(i)). For haul roads, the company will possess valid existing rights on roads which were existing, which were under permit, or which were covered by a recorded easement as of August 3, 1977 (30 CFR 761.5(b)).

Conveyance of Right to Mine

The land within the scope of Greenwood's request was once owned by William J. O'Brien, Jr. As a result of condemnation proceedings, O'Brien conveyed the involved tracts of land to the United States by two deeds dated September 20 and October 30, 1937, respectively. The mineral interests,

however, were reserved to O'Brien in perpetuity. He conveyed these to Kentucky Land Shares, Inc., by deed of February 28, 1938, and Greenwood in turn received them by deed dated October 20, 1974.

The aforementioned documents conveyed to Greenwood the right to the coal under these Federal lands and they contemplated that the coal would be removed by underground methods. The deeds from O'Brien to the United States specifically provided for the mining of coal subject to the rules and regulations prescribed by the United States Department of Agriculture. The regulations stated in the deed of severance include special requirements for the conduct of underground coal mining operations. Greenwood has therefore satisfied the first element of the valid existing rights test.

All Permits Test

The next question is whether on August 3, 1977, Greenwood possessed all permits required to conduct mining operations, or had made a good faith effort to obtain such permits prior to that date.

As of August 3, 1977, three permits or authorizations were required to mine private coal on Federal lands in the Daniel Boone National Forest. First, the operator was required to have its mine plan approved by the Forest Service, United States Department of Agriculture. Second, the operator was required to have a license from the Kentucky Department of Mines and Minerals. Third, the operator was required to have a National Pollutant Discharge Elimination System (NPDES) permit.

Greenwood began submitting operating plans to the Forest Service before the 1974 conveyance from Kentucky Lands Shares, Inc., was consummated. By June of 1976, Greenwood had submitted plans to the U.S. Forest Service for all the involved operations.

In December 1975 the Forest Service approved the plan for Mine No. 1. On June 11, 1975, Kentucky's Department of Mines and Minerals issued a license to operate the mine. On June 10, 1975, Greenwood applied for a NPDES permit for this site. That permit was issued on September 23, 1977.

The No. 5 mines viz 5, 5a, 5b, 5c, and 5d, are in fact one mine. Each "mine" is a different face-up directed at the same seam of coal. All the openings will eventually join underground and form one large single operation. The operation has been assigned one Mine Safety and Health Administration identification number. Multiple openings were contemplated in the original mine plan which was submitted to the Forest Service in April of 1978. The plan was approved in October 1977. Mine No. 5 was licensed by Kentucky's Department of Mines and Minerals on April 5, 1976. Greenwood applied for a NPDES permit on November 1, 1976, and it was granted on September 23, 1977. Additional approvals and permits have been obtained simultaneously with each new opening subsequent to the initial entry.

A possible issue could be raised concerning the No. 5 mines. Specifically, it could be argued that each opening is a separate operation for which a separate valid existing rights determination would have to be made. If this argument is adopted, the

latest openings possibly would not meet the all permits portion of the valid existing rights test, as some of the permits and licenses associated with openings 5a through 5d were applied for or obtained after the passage of the Act. However, as further discussed below, OSM believes that Greenwood is entitled to valid existing rights to the same geographical extent as the mining Greenwood contemplated and was committed to on August 3, 1977. Furthermore, in pending litigation Greenwood challenges the Forest Service's mine plan approval requirements, *Greenwood Land and Mining Company v. Bob Bergland et al.*, Civil Action No. 76-62 (E.D. Ky.). This action was filed on November 16, 1976. By decision dated October 23, 1978, the district court upheld the Forest Service's right to require Greenwood to submit plans prior to commencing operations. That decision has been appealed by Greenwood. This litigation goes to the very heart of the "all permits" test. It raises the question of whether one of the "permits" is validly required. The time for the running of the all permits test is tolled by this litigation, as it would be unfair to penalize an operator for not having all permits required when the operator is in the process of making a substantial legal commitment to determine if a major part of the asserted permit requirement is valid.

An operating plan for Mine No. 6 was submitted to the Forest Service in June 1976, and the plan was approved in October 1976. A NPDES permit for this mine was applied for in October 1976, and it was issued on October 28, 1977. A license to operate Mine No. 6 was issued on June 18, 1976, by the Kentucky Department of Mines and Minerals.

In view of the foregoing, Greenwood has established that it either had all permits required to operate its No. 1, No. 5 and No. 6 mines as of August 3, 1977, or it had made a good faith effort to obtain all the required permits. The company has therefore satisfied the second element of the valid existing rights test.

Conclusion

On consideration of the information supplied to OSM by Greenwood, I conclude that the company has "valid existing rights" with respect to these three operations.

Greenwood has asked that it be determined to have valid existing rights for "later" No. 5 mines, i.e., future openings subsequent to 5d. This raises the question of the precise extent of Greenwood's valid existing rights. The findings at this time are limited to the existing openings and additional information should be sought. Specifically, Greenwood should obtain and submit to OSM copies of the operating plans Greenwood should obtain and submit to OSM copies of the operating plans Greenwood submitted to the Forest Service prior to August 3, 1977. Two alternatives for delineating the exact extent of Greenwood's valid existing rights are: (1) have valid existing rights cover only the surface area affected by the face-up and support activities incident to the underground mining; or (2) have valid existing rights cover only those areas (including surface overlying

underground workings) contemplated to be affected under the operating plans submitted to the Forest Service prior to August 3, 1977. The selection of one or the other alternative will have to await results of an analysis of the additional materials. This approach conforms to that followed in the Mower Lumber Company valid existing rights determination (45 FR 61798 (1980)).

To the extent Greenwood has valid existing rights, it will not need to seek a determination of compatibility with values pursuant to Section 522(e)(2) of the Act and 30 CFR 761.12(c) with respect to these mines. Further, these mines will be exempt from any petitions or other action under Section 522 of the Act to designate Federal lands in the Daniel Boone National Forest as unsuitable for mining. Greenwood will still have to comply with the permitting and performance standards requirements of the interim and permanent Federal lands programs in 30 CFR Part 211 and 30 CFR Part 740, respectively.

Sincerely yours,

Andrew V. Bailey,
Acting Director.

[FR Doc. 81-20697 Filed 7-14-81; 8:45 am]

BILLING CODE: 4310-05-M

Bureau of Land Management

[Group 514]

California; Filing of Plat of Survey

July 2, 1981.

1. A plat of survey of the following described land accepted May 28, 1981, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on August 26, 1981.

Mount Diablo Meridian, California

T. 29 N., R. 2 1/2 W.

Sections 6, 7, 18, 19, 30, and 31 totaling 127.91 acres

T. 28 1/2 N., R. 3 W.

Sections 1, 2, and 3 totaling 56.78 acres

T. 29 N., R. 3 W.

2. The plats represent the dependent resurvey of the west boundary of T. 29 N., R. 2 W., and the survey of the north boundary and the subdivisional lines of T. 29 N., R. 2 1/2 W.; the dependent resurvey of a portion of the north boundary of T. 28 N., R. 3 W., and the survey of the south, east and north boundaries, the subdivision and meander lines of T. 28 1/2 N., R. 3 W.; and the dependent resurvey of the east boundary and a portion of the south boundary and the metes-and-bounds survey of Parcel 1, Section 34, of T. 29 N., R. 3 W.

3. The public lands listed above are open to the operation of the public land laws, subject to any valid existing rights, and the requirements of applicable law, rules and regulations.

4. The area surveyed is located in Tehama and Shasta Counties,

approximately eight miles from Red Bluff, California, and is accessible by way of paved and dirt roads. The area is drained by creeks and ravines which flow into the Sacramento River. The area is low mountainous and bottom land ranging in elevation from about 300 feet to about 850 feet above sea level. Timber consists of oak and pine. Undergrowth consists of scattered chaparral.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, Cottage Way, Sacramento, California 95825.

Herman J. Lyttge,
Chief, Branch of Records & Data Management.

[FR Doc. 81-20610 Filed 7-15-81; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Multiple Use Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Cedar City District Multiple Use Advisory Council will be held on August 18, 1981.

The meeting will begin at 9:30 a.m. at the Cedar City District Office, 1579 North Main, Cedar City, Utah 84720. The agenda will include a discussion on the FY 82 Annual Work Plan, a powerline right-of-way application, wilderness, current planning efforts and an update on past items.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 11:00 a.m. or file written statements for the Council's consideration. Anyone wishing to make oral statements must notify the District Manager, P.O. Box 724, Cedar City, Utah 84720 by August 17, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager or Council Chairman.

Morgan S. Jensen,

District Manager.

July 6, 1981.

[FR Doc. 81-20611 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

Casper District Office; Western Powder River Basin Management Framework Plan Bighorn Coal Company's Emergency Lease Application

The Casper, Wyoming, District Office of the Bureau of Land Management (BLM) has reviewed and made a final decision regarding an amendment to the

Western Powder River Basin Management Framework Plan (MFP). The decision is to further consider issuing an emergency lease in order to prevent a bypass on the following described federal coal land:

Sixth Principal Meridian, Wyoming

T. 57 N., R. 84 W.

Section 14: SW 1/4 NE 1/4 containing 40 acres

Section 23: S 1/2 NE 1/4 containing 80 acres

Section 24: W 1/2 W 1/2 containing 190 acres

Section 24: W 1/2 NW 1/4 containing 80 acres

Total—390 acres

These tracts of federal coal are adjacent to present mining operations and should be further considered for leasing to prevent bypassing federal coal. It is not practical or economical to return and mine bypassed coal at a later time.

The public was first notified of the amendment and the procedures in the Federal Register Vol. 45, No. 118, page 41079. Public participation opportunities were provided in the following ways: (1) A draft MFP and EA was distributed for public review in January 1981, with a 90-day public review and comment period. (2) A public hearing was held on April 15, 1971 in Sheridan, Wyoming.

A 30-day protest period begins from the date of this notice. During that time, any person who participated in the planning process and has an interest which may be adversely affected by the decision may protest the approval of this amendment. Once approved, the lands will be further considered for leasing accordance with Title 43 Code of Federal Regulation, Subpart 3425.

For further information, contact Don Whyde at the Bureau of Land Management, Casper District Office, 951 Rancho Road, Casper Wyoming 82601, phone (307) 265-5550, ext. 5101.

Robert E. Wilber,
District Manager.

[FR Doc. 81-20625 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To

the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 25, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.
Agatha L. Mergenovich,
Secretary.

MC-F-14656F, filed June 30, 1981. Authorization sought for purchase by Overland Motor Express, Inc. d/b/a Boulder-Denver Truck Lines, Inc., 5880 Valmont, Boulder, CO 80301 of the operating rights of Frederic A. Bethke d/b/a Bethke Truck Lines, P.O. Box 58, Gilcrest, CO 80623 and, in turn, control of those rights by Joe F. Enright and Donald F. Enright. Representatives: Lee E. Lucero, 450 Capitol Life Center, East 16th Grant St., Denver, CO 80203 for Transferee and Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80203 for Transferor. Operating rights sought to be purchased are Certificate No. MC-82944 and subs thereunder providing for the transportation of general commodities with the usual exceptions over designated routes between Denver, CO and Ft. Collins, Greeley, Pueblo and Ault, CO serving all intermediate points and the off-route points of Manitou, Kersey, and the facilities of Eastman Kodak Company near Windsor, CO. Additional transportation of general commodities with the unusual exceptions between Platteville, CO and a 10 mile radius on the one hand, and, on the other points in CO. Applicant has filed for temporary authority under section 11349. (Hearing site: Denver, CO.)

MC-F-14590F, filed June 30, 1981. Transferee: BD TRUCKING CO., P.O. Box 817, Ripon, CA 95386. Transferor: BIGGE DRAYAGE CO., P.O. Box 1657, San Leandro, CA 94577. Representative: James H. Gulseth, HAGARTY, POUZIALES, LOUGHRAN & GULSETH, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Involves a transfer of MC-43716 (Sub 13) intact. MC-43716 (Sub 13) authorizes transportation of *Ship Propellers* having a diameter of 8 feet or more and incidental parts between points in CA, on the one hand, and, on the other, points in OR and WA. No temporary application under 49 U.S.C. 11349 has been filed. Transferee

is a wholly owned subsidiary of transferor holding authority acquired in No. MC-FC-77640 and operating under MC-145734.

MC-F-14651F, filed June 17, 1981. MATUSZKO TRUCKING, INC. (Matuszko) [19 Ball Lane, North Amherst, MA 01059]—PURCHASE—ARROW TRANSPORTATION CO., INC. (Arrow) [485 Prospect Street, Pawtucket, RI 02860]. Representative: Donald M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Matuszko seeks authority to purchase the interstate operating rights and property of Arrow. Carl T. Matuszko and Theodore C. Matuszko equal stockholders of Matuszko, seek authority to acquire control of said rights and property through the transaction. Matuszko seeks to purchase the operating rights of Arrow issued in Docket No. MC-107558 and sub-numbers thereunder, authorizing the transportation, as a motor common carrier, of (1) *general commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between New York, NY, and Boston, MA, serving all intermediate points, and the off-route points of Attleboro, MA; from New York over U.S. Hwy 1 via New Haven, CT to Boston [also from New Haven over U.S. Hwy 5 to junction Alternate U.S. Hwy 5 then over Alternate U.S. Hwy 5 to junction U.S. Hwy 5, then over Hwy 5 to junction Alternate U.S. Hwy 5, then over Alternate U.S. Hwy 5 to junction U.S. Hwy 5 then over Alternate U.S. Hwy 5 to junction U.S. Hwy 5, then over U.S. Hwy 5 to Springfield, MA, and then over U.S. Hwy 20 to Boston], and return over the same route, (b) between New York, NY, and Winsted, CT, serving all intermediate points; from New York over U.S. Hwy 1 to Bridgeport, CT, then over CT Hwy 110 (formerly CT Hwy 8) to junction CT Hwy 8, near Shelton, CT, and then over CT Hwy 8 to Winsted, and return over the same route; (c) between Boston, MA, and New Bedford, MA, serving all intermediate points and the off-route points of East Freetown, MA, and those within five miles of Boston, MA; from Boston over MA Hwy 138 to Taunton, MA, and then over MA Hwy 140 to New Bedford, and return over the same route; from Boston, over MA Hwy 28 to junction U.S. Hwy 44, then over U.S. Hwy 44 to Middleboro, MA, then over MA Hwy 105 to Lakeville, MA, then over MA Hwy 18 to junction MA Hwy 140, and then over MA Hwy 140 to New Bedford, and return over the same route; (d) between

Providence, RI, and Provincetown, MA, serving all intermediate points, and the off-route points of Newport, RI, those in RI within ten miles of Providence and those within Barnstable County, MA; from Providence over U.S. Hwy 6 to Provincetown, and return over the same route; from Providence over U.S. Hwy 6 to Buzzards Bay, MA, then over MA Hwy 28 to Orleans, MA, then over U.S. Hwy 6 to Provincetown, and return over the same route; (e) between Providence, RI, and junction CT Hwy 84 and U.S. Hwy 1, for operating convenience only, serving no intermediate points; from Providence over RI Hwy 3 to RI-CT State line and then over CT Hwy 84 to junction U.S. Hwy 1, and return over the same route; and (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Stamford, CT, and New Brunswick, NJ, serving all intermediate points and off-route points in Morris, Passaic, Bergen, Hudson, Essex, Union, Somerset, Mercer, Middlesex and Monmouth Counties, NJ, Westchester County, NY, and those in that part of CT west of a line beginning at the CT-NY State line and extending south through Stamford, CT, to Long Island Sound, including Stamford, CT, and the off-route point of Toms River, NJ; from Stamford over U.S. Hwy 1 to New Brunswick, and return over the same route; Restriction: The operations authorized under the commodity description next-above are restricted to traffic originating at or destined to the plant site of Ciba-Geigy Corporation at Toms River, NJ; (3) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between points within 10 miles of the State House, Boston, MA, and (b) between Providence, RI, on the one hand, and, on the other, points in RI within 15 miles of Providence, RI, (4) *cotton piece goods, and rags* from New Bedford, MA, to New York, NY, (5) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk), (a) between New York, NY, on the one hand, and, on the other, points in Nassau County, NY, (b) from New York, NY, to points in Suffolk County, NY, restricted to the furnishing of an overhead service between the indicated points and points on carrier's presently authorized routes in CT, MA, and RI; (6) *general commodities* (except those of

unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in MA (except those in Hampshire, Berkshire, and Franklin Counties), (7) *meats, meat products, and meat byproducts* (except liquid commodities in bulk, in tank vehicles) as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, Boston, MA, to Florence, NJ, and (8) *toilet preparations*, from Lakewood, NJ, to Providence and East Providence, RI, restricted to the transportation of traffic moving between the plant site and storage facilities of Speidel-A Textron Company. Matuszko is authorized to operate as a contract carrier pursuant to permits issued in MC-143214 and sub-numbers thereunder.

Note.—An application for temporary authority has been filed.

[FR Doc. 81-20630 Filed 7-14-81; 8:45 am]

BILLING CODE 7035-01-M

[No. AB-1 (Sub-No. 113)F]

Chicago and North Western Transportation Company—Abandonment Between Oelwein, IA and Randolph, MN; Findings

July 10, 1981.

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided July 10, 1981, a finding, which is administratively final, was made by the Administrative Law Judge stating that, the public convenience and necessity permit the abandonment by The Chicago and North Western Transportation Company of a line of railroad extending from railroad milepost 354.3 near Oelwein, IA to milepost 457.2 near Dodge Center, MN, from milepost 459.0 north of Dodge Center to milepost 496.9 near Randolph, MN, and from milepost 1.2 at Hayfield, MN to milepost 5.2 at Waltham, MN, a total of 144.8 miles traversing Fayette, Bremer, Chickasaw, Howard and Mitchell Counties in Iowa, and Mower, Dodge, Goodhue, Rice and Dakota Counties in Minnesota. Abandonment is subject to the conditions for the protection of employees discussed in *Oregon Short line Railroad Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to The Chicago and North Western Transportation Company based on the above-described finding, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Mrs. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all of any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of any offer, and no request is made of the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 C.F.R. § 1121 as revised by Ex Parte No. 274 (Sub-No. 6), *Abandonment of Railroad Lines and Discontinuance of Service*, 45 FR 75144 (November 25, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-20633 Filed 7-14-81; 8:45 am]

BILLING CODE 7035-01-M

[No. 38649]

Gray Moving & Storage Inc., Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner, Gray Moving & Storage, Inc., a motor contract carrier, has requested exemption from the requirements in 49 U.S.C. 10702, 10761, and 10762 that it file with the Commission schedules of rates and charges. In lieu of filing rate schedules, petitioner would provide a copy of its contract (with rates attached) upon request. The sought relief is provisionally granted.

DATES: Comments are due within 15 days. The sought relief will become effective 30 days from the date of publication of this notice in the *Federal Register*, unless, in response to comments filed, the Commission issues a further decision withdrawing this relief.

ADDRESS: An original and six copies of comments should be sent to: Interstate Commerce Commission, Room 5356, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The operation for which petitioner seeks exemption from the tariff filing requirements is the nationwide transportation of household goods, as defined by the Commission, under contract(s) with Stearns-Roger Engineering Corporation of Glendale, CO. The Commission granted this operating authority in *Gray Moving & Storage, Inc., Extension—Glendale, Co.* (not printed), served June 1, 1981.

Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant relief to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b) and 10762(f).

Petitioner states that the administrative and financial burden of complying with the rate filing requirements would necessitate higher rate levels than if it were allowed instead simply to incorporate rules and rates into its contract as an appendix. Petitioner offers to provide a copy of the complete contract with Stearns-Roger to interested parties upon request.

Petitioner's request is a legitimate one. With petitioner willing to make the rate information available to the limited number of persons who will be interested, we see no reason to deny the

carrier and the shipper the savings to be realized from a tariff filing exemption.

This arrangement will stand approved unless we receive, within 15 days, comments showing sufficient reason why the petition should be denied, and we withdraw this exemption.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: July 8, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis and Gilliam. Commissioner Alexis did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20633 Filed 7-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 119]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 9, 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 1540 (Sub-No. 17)X, filed March 9, 1981, previously noticed in the *Federal Register* of March 24, 1981, republished as follows: Applicant: P & J FURNITURE DELIVERY, INC., RD 10, Box 468, York, PA 17404. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead certificate. This Board previously broadened the commodity descriptions, expanded one-way authority to allow for two-way operations, deleted a named facilities restriction and a service restriction, and broadened specified points with county-wide authority. Applicant also sought to broaden points in a mileage radii to points in the appropriate counties. The Board did not publish as to that part of the application, contending that the restriction removal rules did not allow for the expansion of mileage radii territory descriptions to counties. Because of a recent Commission decision allowing for the expansion of mileage radii territorial descriptions, to counties, the Board has decided to renounce the application. Notice is hereby given that applicant seeks to substitute "points in York, Adams, Cumberland, Lancaster, Lebanon, and Dauphin Counties, PA" for York, PA and points in that part PA within 25 miles of York appearing in the lead certificate, sheets 1 and 2.

MC 3419 (Sub-13)X, filed July 1, 1981. Applicant: THE CLEVELAND COLUMBUS & CINCINNATI HIGHWAY, INC., 1375 Euclid Avenue, 201 Stouffer Building, Cleveland, OH 44115. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 9, 10, 11, and 12 certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) allow service at all intermediate points between named points in OH, in the lead and Sub-No. 1 and Cincinnati, OH and Louisville, KY, in Sub-No. 11; (3) remove the facilities limitations in Sub-Nos. 10 and 11; (4) replace authority to serve off-route points in connection with specified routes with county-wide authority in connection with all of the regular routes in the above sub numbers: within 15 miles of Detroit, MI, within 10 miles of Akron, Canton, Cincinnati, Columbus, Dayton, Dover, Toledo, Youngstown, and Warren, OH and Indianapolis, IN;

within 8 miles of Elyria, OH; within 6 miles of Hamilton, OH; within 5 miles of Chillicothe, Fremont, Mansfield, Marion, Sandusky, Springfield, and Zanesville, OH; Fort Wayne and Richmond, Indiana, and Parkersburg and Wheeling, WV; within 3 miles of Marietta, Alliance, Ashland, Bowling Green, Bucyrus, East Liverpool, Findlay, Fostoria, Galion, Lancaster, Lorain, Massillon, Mt. Vernon, Piqua, Shelby, Steubenville, Troy Washington Court House, Wooster, and Middletown, OH; within 2 miles of Carrollton, Kent, Marysville, McConnellsville, Norwalk, Orrville, Ravenna, Salem, Tiffin, and Wadsworth, OH; facilities at Romeo, MI; and the intersection of Westport Road and Murphy Lane, Jefferson County, Near Louisville, KY, with points in Ashland, Athens, Belmont, Butler, Carroll, Champaign, Clark, Clermont, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Delaware, Erie, Fairfield, Fayette, Franklin, Fulton, Greene, Hamilton, Hancock, Holmes, Huron, Jefferson, Knox, Licking, Lorain, Lucas, Madison, Mahoning, Medina, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Ottawa, Pickaway, Portage, Preble, Richland, Ross, Sandusky, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Warren, Washington, Wayne, and Wood Counties, OH; Livingston, Macomb, Monroe, Oakland, St. Clair, Washenaw, and Wayne Counties, MI; Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington, and Westmoreland Counties, PA; Boone, Campbell, Clark, Jefferson, Kenton, and Madison Counties, KY; Adams, Allen, Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby, Wayne, and Wells Counties, IN; Davidson County, TN; and Brook, Hancock, Marshall, Pleasants, Wirt, and Wood Counties, WV; and (5) remove the following restrictions: (a) in the lead, "the service authorized herein shall be subject to the conditions that the carrier shall not render any transportation service (1) between Toledo, Ohio, points within 10 miles of Toledo, and points on U.S. Highway 24 intermediate to Toledo, Ohio, and Fort Wayne, IN, on the one hand, and on the other, Fort Wayne, points within five miles of Fort Wayne, or any other points in Indiana authorized to be served in common with its affiliate Motor Express, Inc. of Indiana; and (2) between Cincinnati, OH, and Indianapolis, IN through or over any combination of its authorized routes"; and (b) in Sub-No. 9, "said operations are restricted (1) against the transportation of shipment moving

between Pittsburg, PA, on the one hand, and, on the other, points in OH located on and north of a line from Bridgeport, OH, over U.S. Highway 250 to junction unnumbered highway near New Pittsburg, OH, thence north over unnumbered highway to junction OH Highways 301 and 302 near Lattasburg, OH, thence over OH Highway 301 to Pennfield, OH thence over OH Highway 18 to Norwalk, Ohio, thence over U.S. Highway 20 to Toledo, Ohio, and (2) to the transportation of shipments moving to, from, or through Wheeling, WV".

MC 36473 (Sub-81)X, filed June 25, 1981. Applicant: CENTRAL TRUCK LINES, INC., 3825 Henderson Blvd., P.O. Box 18464, Peninsula Station, Tampa, FL 33679. Representative: John C. Bradley, 1600 Wilson Blvd., Suite 1301, Arlington, VA 22209. Applicant seeks to remove restrictions in its lead and Sub-Nos. 35, 36, 37, 38, 41, 42, 44, 45, 46, 49, 50, 51, 52, 54, 56, 57, 59, 62, 63, 64, 65, 68, 69, 71, 76, 77, 80, certificates to (1) broaden the commodity description from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in all of the above authorities except Sub-No. 46; (b) feed, pecans, groceries, frozen citrus juices, frozen citrus juice concentrates, and frozen citrus fruits to "food and related products" in the lead and Sub-No. 46; (c) paper and paper products to "pulp, paper, and related products" in Sub-No. 56; (2) authorize service to all intermediate points along described regular routes in the lead and Sub-Nos. 35, 38, 41, 44, 49, 54, 57; (3) delete joinder only restriction in Sub-No. 51, 52, 56, 59, 62, 65, and 76; (4) eliminate the restriction limiting service to pick-up only in Sub-No. 46; (5) remove restriction limiting service to transportation of shipments moving to or from points west of Marianna, FL, in its authorized intermediate point service in Sub-No. 57; (6) delete restriction limiting service to the transportation of shipments between named points in GA and OH in Sub-No. 76; (7) broaden off route points to counties: Avondale, GA with DeKalb County, GA; Kathleen, Galloway, Conway, Gay, Felicia, Carney Grove, Sand Gully, Inglis, Montverde, and Silver Springs, FL with Polk, Orange, Hernando, Citrus, Levy, Lake, and Marion Counties, FL; Winter Haven, FL with Polk County, FL; Atlanta, Macon, and Valdosta, GA, and five, three and two miles thereof, respectively with Fulton, Bibb and Lowndes Counties, GA; Jacksonville, FL, and five miles thereof, with Duval County, FL; Ocala, FL, and five miles thereof, with Marion County, FL, Orlando, FL, and three miles thereof, with Orange County,

FL; Tampa, FL, and five miles thereof, with Hillsborough County, FL; Barnesville and Perry, GA, with Lamar and Houston Counties, GA; Plant City, Lakeland, Auburndale, and Haines City, FL, with Hillsborough, and Polk Counties, FL; Forest Park, and Morrow, GA, with Clayton County, GA; Peoria, Doctors Inlet, Camp Blanding and Kingsley Park, FL, with Clay County, FL; Miami Beach and Palm Beach with Dade and Palm Beach Counties, FL; Fruitland Park, Howey in the Hills, and Montverde, FL, with Lake County, FL; Dinsmore, FL, with Jacksonville County, FL; Rutland and Perry, GA, with Bibb and Houston Counties, GA, in the lead; Atlanta, GA, and 15 miles thereof, with Fulton County, GA, in Sub-No. 36; Merritts Island and Cocoa Beach, FL, with Brevard County, FL, in Sub-No. 37; Brooker, FL, with Bradford County, FL, in Sub-No. 42; Bunnell, FL, with Flagler County, FL, in Sub-No. 45; Forest City, FL, with Orange County, FL, in Sub-No. 46; Arles, Clyattsville, and Moody Field, GA, with Sumter and Lowndes Counties, GA, in Sub-No. 49; Angel City, FL, with Brevard County, FL, in Sub-No. 54; Bayou La Batre, Coden, and Mobile, AL, and seven miles within Mobile, with Mobile County, AL; New Orleans, LA, and seven miles thereof, with Orleans Parish, LA; Robertsdale, Lillian, Daphne, Fairhope, Silverhill, and Foley, AL, with Baldwin County, AL; Gouilding, New Warrington, Fort Barrancas, and Pensacola, FL, with Escambia County, FL; Graceville and Vernon, FL with Jackson and Washington Counties, FL, in Sub-No. 57; Miami and West Palm Beach, FL, with Dade and Palm Beach Counties, FL, in Sub-No. 62; West Palm Beach, Orlando, and Edgar, FL, with Palm Beach, Orange, and Putnam Counties, FL, in Sub-No. 65; Albany, Columbus, Fort Benning, GA, with Dougherty, Muscogee Counties, GA; Akron, OH, and 25 miles thereof with Summit, Medina, Portage, Stark, and Wayne Counties, OH, in Sub-No. 76; Cuyahoga County, OH, except Cleveland with Cuyahoga County, OH; Kent, OH, and five miles thereof, with Portage County, OH; Akron, OH, and 10 miles thereof with Summit County, OH, in Sub-No. 77.

MC 41849 (Sub-46)X, filed June 30, 1981. Applicant: KEIGHTLEY BROTHERS, INC., 3675 Chouteau Avenue, St. Louis, MO 63110. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 43F certificate to (1) broaden the commodity description from coal, in bulk, in dump vehicles to "commodities in bulk"; and (2) remove

the restriction limiting service "as to KS, to traffic destined to points in KS, or originating at points in KS on and east of US Hwy 169," from its nonradial authority between points in several States.

MC 50935 (Sub-38)X, filed June 26, 1981. Applicant: WOLVERINE TRUCKING COMPANY, 1020 Doris Road, Pontiac, MI 48057. Representative: Robert E. McFarland, 2855 Coolidge Rd., Suite 201A, Troy, MI 48064. Applicant seeks to remove restrictions in its lead and sub-Nos. 11F, 12F, 16F, 18F, 19F, 20F, 22F, 23F, 27F, 29F, 30F, 31F, 32F, 33F, 35F, and 36F, certificates to (1) broaden its commodity descriptions: in the lead and all of the above sub-numbers, to "food and related products", from malt beverages, soft drinks, beverage compounds malt beverages in barrels, beverages carbonated beverages, alcoholic beverages, and wine (except in bulk); and in the lead and Sub-No. 35F, to "such commodities as are dealt in and used by manufacturers of containers", from empty beverage containers and cases, empty barrels, and malt beverage containers; (2) replace cities and facilities with county or city-wide authority: in the lead, Flint, MI, with Genesee and Saginaw Counties, MI; Alliance, OH, with Stark, Portage, Mahoning, and Columbiana Counties, OH; Canton, OH, with Stark, Carroll, Tuscarawas, and Summit Counties, OH; Fostoria, OH, with Seneca, Wood, and Hancock Counties, OH; Steubenville, OH, with Jefferson County, OH; and Youngstown, OH, with Mahoning and Trumbull Counties, OH; in Sub-No. 16F, facilities at Peoria, IL, with Peoria, Woodford, and Tazewell Counties, IL; Saginaw, MI, with Saginaw and Bay Counties, MI; in Sub-No. 18F, facilities at La Crosse, WI, with La Crosse County, WI; Newport, KY, with Kenton and Campbell Counties, KY, and Hamilton County, OH; Evansville, IN, with Vanderburgh County, IN; in Sub-No. 19F, facilities in Houston County, GA, with Houston County, GA; in Sub-No. 20F, Drayton Plains, MI, with Oakland, Wayne, and Macomb Counties, MI; in Sub-No. 22F, facilities at Pontiac, MI, with Pontiac, MI; in Sub-No. 30F, Plainfield, IL, with Will County, IL; Lincoln Park and Lansing, MI, with Lincoln Park, MI and Ingham and Eaton Counties, MI; in Sub-No. 31F, facilities at or near Detroit, MI, with Detroit, MI; in Sub-No. 32F, Perrysburg, OH, with Wood and Lucas Counties, OH; in Sub-No. 33F, Newport, KY, with Kenton and Campbell Counties, KY and Hamilton County, OH; in Sub-No. 35F, Perry, GA, with Houston County, GA; and in Sub-No. 36F, Hammondsport, NY, with

Steuben County, NY; (3) change one-way to radial authority between specified cities and counties in the US; and (4) remove the "via Chicago" restriction and "across Lake Michigan by ferry" and "across Lake Michigan" restrictions in the lead certificate.

MC 57697 (Sub-31)X, filed June 22, 1981. Applicant: LESTER SMITH TRUCKING, INC., 2645 East 51st Avenue, Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-No. 23F certificate to (1) broaden the commodity description from (1) building materials when also construction material to "building and construction materials"; (2) building materials when also iron and steel articles as described in Ex Parte No. MC-45, *Descriptions in Motor Carrier Certificates*, Appendix V, 61 M.C.C. 276 to "building materials and metal products"; (3)(a) construction, telephone and powerline materials when also iron and steel articles as described in Ex Parte No. MC-45, *Descriptions in Motor Carrier Certificates*, Appendix V, 61 M.C.C. 276, and (b) construction, telephone and powerline materials when also structural steel, pipe or commodities, the transportation of which by reason of size and weight require the use of special equipment to "construction, telephone and powerline materials, metal products, pipe and those commodities which because of their size or weight require the use of special handling or equipment"; (4) machines, other than farm, maximum 5,000 pounds each, when also commodities which by reason of size or weight require special handling or the use of special equipment and commodities which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment to "machinery and those commodities which because of their size or weight require the use of special handling or equipment and commodities which do not require special handling or equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require the use of special handling or equipment"; (5) machines, other than farm, maximum 5,000 pounds each, when commodities which by reason of size or weight, require special handling or the use of special equipment, and commodities (except commodities in bulk, motor vehicles, motor vehicles cabs and bodies, Classes A and B

explosives and boats), which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment to "machinery and commodities which by reason of size or weight require special handling or the use of special equipment, and commodities (except Classes A and B explosives), which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (6) machines, other than farm, maximum 5,000 pounds each when also machinery (except in bulk), which by reason of size or weight, require special handling or the use of special equipment and machinery which does not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading, as machinery, which by reason of size or weight requires special handling or the use of special equipment to "machinery and commodities which by reason of size or weight require special handling or the use of special equipment, and commodities (except Classes A and B explosives) which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading, as commodities, which by reason of size or weight requires special handling or the use of special equipment"; (7) irrigation supplies when also (A) commodities which by reason of size or weight require special handling or the use of special equipment and commodities which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; or (B) iron and steel articles as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; or (C) pipe and pipe fittings (except iron and steel), and or (D) construction materials to "irrigation supplies, commodities which by reason of size or weight require special handling or the use of special equipment and commodities which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the

use of special equipment, metal products, pipe and pipe fittings and construction materials"; (8) irrigation supplies when also (A) commodities (except commodities in bulk), which by reason of size or weight, require special handling or machinery, boilers, storage tanks and parts therefor; structural steel, and contractors outfits, and supplies requiring special equipment or rigging which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; or (B) pipe (except commodities in bulk, and iron and steel), and or (C) iron and steel articles as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) to "irrigation supplies, commodities which because of their size or weight require the use of special handling or equipment, machinery, boilers, storage tanks and parts therefor, commodities which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special equipment, pipe and metal products"; (9) bulk and service station equipment, each article to weigh a maximum of 5,000 pounds when also commodities, the transportation of which because of size or weight requires the use of special equipment to "bulk and service station equipment and commodities which because of their size or weight requires the use of special handling or equipment"; (10) bulk and service station equipment, each article to weigh a maximum of 5,000 pounds, when also machinery, the transportation of which by reason of size or weight requires the use of special equipment to "bulk and service station equipment and machinery"; (11) bulk and service station equipment, when also machines, other than farms, maximum 5,000 pounds, each to "bulk and service station equipment and machinery"; (12) (1) irrigation and sprinkling systems, and (2) parts and accessories for the commodities in (1) above, when also pipe and pipe fittings (except iron and steel commodities in bulk), which are also construction materials and supplies to "machinery, metal products, pipe and pipe fittings and construction materials and supplies"; (13) (1) irrigation and sprinkling systems, and (2) parts and accessories for commodities in (1) above when also (A) pipe and pipe fittings and

(B) iron and steel articles as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766 to "machinery, metal products, pipe and pipe fittings"; (14) (1) irrigation and sprinkling systems, and (2) parts and accessories for the commodities named in (1) above when also (A) commodities which by reason of size or weight require special handling or the use of special equipment, and commodities (except commodities in bulk, motor vehicles, motor vehicle cabs and bodies, Classes A and B explosives and boats), which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment, and (B) iron and steel articles as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) to "machinery, metal products, commodities which by reason of size or weight, require special handling or the use of special equipment and commodities (except Classes A and B explosives), which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment"; (15) oil-well castings, pipe and supplies when also construction materials (except commodities in bulk), and iron and steel articles, as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except mining and construction materials, equipment and supplies and commodities in bulk) to "Mercer commodities, construction materials and metal products"; (16) oil-well casings, pipe and supplies when also (A) commodities which by reason of size or weight, require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (B) iron and steel articles as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) to "Mercer commodities and commodities which because of their size or weight require the use of special handling or equipment"; (17) oil-well casings, pipe and supplies when also pipe (except commodities in bulk, and

iron and steel) to "Mercer commodities and pipe"; (18) oil-well casings, pipe, and supplies when also (A) iron and steel articles as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (B) pipe and pipe fittings (except iron and steel); and (C) construction materials (except commodities in bulk) to "Mercer commodities, metal products, pipe and pipe fittings and construction materials"; (II) remove restrictions "except in bulk" from paragraphs (7), (9), (10), (12), (16), (18), (19), (20), (21) and (22); "except North Platte, Ogallala and Chappell" from paragraphs (3), (4), (5), and "other than farm, maximum 5,000 pounds each" from (8), (9) and (10); "each article to weigh a maximum of 5,000 pounds from paragraph (13), (14) and (15); "except motor vehicles, motor vehicle cabs and bodies and boats" from paragraphs (9) and (18); "except mining and construction materials, equipment and supplies" from paragraph (19); and "except iron and steel" from (11), (12), (21) and (22).

MC 76574 (Sub-4)X, filed June 29, 1981. Applicant: ARMSTRONG TRANSFER AND STORAGE CO., INC., 3927 Winchester Rd., Memphis, TN 38118. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden the commodity description from household goods, as defined by the Commission, to "household goods and furniture and fixtures".

MC 119399 (Sub-149)X, filed June 25, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Keith R. McCoy (Same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 10, 20, 29, 67, 69, 90F, 94F, 99F, 110F, 120F, 124F, 129F, 137F, 138F, and 140F certificates to: (1) expand commodity descriptions as follows: (a) in Sub-No. 10 from roofing materials to "building materials" (b) in Sub-Nos. 20 and 67 from insulating materials to "building materials"; (c) in Sub-No. 29 from dry fertilizer to "chemicals and related products"; (d) in Sub-No. 94F from agricultural pesticides to "chemicals and related products"; (e) in Sub-Nos. 69 and 137F from paper and paper products to "pulp, paper and related products"; (f) in Sub-No. 90F from automotive parts to "transportation equipment and machinery"; in Sub-No. 110F from plastic articles to "rubber and plastic products" in Sub-No. 120F from livestock feeders to "machinery"; in Sub-No. 124F from adhesives, metal

articles, building materials and plastic articles to "building materials, chemicals and related products, rubber and plastic products and metal products"; in Sub-No. 129F, from furniture parts to "furniture and fixtures"; in Sub-No. 138F from glass to "clay, concrete, glass or stone products"; and in Sub-No. 140F from copper rods, cathodes, bars and molybdenum concentrates to "metallic ores and metal products"; (2) remove plantsite restrictions in Sub-Nos. 29, 69, 99F, 110F, 120F, 124F and 137F; (3) authorize county-wide authority as follows: (a) in Sub-Nos. 10, 20, and 67 from Joplin, MO to Cherokee County, KS, Jasper, and Newton Counties, MO; (b) in Sub-No. 29 from Kansas City, MO to Johnson, Leavenworth, and Wyandotte Counties, KS; Cass, Clay, Jackson, and Platte Counties, MO; (c) in Sub-Nos. 69 and 110F from Muskogee, OK to Cherokee, Muskogee, and Wagoner Counties, OK; (d) in Sub-No. 94F from Los Angeles, CA to Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, CA; from Denver, CO to Adams, Arapahoe, Douglas, and Jefferson Counties, CO; from Orlando, FL to Orange and Seminole Counties, FL; from St. Joseph, MO to Doniphan County, KS; Andrew, Buchanan and Clinton Counties, MO; from Lubbock, TX to Lubbock County, TX; from North Kansas City, MO to Johnson, Leavenworth, and Wyandotte Counties, KS, Cass, Clay, Jackson, and Platte Counties, MO; (e) in Sub-Nos. 120F and 124F from Pittsburg, KS to Cherokee and Crawford Counties, KS; (f) in Sub-No. 124F from Garden Gove, CA to Los Angeles, Orange, San Bernardino, and Riverside Counties, CA; from Atlanta, GA to Clayton, Cobb, Dekalb, and Fulton Counties, GA; from Kewanee, IL to Bureau and Henry Counties, IL; from Union City, TN to Obion County, TN; (g) in Sub-No. 129F from Carthage, MO to Jasper County, MO; and (h) in Sub-No. 137F from Herty, TX to Angelina County, TX; and from Sheldon, TX to Harris County, TX; (4) eliminate miscellaneous bulk, and equipment restrictions in Sub-Nos. 10, 20, 69F, 110F, 124F, 137F and 138F; (5) eliminate the exceptions of service to AK and HI in Sub-No. 90, 120, 124, 138; (6) authorize radial service in lieu of existing one-way authority between the counties named above and numerous points throughout the U.S., in Sub-Nos. 10, 20, 29, 67, 69, 94, 99, 120, and 129; (7) remove a restriction prohibiting the transportation of traffic moving to or from points in Mexico through ports of entry in TX on the U.S.-Mexico international boundary in Sub-No. 90.

MC 120996 (Sub-2)X, filed July 1, 1981. Applicant: O. W. BROWN AND J. N. BROWN, d.b.a. BROWN BROTHERS TRUCK LINE, Des Arc, AR 72040. Representative: Joe N. Brown (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) authorize service at all intermediate points along described regular routes in AR, under the general commodity portions of its authority; and (2) delete the restriction limiting service to that of commodities consigned to or from Des Arc, AR, only and no service shall be performed between any other points, in the first portion of its general commodity authority.

MC 134035 (Sub-50)X, filed June 22, 1981. Applicant: DOUGLAS TRUCKING COMPANY, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Jack K. Williams (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 7, 12, 13, 19, 20, 21F, 24F, 25F, 26F, 28F, 29F, 30F, 31F, 32F, 33F, 34F, 35F, 36F, 37F, 38F, 39F, 40F, 41F, 42F, 43F, 44F, 45F, and 47 certificates to (1) broaden its commodity descriptions: in the lead, to "clay, concrete, glass or stone products", from glass containers; in Sub-No. 3, to "clay, concrete, glass or stone products, and pulp, paper and related products", from glass containers and closures, and corrugated boxes; in Sub-No. 4, to "furniture and fixtures, rubber and plastic products, metal products, and pulp, paper and related products", from display racks, plastic and fiberglass mannequins, hangers, and clothing display carriers and bags; in Sub-No. 7, to "electrical equipment and related products", from electronic equipment, parts and supplies; in Sub-No. 12, to "building materials, metal products and machinery", from builders supplies; in Sub-No. 19, to "transportation equipment and machinery" from truck beds, truck bodies, attachments for truck beds or bodies, and winches; in Sub-Nos. 20 and 28F, to "rubber and plastic products" from plastic enclosures and lids and attachments for such enclosures, and plastic containers; in Sub-No. 25F, to "building materials, metal products and machinery" from doors, door trucks and threshold hardware; in Sub-No. 26F, to "transportation equipment and machinery" from truck and trailer parts (except tubes and windshields); in Sub-No. 28F, to "rubber and plastic products" from plastic containers; in Sub-No. 29F, to "chemicals and plastics, roving and yarn" from polyester resin, in drums and fiber glass roving and yarn; in Sub-Nos. 33F and 38F, to "machinery, metal products and chemicals" from

welders, welder parts, welder systems and welding compounds and material and supplies used in manufacture and distribution thereof; in Sub-No. 34F, to "filters and machinery" from air filters, oil filters, and fuel filters; in Sub-No. 35F, to "machinery, and chemicals and related products" from vacuum cleaners, vacuum attachments, vacuum tools, vacuum parts and vacuum cleaning compounds; in Sub-No. 36F, to "rubber and plastic products, and materials, equipment and supplies used in the manufacture and distribution thereof" from plastic insulating materials and materials and supplies used in the manufacturing and distribution thereof; in Sub-No. 37F, to "metal products" from metal containers and container accessories; in Sub-No. 41F, to "clay, concrete, glass, or stone products, and materials, equipment and supplies used in the manufacture and distribution thereof" from flat glass, and materials, equipment and supplies (except in bulk) used in the manufacture and distribution thereof; in Sub-No. 42F, to "tools and machinery" from hand tools, drill presses, vises and bench grinders; in Sub-No. 43F, to "general commodities (except Classes A and B explosives)" from general commodities (with exceptions); and in Sub-No. 47, to "transportation equipment and machinery" from truck beds, truck bodies, truck and trailer parts and tool boxes; (2) remove facility restrictions in Sub-Nos. 19, 20, 21F, 28F, 30F, and 38F, and replace cities and facilities with county-wide authority: in the lead, Navarro County, TX and Shelby County, TN for Corsicana, TX and Memphis, TN; in Sub-No. 3, Navarro County, TX and Orleans Parish, LA for Corsicana, TX and New Orleans, LA; in Sub-No. 4, Los Angeles County, CA for Los Angeles, CA; in Sub-No. 7, Los Angeles County, CA for Compton, CA; in Sub-No. 12, Los Angeles County, LA and Elkhart County, IN for City of Industry, CA and Elkhart, IN; in Sub-No. 13, Los Angeles County, CA for Los Angeles, CA; in Sub-No. 19, Harris County, TX for Houston, TX; in Sub-No. 20, Dallas County, TX for facilities at Dallas, TX; in Sub-No. 21F, Dauphin County, PA for Harrisburg, PA; Dallas and Harris Counties, TX for Dallas and Houston, TX; Denver County, CO for Denver, CO; Cook County, IL for Chicago, IL; Shelby County, TN for Collierville, TN; Los Angeles, Santa Clara and San Francisco Counties, CA for Los Angeles, San Jose and San Francisco, CA; Salt Lake County, UT for Salt Lake City, UT; Multnomah County, OR for Portland, OR; and King County, WA for Seattle, WA; Northumberland

County, PA for Herdon, PA; and Los Angeles County, CA for Los Angeles, CA; in Sub-No. 24F, Rutherford County, TN for Murfreesboro, TN; Cook County, IL for Chicago, IL; Harris, Dallas and Bexar Counties, TX for Houston, Dallas and San Antonio, TX; Los Angeles, San Francisco and San Mateo Counties, CA, for Los Angeles, San Francisco and San Mateo, CA; Marion County, IN for Indianapolis, IN; King County, WA for Seattle, WA; Multnomah County, OR for Portland, OR; Los Angeles and San Francisco Counties, CA, for Los Angeles and San Francisco, CA; Maricopa and Pima Counties, AZ for Phoenix and Tucson, AZ; and Clark County, NV for Las Vegas, NV; in Sub-No. 25F, Los Angeles County, CA for City of Industry, CA; Winston County, AL for Double Springs, AL; Denver County, CO for Denver, CO; Sumpter County, GA for Americus, GA; Harvey County, KS for Newton, KS; Snyder, Bucks, and Philadelphia Counties, PA for Sellingsgrove, Cornwells Hts. and Philadelphia, PA; Elkhart County, IN for Elkhart, IN; Bexar County, TX for San Antonio, TX; and King County, WA for Seattle, WA; in Sub-No. 26F, Montgomery County, AL for Montgomery, AL; Lake County, IN for East Chicago, IN; Summit, Ross and Cuyahoga Counties, OH for Akron, Frankfort and Cleveland, OH; Wayne and Muskegon Counties, MI for Detroit and Muskegon, MI; Maricopa County, AZ for Tempe, AZ; Los Angeles, San Diego and Alameda Counties, CA for Los Angeles, San Diego and San Leandro, CA; Dallas and Harris Counties, TX for Dallas and Houston, TX; Fulton County, GA for Atlanta, GA; Jackson County, MO for Kansas City, MO; Multnomah County, OR for Portland, OR; and King County, WA for Seattle, WA; in Sub-No. 28F, Dallas County, TX for Dallas, TX; St. John the Baptist Parrish for Reserve, LA; Hinds County, MS for Jackson, MS; and Shelby County, TN for Collierville, TN; in Sub-No. 29F, Los Angeles County for Gardena, Hawthorne and San Gabriel, CA; in Sub-No. 30F, Maricopa County, AZ for Phoenix, AZ; San Bernardino County, CA for Redlands, CA; Walton and Greene Counties, GA for Monroe and Union Point, GA; Montgomery and Jasper Counties, IN for Crawfordsville and Rensselaer, IN; Wapello County, IA for Ottumwa, IA; Lawrence County, PA for New Castle, PA; Navarro and Medina Counties, TX for Corsicana and Hondo, TX; in Sub-No. 31F, Los Angeles County, CA for Pacoima, CA; in Sub-No. 32F, Whitfield and Rabun Counties, GA for Dalton and Rabun Gap, GA; York County, ME for Sanford, ME; Mercer

County, NJ for Trenton, NJ; Lehigh and Delaware Counties, PA for Fogelsville and Marcus Hook, PA; Rockbridge County, VA for Glasgow, VA; Maricopa County, AZ for Phoenix, AZ; Los Angeles County, CA for Norwalk, CA; Clark County, NV for Las Vegas, NV; Bernalillo County, NM for Albuquerque, NM; Multnomah County, OR for Portland, OR; Dallas and Tarrant Counties, TX for Dallas and Ft. Worth, TX; and King County, WA for Seattle, WA; in Sub-No. 33F, Los Angeles County, CA for City of Industry and Santa Fe Springs, CA; in Sub-No. 34F, Los Angeles County, CA for Los Angeles, CA; Middlesex County, NJ for Edison, NJ; Cuyahoga County, OH for Cleveland, OH; Dallas and Harris Counties, TX for Dallas and Houston, TX; in Sub-No. 35F, Cuyahoga County, OH for Bedford, Chagrin Falls and Cleveland, OH; Richland County, OH for Bellville, OH; Sandusky County, OH for Fremont, OH; Union County, OH for Marysville, OH; Andrews County, TX for Andrews, TX; and Orange County, FL for Orlando, FL; in Sub-No. 36F, Howard and Tarrant Counties, TX for Big Spring and Fort Worth, TX; in Sub-No. 37F, Taylor, Tarrant and Harris Counties, TX for Abilene, Fort Worth and Houston, TX; Philadelphia County, PA for Philadelphia, PA; in Sub-No. 38F, Allegheny County, PA for Pittsburgh, PA; in Sub-No. 39F, Los Angeles County, CA for Los Angeles, CA; Fulton County, GA for Atlanta, GA; Philadelphia County, PA for Philadelphia, PA; Jasper County, IA for Colfax, IA; Ada County, ID for Boise, ID; Queens County, NY for Astoria, NY; Allegheny County, PA for Pittsburgh, PA; Pitkin County, CO for Snowmass, CO; St. Louis, MO and Jackson County, MO for St. Louis and Kansas City, MO; Montgomery County, MD for Rockville, MD; Philadelphia County, PA for Philadelphia, PA; Cuyahoga County, OH for Cleveland, OH; Orleans Parrish, LA for New Orleans, LA; Maricopa County, AZ for Phoenix, AZ; San Francisco County, CA for San Francisco, CA; and Orange County, FL for Orlando, FL; in Sub-No. 40F, Nez Perce County, ID for Lewiston, ID; and Butte County, CA for Oroville, CA; in Sub-No. 41F, Navarro County, TX for Corsicana, TX; and in Sub-No. 42F, Los Angeles County, CA for Van Nuys, CA; (3) change one-way to radial authority between the above-named counties and various specified points in the U.S., in the lead and Sub-Nos. 3, 4, 7, 12, 13, 19, 20, 21F, 25F, 26F, 28F, 29F, 31F, 32F, 35F, and 37F; and (4) eliminate the commodities in bulk, in tank vehicles, exceptions, and those because of their size or weight require special

equipment, wherever they appear; the AK and HI exceptions, in Sub-Nos. 19, 20, 30F, 36F, 38F, 40F, 41F, 42F, 44F, and 45F; and the originating at and/or destined to restriction, in Sub-Nos. 4, 7, 12, 13, and 33F.

MC 134645 (Sub-49)X, Filed June 29, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, MN 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-No. 35F Certificate to (1) broaden the commodity descriptions to (a) "food and related products" from meat, meat products, meat by-products and articles distributed by meat-packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 in part (1); (b) "textile mill products and plastic products" from materials and supplies used in the manufacture of stuffed toys in part (2); (c) "fabricated metal products" from cocks, valves and related parts in part (3a); (d) "primary metal products" from steel castings in part (3b); and (e) "non-metallic minerals" from clay in part (3c); (2) remove the except hides and commodities in bulk restrictions; (3) eliminate except AK and HI restriction; (4) remove the plantsite restrictions; (5) change its one-way to radial authority; and (6) replace cities with county-wide authority as follows: Long Prairie with Todd County, MN; Lawrence with Essex County, MA; Janesville with Rock County, WI; Chanhassen with Carver County, MN; Eden Valley with Stearns County, MN; Sartell with Benton County, MN; McMinnville with Warren County, TN; Chealis with Lewis County, WA; and Anniston with Calhoun County, AL.

MC 143453 (Sub-2)X, Filed June 19, 1981. Applicant: HORSELESS CARRIAGE CARRIERS, INC., 61 Iowa Street, Paterson, NJ 07503. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 1 certificate, which authorizes the transportation of antique automobiles and classic cars, in secondary movements, in truckaway service, between points in the U.S., to (1) broaden the commodity description to "transportation equipment, including, specifically, antique and classic cars," and (2) remove the (a) exception precluding service in AK and HI, and (b) the "in secondary movements, in truckaway service" language.

MC 144929 (Sub-7)X, Filed June 26, 1981. Applicant: B & J TRUCKING INC., Frontage Rd., Route 3, Piedmont, SC 29673. Representative: Brian S. Stern, 5411-D Backlick Rd., Springfield, VA 22151. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F, 4F, and 5F permits to (1) broaden its commodity descriptions: in the lead and Sub-Nos. 2F and 5F, to "petroleum, natural gas and their products, textile mill products, chemicals and related products, and rubber and plastic products and materials and supplies used in the manufacture and distribution, of chemicals and related products", from textiles, adipic acid, resin plasticizers, insecticides, bleach assistant compounds, food preserving compounds, chemicals, feed supplements, rubber preservatives, accelerators, plastic granules, heat transfer agents and media, agricultural chemicals and materials and supplies used in the manufacture and distribution thereof; and in Sub-No. 4F, to "chemicals and related products, petroleum, natural gas and their products, and rubber and plastic products", from terephthalic acid, empty containers and container chassis in reverse direction, having a prior or subsequent movement by water, and plastic pellets; (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper, in all of the above authority; and (3) eliminate the in bulk and commodities in bulk exceptions, in all of the above authority.

MC 146743 (Sub-6)X, Filed July 2, 1981. Applicant: YAGER TRUCKING, INC., 1116 Gum Avenue, Woodland, CA 95695. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its lead and Sub-No. 4F certificates to (1) broaden the commodity descriptions from (a) beer and wine to "food and related products" in the lead; (b) canned food to "food and related products" in Sub-No. 4; (2) delete plantsite restrictions and replace cities with counties: (a) in the lead, Solano County, CA, for Fairfield, CA; Los Angeles County, CA, for Azusa and Los Angeles, CA; Santa Clara County, CA, for San Jose and Saratoga CA; Madera County, CA, for Madera, CA; (b) in Sub-No. 4, Walla Walla County, WA, for Walla Walla, WA; Umatilla County, OR, for Milton-Freewater, OR; and Maricopa County, AZ, for Phoenix, AZ; and (3) replace one-way authority with radial authority between the counties named above and points in OR, WA, AZ, and CA.

MC 147644 (Sub-10)X, filed June 26, 1981. Applicant: J.M.C. TRANSPORT, INC., 1719 Potters Ln., Jeffersonville, IN 47130. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-Nos. 5F, 6F, 7F, and 8 certificates to (1) broaden the commodity description (a) by removing "except in bulk" restrictions in Sub-No. 5F; (b) from wine and brandy to "food and related products", from pallet stretch-wrap machinery to "machinery", and from ceramic decanters to "clay, concrete, glass or stone products," in Sub-No. 6F; (c) from sugar, in packages, to "food and related products, in Sub-No. 7F (part 2); (2) change its one-way to radial authority in Sub-No. 6F and Sub-No. 5F; (3) eliminate the "except AK and HI" restriction in Sub-No. 5F; and (4) change cities to county-wide authority as follows: (a) Bardstown, KY to Nelson County, KY; Paducah, KY to McCracken, Graves, Marshall, and Livingston Counties, KY, and Massac and Pope Counties, IL; Columbia, SC to Richland, Lexington, and Calhoun Counties, SC; Owensboro, Frankfort, and Louisville, KY, Dundalk, MD, Boston, MA, and Lawrenceburg, IN to Daviess, Franklin, Oldham, Jefferson, and Bullitt Counties, KY, and Spencer, Clark, Floyd and Harrison Counties, IN, Anne Arundel and Baltimore Counties, MD, Essex, Middlesex, Norfolk, Suffolk, and Plymouth Counties, MA, and Dearborn County, IN, Boone County, KY, and Hamilton County, OH; and Baton Rouge, LA to East Baton Rouge, West Baton Rouge, Livingston, Ascension, and Iberville Parishes, LA in Sub-No. 5F; (b) Louisville, Bardstown, Covington, and Paducah, KY to Oldham, Jefferson, Bullitt, Nelson, Kenton, McCracken, Graves, Marshall, and Livingston Counties, KY, Clark, Harrison, and Floyd Counties, IN, and Hamilton County, OH; Louisville, KY to Oldham, Jefferson, and Bullitt Counties, KY, and Clark, Harrison, and Floyd Counties, IN; Los Angeles, CA to Los Angeles, Ventura, and Orange counties, CA; and Bardstown, KY to points in Nelson County, KY in Sub-No. 6F; (c) Atlanta and Columbus, GA, Las Vegas, NV, Cincinnati, OH, and Columbia SC to DeKalb, Clayton, Fulton, Cobb, Muscogee, Chattahoochee, Harris, Talbot, and Marion Counties, GA, Lee and Russell Counties, AL, Clark County, NV, Hamilton, Clermont and Butler, Counties, OH, Boone, Kenton, and Campbell Counties, KY, and Richland, Lexington and Calhoun Counties, SC; Grammercy, LA to St. James and St. John the Baptist Parishes, LA; and

Evansville and Indianapolis, IN, Louisville, KY, and Cincinnati, OH to Vandenberg, Warick, Posey, Marion, Hancock, Johnson, Morgan, Hendricks, Boone, Hamilton, Shelby, Clark, Harrison, and Floyd Counties, IN, Henderson, Boone, Kenton, Campbell, Oldham, Jefferson, and Bullitt Counties, KY, and Hamilton, Clermont, Butler and Warren Counties, OH in Sub-No. 7F; and (d) Kansas City and St. Louis, MO, and Cincinnati, OH to Platte, Clay, Jackson, Cass, Clinton, Buchanan, St. Louis, Jefferson, and St. Charles Counties, MO, and Johnson, Wyandotte, and Leavenworth Counties, KS, and Madison, St. Clair and Monroe Counties, IL, and Phoenix and Tucson, AZ, Little Rock, AR, Harahan, Lafayette, and Shreveport, LA, and Amarillo, Corpus Christi, Dallas, El Paso, Ft. Worth, Houston, Odessa, and San Antonio, TX to points in Maricopa, Pinal, and Pima Counties, AZ, Pulaski, Lonoke, Saline, and Faulkner Counties, AR, Jefferson, Lafayette, Caddo, Bossier, DeSoto, St. Martin, Vermillion, Orleans, and St. Charles Parishes, LA, and Potter, Randall, San Patricio, Kleberg, Dallas, Tarrant, Collin, Denton, Rockwall, Kaufman, Ellis, Johnson, Parker, Wise, Hood, El Paso, Harris, Ft. Bend, Brazoria, Galveston, Atascosa, Medina, Comal, and Kendall Counties, TX in Sub-No. 8F.

MC 153206 (Sub-2)X, filed June 19, 1981. Applicant: WORTH TRANSPORT COMPANY, 857 Matzinger Road, Toledo, OH 43612. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its lead Certificate to remove all exceptions to its general commodities authority, except classes A and B explosives; and to delete the facility limitation at Toledo, OH.

[FR Doc. 81-20631 Filed 7-14-81; 8:43 am]

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[Volume No. OPY-4-VOL-249]

Permanent Authority Decisions; Decision-Notice

Decided: July 9, 1981.

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* on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under

49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it 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. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2. Members, Carleton, Fisher and Williams. Fisher 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".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 146496 (Sub-9), filed June 24, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341.

Representative: Thomas H. Davis (same address as applicant), (404) 452-1744. 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. 81-20027 Filed 7-14-81; 9:48 am]

BILLING CODE 7036-01-M

[Volume No. OPY-4-VOL-246]

Permanent Authority Decisions; Decision-Notice

Decided: July 9, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and

that it 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. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2. Members Carleton, Fisher and Williams. Fisher 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".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 138928 (Sub-2), filed June 26, 1981. Applicant: GENCOM, INC., R.R. #4, Marshall, MO 65340. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. Transporting *food and related products*, (1) between points in Saline County, MO, on the one hand, and, on the other, points in the U.S., and (2) between the facilities of Banquet Food Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146496 (Sub-7), filed June 24, 1981. Applicant: JOSEPH MOVING &

STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341.

Representative: Thomas H. Davis (same address as applicant), (404) 452-1744. Transporting *paint and paint related products*, between points in the U.S., under continuing contract(s) with Sherwin Williams Company of Morrow, GA.

MC 146496 (Sub-8), filed June 24, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341.

Representative: Thomas H. Davis (same address as applicant), (404) 452-1744. Transporting *general commodities* (except classes A and B explosives). Between points in the U.S., under continuing contract(s) with Handy City Division, W. R. Grace and Company, of Atlanta, GA.

MC 156906, filed July 1, 1981. Applicant: NORMAN R. ALRED, JR., Rt. 1, Box 116, Branford, FL 32008.

Representative: Norman R. Alred, Jr. (same address as applicant), (904) 935-1743. Transporting *lime, gypsum, fertilizer, and sand*, between points in FL, on the one hand, and, on the other, points in GA.

FR Doc. 81-20628 Filed 7-14-81; 8:45 am

BILLING CODE 7035-01-M

[Volume No. OPY-2-123]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 8, 1981.

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* on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the

Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it 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. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication and applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members, Parker, Chandler, and Fortier.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 64373 (Sub-15), filed June 25, 1981. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 788, Cowpens, SC 29330. Representative:

Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, 216-652-2789. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 64373 (Sub-18), filed June 25, 1981. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 788, Cowpens, SC 29330. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, (216) 652-2789. 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 133863 (Sub-5), filed June 25, 1981. Applicant: FRANK MURPHY CONTRACT CARRIER, INC., 730 Richmond Terrace, Staten Island, NY 10301. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. 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 151453 (Sub-2), filed June 18, 1981. Applicant: HERMAN O. ALBRITTON, d.b.a. HERMAN O. ALBRITTON TRUCKING, Route #2, Box 219, Butler, GA 31006. Representative: Herman O. Albritton (same as applicant) (912) 862-3859. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-20751 Filed 7-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-5-101]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 8, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting

evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it 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. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 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 status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 112989 (Sub-145), filed June 18, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy 99 So., Eugene, OR 97405. Representative: John T. Morgans (same address as applicant), (503) 747-1283. Transporting *household appliances*, between Salt Lake City, UT, on the one hand, and, on the other, points in ID, NV, and WY.

MC 143959 (Sub-3), filed June 22, 1981. Applicant: ALL-PRO TRANSPORT LINES, INC., 8900 N.W. 79th Avenue, Miami, FL 33166. Representative: Frank J. Hathaway, 7615 Biscayne Blvd., Miami, FL 33138, (305) 754-5506. Transporting *general commodities* (except household goods as defined by the Commission, and Classes A and B explosives), between points in FL.

MC 144969 (Sub-36), filed June 18, 1981. Applicant: WHEATON CARTAGE COMPANY, Third & "G" Streets, Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, (609) 825-1400 Ext. 2414. Transporting *printing machinery* between the facilities of Royal Zenith Corporation and its suppliers at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145299 (Sub-1), filed June 22, 1981. Applicant: KEY LEASING, INC., 1423 Jefferson, Naperville, IL 60540. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, (312) 726-9722. Transporting *appliances* between points in the U.S., under continuing contract(s) with Amana Refrigeration, Inc., of Amana, IA.

MC 146148 (Sub-20), filed June 23, 1981. Applicant: B-RIGHT TRUCKING CO., 7087 W. Blvd., Suite 8, Youngstown, OH 44512. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *metal products* between points in the U.S., under continuing contract(s) with Pacesetter Steel Service, Inc., of Marietta, GA.

MC 146689 (Sub-13), filed June 19, 1981. Applicant: LARK LEASING COMPANY, 261 Maplewood Drive, Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236-9318. Transporting *confectionery* between points in the U.S., under continuing contract(s) with Just Born, Inc., of Bethlehem, PA.

MC 147949 (Sub-6), filed June 22, 1981. Applicant: ROEDER CARTAGE

COMPANY, INCORPORATED, 175 Mumaugh Rd., Lima, OH 45804. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889-2531. Transporting (1) *ores and minerals*, and (2) *chemicals and related products*, between points in IN, IL, KY, MI, NY, OH, PA, TN, VA, WV, and WI.

MC 150339 (Sub-33), filed June 19, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same address as applicant), (301) 673-7151. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Campbell Soup Company of Camden, NJ.

MC 151168 (Sub-3), filed June 18, 1981. Applicant: STEPHEN W. KETCHUM d.b.a. KETCHUM TRUCKING COMPANY, P.O. Box 464, Pontiac, MI 48056. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941-5313. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 151798, filed June 23, 1981. Applicant: DIVERSIFIED FREIGHT HANDLERS, INC., P.O. Box 60623, Fairbanks, AK 99706. Representative: Peter Stepovich (same address as applicant), (907) 456-4774. Transporting *general commodities* (except classes A and B explosives), (a) between Fairbanks and Livengood, AK over AK Hwy 2, (b) between Fairbanks and Delta Junction, AK over AK Hwy 2, serving Ft. Greely as an off-route point, and (c) between Fairbanks and Cantwell, AK over AK Hwy 3, serving all intermediate points in (a), (b), and (c) above.

MC 153328 (Sub-9), filed June 19, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 321 North Spring Ave., Cape Girardeau, MO 63701, (314) 335-8636. Transporting (1) *pulp, paper and related products* and (2) *printed matter*, between points in Riverside County, CA, Middlesex County, CT, Stephens County, GA, Cook, De Kalb, and Iroquois Counties, IL, Adams County, IA, Hardin County, KY, Lenawee County, MI, Dunklin County, MO, Bergen County, NJ, Lake County, OH, Douglas County, OR, and Lamar County, TX.

MC 155688 filed June 22, 1981. Applicant: JOHN BYRUM ROUNDTREE, JR., Rt. 1 Box 100, Gatesville, NC 27938. Representative: Robert C. Jenkins, P.O. Box 188, Ahoskie, NC 27910, (919) 332-4730. Transporting *lumber* between

points in Gates and Hertford Counties, NC, on the one hand, and, on the other, points in MD, VA, and DC.

MC 156578, filed June 24, 1981. Applicant: C. R. HOLDREN & SONS, INC., Route 3, Box 187, Bedford, VA 24523. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, 703-629-2818. Transporting (1) *fertilizer*, between points in Henrico County, VA, on the one hand, and, on the other, points in MD, NC, and WV; (2) *petroleum products and chemicals and related products*, between Baltimore, MD, on the one hand, and, on the other, points in VA; and (3) *general commodities* (except classes A and B explosives), between points in Albermarle, Amherst, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Charlotte, Franklin, Halifax, Nelson, Pittsylvania, Prince Edward, and Roanoke Counties, VA, on the one hand, and, on the other, points in AL, DE, FL, GA, IL, IN, KY, MD, MI, MS, NC, NJ, NY, OH, PA, SC, TN, VA, WV, and DC.

MC 156899, filed June 22, 1981. Applicant: GENE OWENS, d.b.a. O & B TRANSPORTATION CO., 12311 Chapman St., Suite 106, Garden Grove, CA 92640. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, 213-863-8883. Transporting (1) *lumber and wood products*, between points in OR, WA and ID, on the one hand, and, on the other, points in CA. (2) *foodstuffs*, between points in Orange County, CA on the one hand, and, on the other, points NV, WA, and OR; and (3) *furniture and fixtures*, between points in Orange County, CA on the one hand, and, on the other, points in NV, AZ, OR and VA.

[FR Doc. 81-20752 Filed 7-14-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Applications

Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such

service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property Notice No. F-136

The following applications were filed in Region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, Pa 19106.

MC 146328 (Sub-II-3TA), filed July 6, 1981. Applicant: ALLIED DELIVERY SYSTEM CO., 6200 Roland Ave., Cleveland, OH 44127. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by laboratory supply houses (except commodities in bulk)* between Allegheny County, PA, on the one hand, and, on the other, points in OH for 270 days. Supporting shipper: Fisher Scientific Co., 711 Forbes Ave., Pittsburgh, PA 15259.

MC 140302 (Sub-2-2TA), filed July 6, 1981. Applicant: AMERICAN TANK TRANSPORT, INC., 6350 Ordnance Point Rd., Curtis Bay, MD 21225. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20780. *Sand, in bulk*, from Gore, VA, to Mountaintop, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Certainteed Corp.—Insulation Div., P.O. Box 860, Valley Forge, PA 19482.

MC 103937 (Sub-2-3TA), filed June 30, 1981. Applicant: ANTHRA-TRANS, INC., R.D. 3, Moscow, PA 18144. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Coal*, from Northumberland and Sullivan Counties, PA to points in CT, MA, ME, NH, NJ, NY, RI and VT. An

underlying ETA seeks 120 days authority. Supporting shippers: United States Coal Co., P.O. Box 8782, Boston, MA 02114; Lijoma Sales, Inc., P.O. Box 1112, Torrington, CT 06790; The Reading Anthracite Coal Co., 200 Mahantongo St., Pottsville, PA 17901.

MC 150762 (Sub-II-2TA), filed July 1, 1981. Applicant: BENN & NOLT CARRIERS, INC., 1523 E. Newport St., Lititz, PA 17543. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. *Modular homes* from Pine Grove, PA to points in PA, NY, NJ, DE, MD, WV, VT, CT, MA, ME and NH. Supporting shipper: Apeco Corporation—Newport Homes Division, Route 443, Pine Grove, PA 17963.

MC 69695 (Sub-II-1TA), filed July 1, 1981. Applicant: RAY L. BRANDT TRUCKING CO., 460 W. Philadelphia St., York, PA 17404. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Ground limestone*, in bulk in tank vehicles, from York, PA to Falling Waters, WV for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: White Pigment Co., York, PA 17405.

MC 140889 (Sub-II-18TA), filed July 6, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. *Contract, irregular: metal and glass products* from facilities of Philips Industries, Inc. in Snyder Co., PA to facilities of Philips Industries, Inc. in Wood Co., WI, under continuing contract(s) with Philips Industries, Inc., Dayton, OH for 270 days. Shipper: Philips Industries, Inc., 4801 Springfield St., P.O. Box 943, Dayton, OH 45401.

MC 156885 (Sub-II-1TA), filed July 1, 1981. Applicant: CHARLES E. FOULKE & SONS, INC., 2215 N. Rockhill Road, Sellersville, PA 18960. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Stone and Sand Screenings*, in bulk, in dump vehicles, from Rock Hill, Bucks County, PA to points in NJ. Supporting shipper: The General Crushed Stone Co., P.O. Box 231, Easton, PA 18042.

MC 156860 (Sub-II-1TA), filed July 6, 1981. Applicant: GREAT AMERICAN VAN & STORAGE, INC., 4607 Eisenhower Ave., Alexandria, VA 22304. Representative: Alan F. Wohlstetter, 1700 K St., Wash., DC 20006. *Used household goods in containers and unaccompanied baggage*, between pts. in DC, DE, MD, NC, VA and WV, for 270 days. Supporting shippers: Coastal Cartage Co., P.O. Box 3403, Norfolk, VA 23514; Bailey Foreign Freight

Forwarding, Inc., P.O. Box 998, Hyattsville, MD 20783; F. W. Myers (Atlantic) & Co., Inc., 17 Commerce St., Baltimore, MD 21206.

MC 156596 (Sub-II-1TA), filed July 6, 1981. Applicant: GUNTHER'S LEASING TRANSPORT, INC., 8350 Capel Dr., Pasadena, MD 21122. Representative: Mark Gunther (same as applicant). Contract, irregular: *Garments, both finished and raw materials and all accessories needed to finish said garments*, between Eldersburg, MD and Jacksonville, FL, and between Eldersburg, MD and El Paso, TX, for 270 days. Under continuing contract with London Fog, Eldersburg, MD. An underlying ETA seeks 120 days authority. Supporting shipper: London Fog, Londontown, Blvd., Eldersburg, MD 21784.

MC 156508 (Sub-II-1TA), filed July 1, 1981. Applicant: MICHAEL L. McKONLY, d.b.a. McKONLY TRUCKING, 506 S. 16th St., Columbia, PA 17512. Representative: John W. Metzger, 49 N. Duke St., Lancaster, PA 17602. Contract, irregular—(1) *Piece goods in roll form and cartons in the original piece, trim and other materials incidental to manufacturing children's clothing and children's clothing* between the facilities of Kahn Lucas Lancaster Inc., Columbia, PA, on the one hand, and, on the other, points in NY, VA, NC, SC, AL and GA; (2) *rough iron castings from the facilities of U.S. Lock & Hardware Co. at Columbia and Myerstown, PA to points in CT, ME, MA, NH, NJ, NY, RI, VT, DE, DC, MD, OH, PA, VA, WV, AL, FL, GA, KY, MS, NC, SC, TN, IL, IN, MI, MN, WI, LA*; (3) *used and surplus aircraft parts from points in VA, NC, GA, AL, TX, OK, LA, AR, SC, KY, TN and FL to the facilities of William P. Strube, Inc. at Marietta, PA; and (4) food products between points in VT, MA, RI, ME, NH, WI, MN, OK, LA, AR, MO, IA, CT, NJ, NY, DE, DC, MD, OH, PA, VA, WV, AL, FL, GA, KY, NC, SC, TN, IL, IN, TX, MS, for the account of P. K. Ford Co. of Baltimore MD; under continuing contract(s) with Kahn Lucas Lancaster, Inc., U.S. Lock & Hardware Co., William P. Strube, Inc., and P. K. Food Co. An underlying ETA seeks 120 days authority. Supporting shippers: Kahn Lucas Lancaster, Inc., 423 Ave. H, Columbia, PA 17512; U.S. Lock & Hardware Co., 166 Bridge St., Columbia, PA 17512; William P. Strube, Inc., 629 W. Market St., Marietta, PA 17547; P. K. Food Co., 8360 Old Philadelphia Rd., Baltimore, MD 21237.*

MC 107012 (Sub-II-177TA) filed July 6, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN

46801. Representative: Bruce W. Boyarko (same as applicant). *Such commodities as are dealt in or used by retail stores from Boston, MA; Charlotte, NC; and Jersey City, NJ to Milwaukee, WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Milwaukee Stores Car Association, 1818 N. Commerce St., Milwaukee, WI 53212.*

Note.—Common control may be involved.

MC 109448 (Sub-II-11TA), filed July 6, 1981. Applicant: PARKER TRANSFER CO., P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. (1) *Metal products and (2) materials, equipment and supplies used in the manufacture, installation and distribution of the commodities in (1) above (except commodities in bulk) between Lorain County, OH, on the one hand, and, on the other, pts in the U.S. (except AK and HI) for 270 days. Supporting shipper: TRW, Inc., Nelson Division, 28th Street & Toledo Ave., Lorain, OH 44055.*

MC 156843 (Sub-II-1TA), filed June 30, 1981. Applicant: PETERS BROTHERS, INC., 37 Penn St., Lenhartsville, PA 19534. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Meat and meat products between Dakota City, NE and Robeson, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: United Associated Grocers, Inc., Robeson, PA 19551.*

MC 150339 (Sub-2-43TA), filed July 6, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). Contract: *irregular: Seamless steel tubing*, from Baltimore, MD to points in TX, under continuing contract(s) with American Seamless Tubing Co., Inc., 1920 Benhill Avenue, Baltimore, MD 21226 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): American Seamless Tubing Co., Inc., 1920 Benhill Avenue, Baltimore, MD 21226.

MC 150339 (Sub-2-44TA), filed July 6, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). Contract: *irregular: Gray ductile, malleable iron castings, scrap metals, and various iron and steel products*, between Savannah, GA, Baltimore, MD, Elizabeth, Newark, and Camden, NJ, New York, NY, Philadelphia, PA, Newport News, Portsmouth, and Norfolk, VA, on the one hand, and on the other, points in MD,

VA, NC, MI, OH, IN, SC, GA, and FL, under continuing contract(s) with TUPY American Foundry Corp., P.O. Box 4245, Lancaster, PA 17604 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): TUPY American Foundry Corp., P.O. Box 4245, Lancaster, PA 17604.

MC 150339 (Sub-2-45TA), filed July 6, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). Contract: *irregular: General commodities, except household goods as defined by the Commission, and classes A and B explosives*, between Newport News, VA, and points in the United States, under continuing contract(s) with Williamsburg Packaging Corp., 815 Chapman Way, Newport News, VA 23602 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Williamsburg Packaging Corp., 815 Chapman Way, Newport News, VA 23602.

MC 151707 (Sub-II-15TA), filed June 30, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St. (15th Floor), Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). Contract: *Irregular: General commodities, except classes A and B explosives and household goods*, between points in the U.S., under continuing contract(s) with MTD Products, Inc. Supporting shipper: MTD Products, Inc., 979 S. Conwell, Willard, OH 44890.

MC 151707 (Sub-II-16TA), filed June 30, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St. (15th Floor), Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). Contract: *Irregular: Electrical Equipment, materials and supplies used in the manufacture thereof* between Crosswell, MI, and points in the U.S., under continuing contract(s) with Paramount Industries, Inc. Supporting shipper: Paramount Industries, Inc., P.O. Box 257, Crosswell, MI 48422.

MC 151707 (Sub-II-17TA), filed June 30, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St. (15th Floor), Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). Contract: *Irregular: General Commodities, except Classes A & B Explosives and Household Goods*, between points in the U.S., under continuing contract(s) with Amway Corp. Supporting shipper: Amway Corp., 7575 E. Fulton Rd., Ada, MI 49355.

MC 151707 (Sub-II-18TA), filed June 30, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., (15th Floor), Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). *Contract: Irregular: Cleaning and Scouring Compounds, Soaps, and Detergents* between points in the U.S. east of and including the states of MT, ID, UT, and AZ, under continuing contract(s) with The Korex Co. Supporting shipper: The Korex Co., 50000 W. Pontiac Trail, Wixom, MI 48096.

MC 153561F (Sub-II-1TA), filed July 1, 1981. Applicant: SPINNAKER, INC., Box 127, Bethel, PA 19507. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW, Washington, DC 20036. *Transporting such commodities as are dealt in or used by grocery stores and food business houses*, between points in CT, IL, NJ, NY, OH, PA, WI and St. Louis, MO, and its commercial zone, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, NY, OH, PA, RI, VA, WV, WI and DC. Supporting shippers: Nestle Enterprises, Inc., P.O.B. 132, White Plains, NY 10605; Hershey Chocolate Co., Div. of Hershey Foods Corp., 19 E. Chocolate Ave., Hershey, PA 17033.

MC 138714 (Sub-II-7TA), filed July 1, 1981. Applicant: VIRGINIA TRANSPORTATION, INC., Box 26449, Richmond, VA 23261. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW., Washington, DC 20005. *Contract: irregular: building supplies, and materials and supplies used in the manufacture and distribution thereof*, between Fredericksburg, VA, and points in its commercial zone, on the one hand, and, on the other, points in and east of MS, TN, KY, IL and WI, under continuing contract(s) with General Products Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: General Products Co., P.O. Box 7387, Fredericksburg, VA 22401.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 531 (Sub-5-11TA), filed July 1, 1981. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). *Liquid Chemicals, petroleum, and petroleum products in bulk, in tank vehicles*, from Santa Fe Springs, CA to: Atlanta, GA; Henry, IL, Bedford, Toledo, and Yorkville, OH;

Dallas, Houston and Texas City, TX; Deepwater and Toms River, NJ; North Tonawanda and Schenectady, NY. Supporting shipper: Ferro Corporation, Productol Chemical Division, Santa Fe Springs, CA 90670.

MC 114737 (Sub-5-2TA), filed July 1, 1981. Applicant: O & A TEX-PACK EXPRESS, INC., 1313 Avenue E, Lubbock, Texas 79401. Representative: Timothy J. Herman, Attorney at Law, 522 First Federal Plaza, Austin, Texas 78701. *Common; regular. General Commodities (Except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment)*, to, from and between points on and along the following regular routes: Between Farwell, TX, and Sweetwater, TX, serving all intermediate points: From Farwell over U.S. Highway 84 to Sweetwater, and return over the same route. Between Sweetwater, TX, and Dallas, TX, serving all intermediate points: From Sweetwater over U.S. Highway 80 to Dallas, and return over the same route. Between Sweetwater, TX, and Roswell, NM, serving all intermediate points: From Sweetwater over Texas Highway 70 to junction U.S. Highway 277, thence over U.S. Highway 277 to San Angelo, TX, thence over U.S. Highway 67 to Barnhart, TX, thence over Texas Highway 163 to Ozona, TX, thence over U.S. Highway 290 to junction U.S. Highway 80 (also from Ozona, TX, over U.S. Highway 290 to junction U.S. Highway 285, thence over U.S. Highway 285 to junction U.S. Highway 80 at Pecos, TX), thence over U.S. Highway 80 to El Paso, TX, thence over U.S. Highway 80 to Las Cruces, NM, thence over U.S. Highways 70 and 82 to Alamogordo, NM, thence over U.S. Highway 70 to Roswell, and return over the same routes. Between Roswell, NM, and Pecos, TX, serving all intermediate points: From Roswell over U.S. Highway 285 to Pecos, and return over the same route. Between Roswell, NM, and Farwell, TX, serving all intermediate points: From Roswell over U.S. Highway 70 to Farwell, and return over the same route. Between Pecos, TX, and Sweetwater, TX, serving all intermediate points: From Pecos over U.S. Highway 80 to Sweetwater, and return over the same route. Between Lubbock, TX, and junction U.S. Highways 67 and 290 to Fort Stockton, TX, serving all intermediate points: From Lubbock over U.S. Highway 87, to Lamesa, TX, thence over Texas Highway 349 to Rankin, TX, thence over U.S. Highway 67 to junction U.S. Highway 290, and return over the same

route. Between El Paso, TX, and Carlsbad, NM, serving all intermediate points: From El Paso over U.S. Highways 62 and 180 to Carlsbad, and return over the same route. Between Roswell, NM, and Lubbock, TX, serving all intermediate points: From Roswell over U.S. Highway 380 to junction New Mexico Highway 125, thence over New Mexico Highway 125 to the New Mexico-Texas State lines, thence over Texas Highway 125 to junction Texas Highway 116, thence over Texas Highway 116 to Lubbock, and return over the same route. From Roswell over U.S. Highway 380 to junction New Mexico Highway 18, thence over New Mexico Highway 18 to junction New Mexico Highway 83 to the New Mexico-Texas State line, thence over Texas Highway 83 to junction U.S. Highway 62, thence over U.S. Highway 62 to Lubbock, and return over the same route. Service authorized above as of off-route points (a) points in that part of Texas bounded by a line beginning at Farwell, TX, and extending over U.S. Highway 84 to Sweetwater, TX, thence over U.S. Highway 70 to junction U.S. Highway 277, thence over U.S. Highway 277 to Sonora, TX, thence over U.S. Highway 290 to junction U.S. Highway 80, thence over U.S. Highway 80 to the Texas-New Mexico State line, (b) points in Curry, DeBaca, Roosevelt, Lincoln, Chaves, Dona Ana, Otero, Eddy, and Lea Counties, NM. Restricted to the transportation of packages or articles each weighing not more than 100 pounds. Supporting shipper: Twenty-Seven.

MC 125000 (Sub-5-1TA), filed May 30, 1981. Applicant: CHARLES D. BALDWIN d.b.a. BALDWIN TRUCKING, 7702 Broadway, Amarillo, TX 79108. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78708. *Pipe, metal products and machinery*, between points in CO, KS, MT, ND, NM, OK, TX, UT and WY. Supporting shippers: Public Steel, Inc., Box 2444, Amarillo, TX 79105; Panhandle Pipe and Steel, FM 1551, Borger, TX 70997; Big M Pipe & Steel Company, 1701 N.E. Third Street, Amarillo, TX 79106; Smith Equipment, Rt. 2, Box 10C, Marlow, OK 73055; Santa Fe Energy, Inc., Amarillo, TX.

MC 139629 (Sub-5-1TA), filed July 1, 1981. Applicant: BOOTH REFRIGERATED LINES, INC., 1308 16th Avenue, Central City, NE 68826. Representative: Mr. James F. Crosby, James F. Crosby & Associates, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. *Food and related products*, between the facilities

of Prime Meat Processors, Inc. of Omaha, NE, on the one hand, and, on the other, pts in AL, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NC, OH, OK, PA, SC, TN, TX, and VA. Supporting shipper: Prime Meat Processors, Inc., 5146 North 90th Street, Omaha, NE 68134.

MC 147348 (Sub-5-5TA), filed July 1, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Such commodities as are dealt in by wholesale, retail and variety discount stores (except in bulk), from the facilities of Colgate-Palmolive Company, at Kansas City, KS, to all points in AR.*

MC 147348 (Sub-5-6TA), filed July 1, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Such commodities as are dealt in by wholesale, retail and variety discount stores (except in bulk), from the facilities of J. Weingarten Company, at Houston, TX, to the facilities of J. Weingarten Company, at points in AR.*

MC 154488 (Sub-5-4TA), filed July 1, 1981. Applicant: JOE T. LASLEY d.b.a. LASLEY TRUCKING COMPANY, Highway 64 East, P.O. Box 1368, Conway, AR 72032. Representative: John B. Fowlkes, Jr. (same as above). Contract: Irregular, *Lumber* from points in AR on the one hand to points in TX on the other hand under continuing contract with Cox Lumber Company, Hot Springs, AR. Supporting shipper: Cox Lumber Company, P.O. Box 1219, Hot Springs, AR 71901.

MC 154488 (Sub-5-5TA), filed July 1, 1981. Applicant: JOE T. LASLEY, d.b.a. LASLEY TRUCKING COMPANY, Highway 64 East, P.O. Box 1368, Conway, AR 72032. Representative: John B. Fowlkes, Jr. (same as above). Contract: Irregular, *Steel having prior water or rail movement from Memphis, TN on the one hand to the facilities of American Transportation Corporation, Conway, AR on the other hand under continuing contract with American Transportation Corporation. Supporting shipper: American Transportation Corporation, Highway 65 South, Conway, AR 72032.*

MC 154728 (Sub-5-2TA), filed July 1, 1981. Applicant: HARVEY G. ALLEN d.b.a. ALLEN TRUCKING COMPANY, 11603 Kerry Lane, Mabelvale, AR 72103. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. *Utility poles and pole line hardware between points in MS, LA, OK, AR, and*

MO, on the one hand and, on the other, points and places in the states of LA, AR, TX, OK, KS, IA and MO (restricted to movements originating at or destined to the facilities of Arkansas Electric Cooperatives, Inc., and its customers). Supporting shipper: Arkansas Electric Cooperatives, Inc., 8000 Scott Hamilton Drive, Little Rock, AR 72209.

MC 111740 (Sub-5-2TA), filed July 2, 1981. Applicant: OIL TRANSPORT COMPANY, P.O. Drawer 2679, Abilene, TX 79604. Representative: Jerry Matthews (same as above). *Petroleum products in bulk in tank vehicles from Ector, Midland, Howard, and Lubbock Counties, TX to points in NM.* Supporting shippers: Exxon Co., USA, 800 Bell St., Houston, TX; Gulf Oil Co., P.O. Box 2140, Houston, TX.

MC 120114 (Sub-5-1TA), filed July 2, 1981. Applicant: COLDIRON LINES, INC., 5325 South Madera, Oklahoma City, OK 73129. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. *Clay ground (drilling mud) from Big Horn County, WY to points in OK.* Supporting shipper: NL Baroid, NI Industries, Box 1675, Houston, TX 77001.

MC 142672 (Sub-5-26TA), filed July 2, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Bananas-From Gulfport, MS and Charleston, SC-To points in AL, AR, CO, CT, DE, FL, GA, IA, IL, IN, KS, LA, MA, MD, ME, MI, MN, MO, MS, NC, NE, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA and WV.* Supporting shipper: Chiquita Brands, Inc., 15 Mercedes Drive, Montvale, NJ 07645.

MC 146792 (Sub-5-1TA), filed July 2, 1981. Applicant: OASIS LINES, INC., 805 North Cage St., Pharr, TX 78577. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Food and related products, between points in the U.S.* Supporting Shippers: Export Traders, Inc., 8800 NW 112th St., Kansas City, MO 64153; Ohio Pure Foods, Inc., 681 Waterloo, Akron, OH 44314; and Frozen Foods, Inc., P.O. Box 31, Rocky Ford, CO 81067.

MC 155487 (Sub-5-2TA), filed July 2, 1981. Applicant: BUR-COLD EXPRESS, INC., P.O. Box 3192, Brownsville, TX 78520. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Food or kindred products, between points in Cameron and Hidalgo Counties, TX on the one hand, and, on the other, points in the Chicago, IL commercial zone.* Supporting shipper: Booth Fisheries Corp., Brownsville, TX.

MC 156840 (Sub-5-1TA), filed July 2, 1981. Applicant: JAMES E. STRICKLIN d.b.a. STRICKLIN TRUCKING COMPANY, 108 College, Arcadia, MO 63621. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. *Building materials, between points in AR, IL, LA, MS, MO and TX.* Supporting shipper: Georgia Pacific Corporation; Hazelwood, MO. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-20767 Filed 7-14-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. MC 142 (Sub-1)]

Removal of Restrictions From Authorities of Motor Carriers of Property, Correction

AGENCY: Interstate Commerce Commission.

ACTION: Reappointment of Employee Board Members—Correction.

SUMMARY: On January 15, 1981 (46 FR 3532), the ICC published notice of establishment of a special Restriction Removal Employee Board.

On June 11, 1981 (46 FR 32352), June 22, 1981 the ICC voted to reappoint the following employees to serve as members of the Restriction Removal Board for terms of six months each: Howell I. Sporn, Chairman, Jane Alspaugh, and Mark S. Shaffer.

The name of Board member Jane Alspaugh has been changed to Jane Alspaugh Ewing because of her marriage on June 7, 1981 to Richard T. Ewing, Jr. Effective with this publication, all decisions will be issued the names of Sporn, Ewing and Shaffer.

FOR FURTHER INFORMATION CONTACT: Ombudsman's Office, (202) 275-7440, or Edward E. Guthrie, (202) 275-7691.

Agatha L. Mergenovich, Secretary.

[FR Doc. 81-20754 Filed 7-14-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29254F]

Somerset Railroad Corporation; Construction and Operation of a Line of Railroad in Niagara County, NY

AGENCY: Interstate Commerce Commission (ICC), Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Notice of meeting to advise public of progress to date on supplement to the environmental impact statement

(EIS) being prepared in the above-entitled proceeding.

SUMMARY: The ICC's Energy and Environment Branch is, with the assistance of an independent third party consultant, Tera Corporation, engaged in preparing a supplement to the final EIS previously issued by the Commission in connection with Somerset Railroad Corporation's application to construct and operate a line of railroad in Niagara County, NY. Interested members of the public will be briefed by staff from ICC and Tera Corporation on the progress which has been made to date toward completion of this supplement. After this presentation there will be an opportunity for the public to comment on the scope and content of the supplement.

DATE: July 30, 1981 at 7:30 p.m.

ADDRESS: Niagara County Community College, Intersection of State Highways 31 and 429, Cambria, NY.

FOR FURTHER INFORMATION CONTACT: Phillis Johnson-Ball, Energy and Environment Branch, Room 5380, Interstate Commerce Commission, Washington, DC 20423; Tel. (202) 275-7916.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-20753 Filed 7-14-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA-203-11]

Bolts, Nuts, and Large Screws of Iron or Steel; Investigation and Hearing

AGENCY: International Trade Commission.

ACTION: Upon its own motion and on the basis of a petition filed on June 30, 1981, on behalf of the United States Fastener Manufacturing Group, the United Steel Workers of America, the International Association of Machinists and Aerospace Workers, the United Automobile, Aerospace and Agricultural Implement Workers of America, and the Industrial Union Department of the AFL-CIO, the Commission on July 9, 1981, instituted investigation No. TA-203-11 under sections 203(i)(2) and 203(i)(3) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2) and (i)(3)) for the purpose of gathering information in order that it might advise the President of its judgment as to the probable economic effect on the industry concerned of the extension, reduction, or termination of import relief presently in effect with respect to lag screws or

bolts, bolts (except mine-roof bolts) and bolts and their nuts imported in the same shipment, nuts, and screws having shanks or threads over 0.24 inch in diameter, all the foregoing of iron or steel, provided for in items 646.49, 646.54, 646.56, and 646.63 of the Tariff Schedules of the United States (TSUS). Relief in the form of temporary duty increases described in items 923.50, 923.51, 923.52, and 923.53 of the Appendix to the TSUS is provided for in Presidential Proclamation 4632 (issued January 4, 1979, 44 FR 1697). Import relief presently in effect with respect to such merchandise is scheduled to terminate at the close of business on January 5, 1982, unless extended by the President.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: David Coombs, Investigator, telephone 202-523-1376, U.S. International Trade Commission, Room 344, 701 E Street, NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: *Public hearing ordered.* A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.d.t., on Thursday, September 10, 1981, in the Hearing Room U.S. International Trade Commission Building, 701 E Street, NW. Requests for appearances at the hearing should be received in writing by the Secretary to the Commission at his office in Washington no later than the close of business on Friday, August 21, 1981.

Prehearing procedure. To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. Nineteen copies of such prehearing briefs should be submitted to the Secretary to the Commission no later than the close of business on Wednesday, September 2, 1981. Copies of prehearing briefs submitted will be made available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with § 201.12(d) of the Commission's rules of practice and procedure (19 CFR 201.12(d)), it would be unnecessary to submit such a statement if a prehearing brief is submitted instead. Oral presentations should, to the extent possible, be limited to issues raised in the prehearing briefs.

A prehearing conference will be held on Tuesday, August 25, 1981, at 10:00 a.m., e.d.t., in Room 117 of the U.S. International Trade Commission Building.

Persons not represented by counsel or public officials who have relevant matters to present may give testimony without regard to the suggested prehearing procedures outlined above.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

Issued: July 10, 1981.

By order of the Commission,
Kenneth R. Mason,
Secretary.

[FR Doc. 81-20677 Filed 7-14-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-89]

Certain Apparatus for the Continuous Production of Copper Rod; Approval of Settlement Agreements

ACTION: Approval of settlement agreements.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has approved the settlement agreements entered into by Southwire Company and Fried. Krupp GmbH and Krupp International, Inc. on April 10, 1981.

SUPPLEMENTARY INFORMATION: As a result of a complaint filed by Southwire Company on July 29, 1980, and amended on August 1, 1980, and August 5, 1980, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) the Commission instituted an investigation to determine whether section 337 is being violated by reason of infringement of U.S. Letters Patent 4,129,170. A notice of investigation was published in the *Federal Register* on August 13, 1980 (45 FR 53923).

On April 21, 1981, Krupp G.m.b.H., Krupp International Inc., Southwire Co., and the Commission investigative attorney filed a joint motion for an order approving the settlement agreements entered into by Southwire and Krupp on April 10, 1981. The Commission sought comments on the proposed settlement agreements through notice published in the *Federal Register* on May 15, 1981 (46 FR 26943). No comments were received in response to that notice. On July 2, 1981, the Commission approved the settlement agreements.

Copies of the Commission's Action and Order and all non-confidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW.,

Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0359.

Issued: July 6, 1981.

By order of the Commission.

Kenneth R. Masoh,

Secretary.

[FR Doc. 81-20674 Filed 7-14-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-105]

Certain Coin-Operated Audiovisual Games and Components Thereof (viz Rally-X and PAC Man); Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge John J. Mathias as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: July 9, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-20676 Filed 7-14-81; 8:45 am]

BILLING CODE 7020-05-M

[Investigation No. 337-TA-64]

Certain High-Voltage Circuit Interrupters and Components Thereof

AGENCY: International Trade Commission.

ACTION: Termination of investigation.

AUTHORITY: 19 U.S.C. 1337; 19 CFR 210.51

SUPPLEMENTARY INFORMATION: On April 22, 1981, Westinghouse Electric Corp. (Westinghouse), complainant in this investigation, filed a motion to terminate the investigation. The investigation has been suspended since October 4, 1979, pending the outcome of a reissue proceeding in the Patent and Trademark Office (PTO) involving U.S. Letters Patent 3,291,947 (the '947 patent), the patent which is the subject of the investigation. The reissue application was rejected by the PTO because it found the claims of the patent invalid after examining newly discovered prior art. That decision was affirmed by the U.S. Court of Customs and Patent Appeals.

Westinghouse now intends to file a continuation application of the rejected

reissue application. Westinghouse filed the motion to terminate because the '947 patent is scheduled to expire on December 13, 1983. Westinghouse claims that so much of the time remaining before the expiration of the '947 patent will be taken by the continuation application process and completion of the Commission investigation that any relief granted by the Commission will be rendered ineffective.

The parties responding to Westinghouse's motion to terminate have indicated agreement with termination of the investigation with prejudice, as has Westinghouse. Since the investigation has been suspended since October 4, 1979, this motion was not considered by the administrative law judge and, therefore, no recommended determination has been filed.

On July 6, 1981, the Commission voted to terminate investigation No. 337-TA-64 with prejudice. Termination of the investigation was based on the motion of the complainant and concurrence of other parties to the investigation.

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission order. Such petitions must be in accord with Commission rule 210.56 (19 CFR 210.56)

Copies of the Commission's action and order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436 telephone 202-523-1641.

Issued: July 7, 1981.

By order of the Commission.

Kenneth R. Mason

Secretary.

[FR Doc. 81-20673 Filed 7-14-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-107]

Certain Ultrafiltration Membrane Systems and Components Thereof, Including Ultrafiltration Membranes; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 19, 1981, and was amended on June 10, 1981, and July 1, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Amicon Corporation at 25 Hartwell Avenue, Lexington, Mass. 02173, Romicon, Inc. and Comex, Inc., both at 100 Cummings Park, Woburn, Mass. 01801. The amended complaint (hereinafter the complaint) alleges unfair methods of competition and unfair acts in the importation of certain ultrafiltration membrane systems and components thereof, including ultrafiltration membranes, into the United States, or in their sale, by reason of the alleged infringement by said ultrafiltration membranes of claims 1, 2, 3, 5, and 6 of U.S. Letters Patent 3,615,024, and by reason of the alleged contributory and induced infringement by said ultrafiltration membrane systems and components thereof, including ultrafiltration membranes, of claims 1, 2, 3, 5, 6, 7, and 8 of U.S. Letters Patent 3,526,588, and all of the claims of U.S. Letters Patent 3,541,005. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry efficiently and economically operated, in the United States.

The complainants request that, during the pendency of the investigation, the Commission issue both a temporary exclusion order, prohibiting importation of said articles into the United States except under bond, and a temporary cease and desist order, and, after a full investigation, issue both an exclusion order, prohibiting importation of said articles into the United States for the lives of the patents in issue, and a cease and desist order.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in section 210.12 of the Commission's Rules of Practice and Procedure.

SCOPE OF THE INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on July 2, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is reason to believe that there is a violation and whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain ultrafiltration membranes systems and components thereof,

including ultrafiltration membranes, into the United States, or in their sale, by reason for the alleged infringement by said ultrafiltration membranes of claims 1, 2, 3, 5, or 6 of U.S. Letters Patent 3,615,024, or by reason of the alleged contributory and induced infringement by said ultrafiltration membranes systems and components thereof, including ultrafiltration membranes, of claims 1, 2, 3, 5, 6, 7, or 8 of U.S. Letters Patent 3,526,588, or any one or all of the claims of U.S. Letters Patent 3,541,005, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States:

(2) for the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Romicon, Inc., 100 Cummings Park, Woburn, Mass. 01801

Comex, Inc., 100 Cummings Part, Woburn, Mass. 01801

Amicon corp., 25 Hartwell Avenue, Lexington, Mass. 02173

(b) the respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Aktieselskabet De Danske Sukkerfabrikker (DDS), Postboks 119, DK-4900 Nakskov, Denmark

Niro Atomizer, Inc., 9165 Rumsey Rd., Columbia, Md. 21045

General Dairy Equipment, 434 Stinson Boulevard, Minneapolis, Minn. 55413

(c) Robert S. Budoff, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's rules of practice and procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be

deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT:

Robert S. Budoff, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-0113.

Issued: July 6, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-20675 Filed 7-14-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-94]

Certain Wet Motor Circulating Pumps and Components Thereof; Grant of Leave To Review Orders No. 13 and 15 and of Affirmance of Orders No. 13 and 15

AGENCY: International Trade Commission.

ACTION: Grant of application for review of Orders No. 13 and 15 and affirmance of Orders No. 13 and 15.

SUMMARY: Notice is hereby given that on the basis of an application for review of Orders No. 13 and 15 filed by parties respondent Grundfos A.S. and Grundfos Pumps Corp. (Motion 94-22), the Commission has granted the application for review and affirmed the presiding officer's denial of Motion No. 94-9 but for reasons different than those given in Orders No. 13 and 15.

AUTHORITY: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.60(b) (19 CFR 210.60(b)) of the Commission's *Rules of Practice and Procedure*.

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed by Taco, Inc., the Commission instituted investigation No. 337-TA-94 on December 31, 1980, to determine whether there is a violation of section

337 of the Tariff Act of 1930 by reason of importation into and sale in the United States of certain wet motor circulating pumps and components thereof. Complainant Taco alleges that the accused wet motor circulating pumps infringe claims 1, 2, 3, 6, 8, 15, 19, and 20 of U.S. Letters Patent 3,264,653 and that respondents have misappropriated Taco's trade secrets. Notice of the Commission's investigation was published in the *Federal Register* on December 31, 1980, 45 FR 86564.

Respondents Grundfos A.S. and Grundfos Pumps Corp. moved on April 17, 1981, for a protective order to limit discovery on individuals who are directors, officers or employees of respondent companies to knowledge they have gained or possess as directors, officers or employees of the named respondent companies and not from any other company which they might serve. The presiding officer denied the motion (Orders No. 13 and 15), but granted respondent's leave to file an interlocutory appeal with the Commission.

FOR FURTHER INFORMATION CONTACT:

William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1693.

Issued: July 8, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-70072 Filed 7-14-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 104-TAA-4]

Steel Units for Electrical Transmission Towers From Italy

AGENCY: International Trade Commission.

ACTION: Institution of a countervailing duty investigation.

SUMMARY: On April 21, 1967, the U.S. Department of the Treasury (Treasury) published in the *Federal Register* (32 FR 6274) a notice of final countervailing duty determination and suspension of liquidation of duties stating that it had determined that exports from Italy of galvanized fabricated structural steel units for the erection of electrical transmission towers benefited from bounties or grants within the meaning of section 303 of the Tariff Act of 1930. Accordingly, imports into the United States of such merchandise from Italy were subject to countervailing duties.

On January 1, 1980, the provisions of the Trade Agreements Act of 1979

became effective, and on January 2, 1980, the authority for administering the countervailing duty statute was transferred from Treasury to the U.S. Department of Commerce (Commerce). On May 13, 1980, Commerce published a notice in the *Federal Register* (44 FR 31455) of intent to conduct an annual administrative review of all outstanding countervailing duty orders.

On March 27, 1980, the U.S. International Trade Commission received a request from counsel for Societa Anonima Elettificazione S.p.A., Milano, Italy, for an investigation under section 104(b)(1) of the Trade Agreements Act of 1979 with respect to steel units for electrical transmission towers from Italy. A request for such an investigation was also received from the Delegation of the Commission of the European Communities on March 28, 1980. In accordance with section 104(b)(3) of the Act, the Commission notified the Department of Commerce of its receipt of a request for an investigation.

As required by section 751(a)(1) of the Tariff Act of 1930, Commerce has conducted its first annual administrative review of the countervailing duty order on U.S. imports from Italy of galvanized fabricated structural steel units for the erection of electrical transmission towers. As a result, Commerce, in the *Federal Register* of April 28, 1981 (46 FR 23782), preliminarily determined that the net subsidy conferred on such merchandise is 18 lire per kilogram. On the basis of that determination, the United States International Trade Commission, pursuant to section 104(b)(2) of the Trade Agreements Act of 1979, is instituting an investigation to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports from Italy of the merchandise covered by the countervailing duty order if the order were to be revoked. Galvanized fabricated structural steel units for the erection of electrical transmission towers are currently provided for under Tariff Schedules of the United States (TSUS) items 653.00, if imported complete or substantially complete; 652.94, if made up into a series of sections; or other items including but not necessarily limited to 609.84, 646.54, 646.65, 646.70, 646.72, 657.25 and 923.51, if imported as individual pieces.

Commerce reported that it would issue a final determination in this case after analysis of issues received in written comments or at a hearing.

However, no hearing was requested and no written comments had been received by the deadline for their submission to Commerce, May 28, 1981. Commerce's final determination as to the most current level of subsidies will be made as soon as possible.

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Quay Williams, Office of Industries, (202-523-0341), Howard Gooley, Office of Economics, (202-523-1175), or Robert Eninger, Office of Investigations, (202-523-0312).

SUPPLEMENTARY INFORMATION:

Public hearing. The Commission will hold a public hearing in connection with this investigation on October 7, 1981, in the Hearing Room of the U.S. International Trade Commission Building, beginning at 10 a.m., e.d.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.d.t.) on October 2, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 10 a.m., e.d.t., on September 30, 1981, in Room 117 of the U.S. International Trade Commission Building. Prehearing statements must be filed on or before September 30, 1981.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules of practice and procedure (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing statements and to new information. The Commission will not receive prepared testimony for the public hearing, as would otherwise be provided for by rule 201.12(d). All legal arguments, economic analysis, and factual materials relevant to the public hearing should be included in prehearing statements in accordance with rule 207.22. Posthearing briefs will also be accepted within a time specified at the hearing.

Written submissions. Any person may submit to the Commission on or before September 30, 1981, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen true copies of such statements must be submitted in accordance with § 201.8 of the Commission's rules of practice and procedure, 19 CFR 201.8 (1980). All written submissions, except confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted

separately and each sheet must be clearly marked at the top "Confidential business data". Confidential submissions must conform with the requirements of § 201.6 of the rules of practice and procedure (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's rules of practice and procedure (19 CFR 207.20, 44 FR 76458).

Issued: July 10, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-20678 Filed 7-14-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

AAG/A Order No. 71-81]

Privacy Act of 1974; Modified System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to modify a system of records (Civil Division Case File System, Justice/CIV-001) maintained by the Civil Division.

The Civil Division Case File System is a system of records for which public notice was published in Volume 45, Number 213 of the *Federal Register* on October 31, 1980, consistent with provisions of 5 U.S.C. 552a(e)(4). However, the system will be amended to include records on employee time devoted to the litigation of cases and to other work activities. The following sections of the notice have been revised to reflect this change: "Categories of individuals covered by the system," "Categories of records in the system," "Authority for maintenance of the system," "Routine uses of records maintained in the system * * *," "Retrievability," "Safeguards," "Retention and disposal," and "Record source categories." The system will be further amended to include the storage of selected data, extracted from each case file, on magnetic tapes. The "Categories of records in the system" and "Storage" sections of the notice have been revised to reflect this change.

5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period

in which to comment, and the Office of Management and Budget (OMB), which has oversight responsibility under the act, requires a 60-day period in which to review the system before it is implemented. Therefore, the public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. If no comments are received from either the public, OMB, or the Congress on or before September 14, 1981, the system will be implemented without further notice in the Federal Register. No oral hearings are contemplated.

A report of the proposed system has been provided to the Director, OMB, to the President of the Senate, and to the Speaker of the House of Representatives.

Dated: July 1, 1981.

Kevin D. Rooney,
Assistant Attorney General for
Administration.

Justice/CIV-001

SYSTEM NAME:

Civil Division Case File System.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any and all parties involved in the cases handled by the Civil Division will have identifying data contained in this system. Any employees of the Civil Division, Department of Justice.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) The main record of the system is the official case file which is retained on each case under the jurisdiction of the Civil Division except for those cases for which files are maintained in the Civil Division Case File System: Field Office, Customs Litigation, Commercial Litigation Branch and the Office of Alien Property File System, and constitutes the official record of the Department of Justice. All record material relating to a case is retained in the file. Each case is assigned a number comprised of the category designation for the subject matter, the code number for the judicial district where the action originated, and the number of cases of that category which have arisen in that district.

(2) Alphabetical and numerical indices are utilized as a means of access to the proper file by the cross-

referencing of the names of all parties to a suit with the file number. Forms CV-54 and carbon-interleaf index cards are used in these indices.

(3) An automated record of selected data which has been extracted from each case file is maintained on magnetic diskettes and magnetic tapes in order to follow the progress of all Division cases and to obtain statistical data for monthly and fiscal reports.

(4) An automated record, maintained on magnetic diskettes and tapes, contains the names of employees and the allocation of their time according to the kind of work activity and the case on which the work was performed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

General authority to maintain the system is contained in 5 U.S.C. 301 and 44 U.S.C. 3101. The particular system was established in accordance with 28 CFR 0.77 (f) and 28 U.S.C. 552 and was delegated to the Civil Division pursuant to the memorandum from the Deputy Attorney General, dated July 17, 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Any record pertaining to any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice, including the F.B.I. and the United States Attorneys' Offices, for use in connection with the consideration of that case or matter or any other case or matter under consideration by the Civil Division or any other component of the Department of Justice. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such

information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the

requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions of 28 C.F.R. 17.60.

Any record pertaining to the allocation of employee time to specific cases or other work activities may be used by responsible Civil Division employees as a basis (1) for preparing budget estimates, requests, and justifications; (2) for determining the effective allocation of staff and other resources; (3) for an automated record of the status of individual cases; and (4) for evaluating employee performance.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the

National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

(1) The case files utilize standard file jackets and are retained in electronic, rotary power files; or in standard file cabinets. (2) The alphabetical and numerical index cards are retained in standard file cabinets. (3) Automated records are maintained on magnetic diskettes and magnetic tapes. (4) Automated records on employee time use are maintained on magnetic diskettes and magnetic tapes.

RETRIEVABILITY:

The files must be retrieved by file number. The file number can be ascertained from the alphabetical index if the name of any party to the suit is known. Automated case records can be retrieved by Department of Justice case number, plaintiffs name, defendant's name, or Civil division attorney's name. Automated employee time-use records are retrievable by employee name, Department of Justice case number, case caption, type of case, and kind of work activity.

SAFEGUARDS:

Information contained in the system is unclassified. However, only attorneys who have their names recorded in the File Unit can be issued a case file. Minimal information about a case is provided from the various indices to telephone callers, since there is a problem with indentifying the identity of a caller. If a party desires detailed information, he is referred directly to the attorney of record.

Automated employee time-use records are safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Access to employee time-use records is limited to Civil division employees needing access to those records to perform their official duties. Individual employees have access to their personal records through regular reports or through requests.

RETENTION AND DISPOSAL:

When a case file is closed by the responsible attorney, it is sent to the Federal Records Center for retention in accordance with the authorized Record Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives.

After the designated period has passed, the file is destroyed. However, the index and docket cards are not purged. Automated employee time-use records constitute a cumulative resource file for which there are no plans to delete records.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to: Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

A request for information concerning the cases of the Civil Division should be submitted in writing, with the envelope and letter clearly marked "Privacy Access Request." The request should include the file number and/or the names of any litigants known to the requestor. The requestor should also provide a return address for transmitting the information. Such access requests should be submitted to the System Manager listed above. Requests may also be made by telephone. In such cases the caller will be referred to the attorney of record. The attorney, in turn, may require an official written request.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above. The request should clearly state, what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

All litigants involved in the cases of this Division are sources of information. Such information is either contained in the record material in the case files or has been extracted from that record material and put onto docket and index cards. Information on employee time use is obtained through time records submitted by Civil Division employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-20018 Filed 7-14-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on Friday, July 31, 1981 from 9:30 a.m.-5:00 p.m., Saturday, August 1, 1981 from 9:00 a.m.-5:00 p.m. and on Sunday, August 2, 1981 from 9:00 a.m.-1:00 p.m. at the Four Seasons Hotel, 2800 Pennsylvania Avenue, N.W., Washington, D.C.

A portion of this meeting will be open to the public on Friday, July 31 from 9:30 a.m.-5:00 p.m. and on Saturday, August 1, 1981 from 9:00 a.m.-12:45 p.m. Topics for discussion will include Program Review/Guidelines for the State Arts Agencies, Dance, Composers, Theater and Museum Programs and policy committee reports.

The remaining sessions of this meeting on Saturday, August 1, 1981 from 12:45 p.m.-5:00 p.m. and on Sunday, August 2, 1981 from 9:00 a.m.-1:00 p.m. are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070. July 10, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-20644 Filed 7-14-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

All Recipients of Federal Assistance From Paralyzed Veterans of America, et al. v. William French Smith, et al.

In the case of *Paralyzed Veterans of America, et al. v. William French Smith, et al.*, United States District Court, Central District of California, No. 79-1979 WPG, the Honorable William P. Gray ordered the National Science

Foundation to notify all recipients of federal financial assistance from the National Science Foundation that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. section 794), even though the National Science Foundation has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 CFR Part 84). Recipients of federal financial assistance from the National Science Foundation may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

Charles H. Herz,
General Counsel.

[FR Doc. 81-20683 Filed 7-14-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Shoreham Nuclear Power Station Unit 1; Postponement

The ACRS Subcommittee on Shoreham Nuclear Power Station Unit 1 scheduled for July 21, 1981 has been postponed indefinitely. Notice of this meeting was published July 8 (46 FR 35398).

Dated: July 9, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-20744 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-440 and 50-441]

The Cleveland Electric Illuminating Co.; Receipt of Antitrust Information

The Cleveland Electric Illuminating Company on behalf of itself and as agent for the four other owners of the Perry Nuclear Power Plant, Units 1 and

2, submitted antitrust information in connection with the owners' plans to operate two boiling water reactors in Lake County, Ohio. The data submitted contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the *Federal Register* and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the *Federal Register* notice. The results of any reevaluations that are requested will also be published in the *Federal Register* and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensees' activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before September 21, 1981.

Dated at Bethesda, Maryland, this 9th day of July 1981.

For the Nuclear Regulatory Commission,
A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-20745 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-39, and Amendment No. 64 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications by removing the rod bow penalty from the equation used to calculate the radial peaking factor limit, $F_N \approx B$.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 13, 1981, as supplemented by letter dated June 5, 1981, (2) Amendment Nos. 67 and 64 to License Nos. NPR-39 and DPR-48, 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 Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. 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 9th day of July, 1981.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief, Operating Reactors Branch #1,
Division of Licensing.

[PR Doc. 81-20746 Filed 7-14-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment to Facility Operating License No. NPF-9

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), pursuant to the Initial Decision dated April 18, 1979, and the Supplemental Initial Decision dated May 26, 1981, respectively, of the Atomic Safety and Licensing Board, and pursuant to Commission Order dated June 29, 1981, has issued Amendment No. 2 to Facility Operating License No. NPF-9 to the Duke Power Company for its McGuire Nuclear Station, Unit 1. The license amendment authorizes operation of the McGuire Nuclear Station, Unit No. 1 at reactor core power levels not in excess of 3411 megawatts thermal (100% of rated power) in accordance with the provisions of the license, as amended, and the Technical Specifications and the Environmental Protection Plan. The McGuire Nuclear Station, Unit 1, is a pressurized water reactor located near Charlotte in Mecklenburg County, North Carolina. This amendment is effective as of its date of issuance.

The Initial Decision and the Supplemental Initial Decision are subject to review by the Atomic Safety and Licensing Appeal Board prior to their becoming final. Any decision or action taken by the Atomic Safety and Licensing Appeal Board in connection with the Initial Decision and the Supplemental Initial Decision may be reviewed by the Commission.

The application for this licensing action which is included as part of the applications for an operating license for McGuire Nuclear Station, Unit No. 1, complies with the standards and the requirements of the Act and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment. The application for the license, which includes Amendment No. 2 complies with the standards and requirements of

the Act and the Commission's regulations.

Prior public notice of this licensing action was given in, "Receipt of Application for Facility Operating Licenses; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing" (39 FR 20833-34; June 14, 1974). Hearings were held in connection with admitted contentions with respect to the operating license applications on March 28-31, April 1, 19-22, 1977; August 22-24, 30-31, 1978; and February 24-27, March 3-6, 10-13, 17-19, 1981, and an Initial Decision and a Supplemental Initial Decision issued, respectively, on April 18, 1979 and May 26, 1981.

For further details in respect to this action, see (1) Amendment No. 2 to Facility Operating License NPF-9; (2) Amendment No. 1 to Facility Operating License NPF-9 w/ revised pages to Technical Specifications, Appendix A, dated June 19, 1981; (3) Facility Operating License NPF-9 w/ Technical Specifications, Appendix A & Environmental Protection Plan, Appendix B, NUREG-0759 Revision 1, dated June 12, 1981; (4) License NPF-9 for Fuel Loading and Zero Power Testing complete with Technical Specifications (NUREG-0759) dated January 23, 1981; (5) Amendment No. 1 to License NPF-9 for Fuel Loading and Zero Power Testing, dated January 28, 1981; (6) Amendment No. 2 to License NPF-9 for Fuel Loading and Zero Power Testing, dated April 2, 1981; (7) the report of the Advisory Committee on Reactor Safeguards, dated April 12, 1978; (8) the Office of Nuclear Reactor Regulation's Safety Evaluation Report, dated March 1978 (NUREG-0422) and Supplements 1 through 5; (9) the Final Safety Analysis Report and Amendments thereto; (10) the Final Environmental Statement, dated May 30, 1974 and supplements thereto; (11) the Floodplain Aspects of the McGuire Nuclear Plant Site, dated September 3, 1980; (12) the Initial Decision, dated April 18, 1979; (13) the Supplemental Initial Decision, dated May 26, 1981; and (14) Commission Order dated June 29, 1981.

Items 1 through 6 and 11 are available upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Item 7 is included as Appendix B to Supplement No. 1 of item 8. Copies of items 8 and 10 may be purchased at current rates from

the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. All items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Bethesda, Maryland, this 8th day of July 1981.

For the Nuclear Regulatory Commission,
Elinor Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-20747 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of the Turkey Point Plant, Unit No. 4 (the facility) located in Dade County, Florida. The amendment is effective as of the date of issuance.

The amendment extends the Unit 4 operating interval from six to eight effective full power months from January 13, 1981.

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 this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 27, 1981, (2) Amendment No. 62 to License No. DPR-41, 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 Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. 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 6th day of July, 1981.

For the Nuclear Regulatory Commission,

Steven A. Varga,
Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 81-20748 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co., et. al.; Issuance of Amendment To Facility Operating License and Granting of Relief From ASME Section XI Inservice Inspection and Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company and The Western Massachusetts Electric Company (the licensees), which revised Technical Specifications for operation of Millstone Nuclear Power Station (the facility) located in Waterford, Connecticut. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to incorporate the inservice inspection and testing programs requirements of ASME Code Class 1, 2 and 3 and removes outmoded requirements.

Relief is granted, on an interim basis, pending completion of a more detailed review, from compliance with certain inservice inspection and testing requirements determined to be impractical for the facility because compliance would result in hardships and unusual difficulties without a compensating increase in the level or quality of safety.

The application for the amendment and request for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules

and regulations in 10 CFR Chapter I, which are set forth in the license amendment and the letter granting relief. Prior public notice of this action was not required since neither this amendment nor the granting of this relief involves a significant hazards consideration.

The Commission has determined that the issuance of this amendment and the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the application for amendment dated October 26, 1978, and the requests for relief dated May 1, 1981 (two letters), (2) Amendment No. 70 to License No. DPR-65, and (3) the Commission's related letter dated July 1, 1981. 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 Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. 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 1st day of July, 1981.

For the Nuclear Regulatory Commission,

Robert A. Clark,
Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 81-20749 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

[OFPP Policy Letter 81-2]

Policy Guidance for the Labor Surplus Area Program

Correction

In FR Doc. 81-16704 appearing on page 30225 in the issue of Friday, June 5, 1981, make the following correction:

On page 30225, first column, the last word in the second line of paragraph "3." reading "sit-specific" should have read "site-specific".

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION**Station Committee on Educational Allowances; Meeting**

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 12, 1981, at 1:00 p.m., the Winston-Salem Veterans Administration Regional Office Station Committee on Educational Allowances shall at Room 609, Federal Building, 251 North Main Street, Winston-Salem, North Carolina, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Durham Technical Institute, Durham, North Carolina, should be discontinued, as provided in 38 CFR 21.4207, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Charles W. Wickes,

*Acting Director, Veterans Administration
Regional Office, 251 North Main Street,
Winston-Salem, North Carolina 27102.*

July 7, 1981.

[FR Doc. 81-20684 Filed 7-14-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 135

Wednesday, July 15, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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| Occupational Safety and Health Review Commission | 8 |

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, July 24, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

TIME AND DATE: 10 a.m., Friday, July 17, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matter.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S1081-81 Filed 7-13-81; 10:29 am]

BILLING CODE 6357-01-M

2

FEDERAL COMMUNICATIONS COMMISSION. FCC to hold a closed Commission meeting, Thursday, July 16, 1981.

The Federal Communications Commission will hold a closed meeting on the subjects listed below on Thursday, July 16, 1981, following the open meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—Proposed Commission Regulations for a Merit Pay System.

Hearing—1—Further action in the Faulkner Radio, Inc., license renewal proceeding (Docket Nos. 20810-15).

Hearing—2—Application for Review of a Review Board Decision in the Memphis, Tennessee, DPLMRS proceeding (Docket Nos. 20871 and 20938).

Hearing—3—Request that the Commission review Decision and Supplemental Decision, issued by the Review Board in the John Lamar Hill, Compton, California, FM radio proceeding involving an application for a construction permit to relocate KJLH(FM)'s transmitter site (Docket No. 20756).

Hearing—4—Conditional Petition for Approval of "Distress Sale" in the Tupelo, Mississippi AM radio renewal proceeding (Docket No. 21430).

Broadcast—1—Educational FM station interference to reception of TV Channel 6.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 9, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S1080-81 Filed 7-13-81; 2:27pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION. FCC to hold open Commission meeting, Thursday, July 16, 1981

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, July 16, 1981, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—Title: Preparations of 1985 ITU Space WARC. *Summary:* The Commission intends to consider the establishment of an Advisory Committee to assist in the preparations for the International Telecommunication Union World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It. The first session of the Conference is scheduled for 1985.

General—2—Title: In re petition for Reconsideration by RadioCall, Inc. (RM-2364) for amendment of Parts 2, 22, 73, and 74 of the FCC's Rules and Regulations.

Summary: RadioCall, Inc., has filed a petition for reconsideration of the Commission's action denying RadioCall's petition for reallocation of UHF-TV Channel 17 in Hawaii. RadioCall proposes that this channel (488-494 MHz) be used by common carriers for control and repeater operations in the State of Hawaii. Channel 17 is not currently being used in Hawaii. The item before the Commission discusses the merits of these actions.

General—3—Title: Petitions requesting that the Commission amend or relax its rules concerning a variety of digital computing devices. *Summary:* The Commission will discuss the merits of the following petitions: (A) Atari's and Williams Electronics' requests to reclassify coin-operated electronic arcade games as commercial computing devices instead of their present, more stringent, residential categorization; (B) General Electric's request to exempt medical diagnostic equipment using digital circuitry from rules limiting interference potential of computing devices; (C) CBEMA's request to relax rules prohibiting operation of computing equipment prior to FCC certification or verification for devices in development, design or preproduction stages.

General—4—Title: Waiver of Part 15, Subpart D to operate a low power communication device on 2.5 and 6.0 MHz to identify individual cows in a dairy herd. Request filed by Dairy Systems on December 9, 1980. *Summary:* The Commission will consider the subject request to operate low power communication devices on 2.5 and 6.0 MHz for the purpose of improving the management of dairy herds.

General—5—Title: Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979. *Summary:* The Commission is soliciting public comments, through a series of documents in this proceeding (Docket 80-739), on national implementation of the Final Acts of the 1979 World Administrative Radio Conference. This Notice of Inquiry considers frequency allocations for the portion of radio spectrum from 1215 MHz through 40.5 GHz.

General—6—Title: Provide for Commission's Fiscal Year 1983 OMB Budget. *Summary:* This item presents the Federal Communications Commission's proposed Fiscal Year 1983 budget submission to the Office of Management and Budget.

Private Radio—1—Title: Memorandum Opinion and Order addressing RM-3703. *Summary:* The Commission will consider the petition filed by Communications Marketing Services, Inc., which requests amendment of Part 90 of the Rules to mandate High Speed Selective Signalling on Part 90 licensees.

Private Radio—2—Title: Notice of Proposed Rule Making to provide for the use of

automatic aviation weather reporting systems at certain airports. *Summary:* The FCC will consider whether to adopt a Notice of Proposed Rule Making proposing to amend Part 87 to provide for the use of automatic weather reporting systems at airports with no control tower and airports with only a part-time control tower. These automatic reporting systems are designed to provide pilots with such aeronautical information as the wind, weather, visibility, altimeter setting and other pertinent information.

Common Carrier—1—Title: Bell System Procurement Practices (CC Docket No. 80-53); RM 3381 Bell Operating Company Procurement. *Summary:* The Commission will consider a proposal submitted by the Bell System companies in response to the Final Decision in Docket No. 19129. That decision, among other things, ordered the Bell System to submit changes in procurement practices that would ensure that Bell operating companies would not be biased toward Western Electric in equipment purchasing.

Common Carrier—2—Title: Western Union Telegraph Company's (WU) Petition for Reconsideration and Motion to Vacate the Commission's order in complaints TS 8-77 and 15-77, 80 FCC 2d 198 (1980); *ITT World Communications Inc. v. WU*, E-80-16; *RCA Global Communications, Inc.'s Petition for Interconnection*, ENF-80-3; *Western Union International, Inc.'s Petition for Interconnection*, ENF-80-5; *RCA Global Communications, Inc. v. WU*, Nos. E-80-28 and E-80-29; *Western Union International, Inc. v. WU*, E-80-39. *Summary:* The Commission will consider several petitions and formal complaints all of which raise the general question of the extent to which WU is or should be obligated to interconnect its domestic Telex and TWX networks with the international Telex networks of the international record carriers. Among the issues to be considered are (1) whether the Commission should vacate or reconsider its July 1980 order which found WU to be under a § 201(a) obligation to interconnect at all historic gateways since 1976, and that its Miami interconnection practices violated § 202(a), (2) whether WU should be obligated to interconnect at new IRC points of operation, and (3) whether WU should be obligated to provide its tariffed subscriber line service to the IRCs.

Cable Television—1—Title: Joint Petition for Partial Reconsideration" (CSR-1671, CSR-1672) filed April 8, 1981, by The Standard Corporation and by Communications Investment Corporation. The Standard Corporation and Communications Investment Corporation seek partial reconsideration of the Commission's decision in *The Standard Corporation*, FCC 81-88, 85 FCC 2d (1981), partially granting the corporations' requested tax certificates.

Assignment and Transfer—1—Title: Application to transfer 100% control of Grinnell Communications Corporation, licensee of station WDTN-TV, Dayton, Ohio from the Trustees of the Iowa College (Grinnell College) to Hearst Broadcasting

Corporation. *Summary:* The Commission will consider a petition to deny the application filed jointly by the Dayton Chapter of the Ohio Black Political Assembly and the Ministerial Economic Development Association of Dayton.

Renewal—1—Title: Application for renewal of license of Station WDIZ-FM, Winter Park, Florida. *Summary:* The Commission considers the short-term license renewal application of Station WDIZ-FM, Winter Park, Florida, filed by Shamrock Development Corporation.

Renewal—2—Title: Application for renewal of license of Station KHVH, Honolulu, Hawaii. *Summary:* The Commission considers the short-term license renewal application of Station KHVH, Honolulu, Hawaii, filed by KHVH, Inc.

Renewal—3—Title: Applications for renewal of licenses of eight non-commercial educational television stations licensed to the University of North Carolina. *Summary:* The Commission considers the goals and timetables submitted by the University of North Carolina, licensee of eight non-commercial educational television stations located throughout North Carolina.

Aural—1—Title: Waivers of small amounts of interference received by noncommercial educational FM applicants. *Summary:* The Commission considers delegating authority to the Chief of the Broadcast Bureau to waive small amounts of interference received by educational FM applicants where justified.

Aural—2—Title: Application of Plough Broadcasting Company, Inc. to add nighttime operation at limited-time AM station WJJD, Chicago, Illinois; and waiver of certain rules for acceptance of applications proposing unlimited-time operation on U.S. Class I-A channels with limited-time stations assigned. *Summary:* The Commission considers applicant's request for waiver of Sections 73.21(a)(2)(ii)(C) and 73.37(e)(2) of the Rules, and the Bureau's recommendations for other rule waivers in situations involving Class I-A channels with limited-time stations assigned.

Aural—3—Title: Notice of apparent liability for forfeiture and letter by direction of Commission in re applications for license to cover construction permit (File No. BLH-801219A1) and for modification of construction permit (BMPH-810325AL) of Equivox, Incorporated, permittee of KRMQ(FM), Provo, Utah. *Summary:* The FCC considers the above applications and an informal objection alleging construction and automatic program test operation with unauthorized facilities at substantial variance from construction permit.

Broadcast—1—Title: Amendment of Section 73.682 of the Commission's Rules to Permit the Transmission of Program Related Signals in the Vertical Blanking Interval of the Standard Television Signal. *Summary:* The FCC will consider whether to adopt a Report and Order in BC Docket No. 78-308 permitting the transmission of source identification (SID) signals in the vertical blanking interval of the TV video signal.

Broadcast—2—Title: Memorandum Opinion and Order. Clear Channel Broadcasting in

the AM Broadcast Band. *Summary:* The Commission will consider Midwest Television's application for review of the Broadcast Bureau's dismissal of its petition for reconsideration in Docket No. 20642.

Complaints and Compliance—1—Title: Petition for reconsideration filed by Washington Magazine, Inc., publisher of *The Washingtonian*, of the Commission's action in *Washington Magazine, Inc.*, 84 FCC 2d 130 (1980). *Summary:* Washington Magazine Inc., filed a petition for reconsideration of the Commission's action denying its request for an order prohibiting on-air announcements of *The Dial* by five noncommercial educational stations. Petitioner alleges that the on-air announcements are false and misleading, and that funds raised by the stations for public broadcasting are being used to subsidize *The Dial*.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 9, 1981.

William J. Tricarico,
Secretary, Federal Communications
Commission.

[S-1094-81 Filed 7-13-81; 2:28 pm]

BILLING CODE 6712-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, July 20, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors

pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 13, 1981.

Federal Deposit Insurance Corporation,
Hoyle L. Robinson,
Executive Secretary.

[S 1065-81 Filed 7-13-81; 3:30 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, July 20, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), (9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

First Bank of Natchitoches and Trust Company, a proposed new bank, to be located at 228 Keyser Street, Natchitoches, Louisiana.

The Family Bank and Trust, a proposed new bank, to be located at the intersection of Granite Street and Route 3, Allenstown, New Hampshire.

Citizens Bank of Manitowoc, a proposed new bank, to be located at 3600 Calumet Avenue, Manitowoc, Wisconsin.

Applications for consent to merge and establish branches:

The Independent Bank and Trust Company, Willimantic, Connecticut, for consent to merge, under its charter and title, with The Norwich State Bank and Trust Company, Norwich, Connecticut, and to establish the three offices of The Norwich State Bank and Trust Company as branches of the resultant bank.

Manly State Bank, Manly, Iowa, for consent to merge, under its charter and with the title "First State Bank," with The Citizens Savings Bank, Hanlontown, Iowa, and to establish the sole office of The Citizens Savings Bank as a branch of the resultant bank.

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

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:

Case No. 44,849-L—Peoples Banking Company, Boston, Georgia

Case No. 44,858-SR—Bank of Lake Helen, Lake Helen, Florida

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

Reports of committees and officers:

Reports of the Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority; Foreclosure Bids
Memorandum re: Reports Required Under Delegated Authority; Release of Collateral Security for Fair Market Value

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 13, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S1066 Filed 7-13-81; 3:31 pm]

BILLING CODE 6714-01-M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

July 8, 1981.

TIME AND DATE: 10 a.m., Wednesday, July 15, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Secretary of Labor ex rel. Johnny Chacon v. Phelps Dodge Corporation, WEST 79-349-DM. (Issues include whether violation of Section 105(c) of the Act occurred.)

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen (202) 653-5632.

[S 1062-81 Filed 7-13-81; 2:03 pm]

BILLING CODE 6820-12-M

7

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Friday, July 17, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. Administration of Central Liquidity Facility discount note program. Closed pursuant to exemption (9)(B).

FOR MORE INFORMATION CONTACT: Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357-1100.

[S1069-81 Filed 7-13-81; 8:58 am]

BILLING CODE 7535-01-M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 32992, June 25, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. on July 30, 1981.

CHANGES IN THE MEETING: This meeting has been rescheduled for July 29, 1981, at 10 a.m.

Dated: July 13, 1981.

[S1087-81 Filed 7-13-81; 3:51 pm]

BILLING CODE 7600-01-M

federal register

Wednesday
July 15, 1981

Part II

Office of Management and Budget

Budget Recissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET
Cumulative Report on Rescissions and Deferrals

July 1, 1981.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of July 1, 1981 of 165 rescission proposals and 119 deferrals contained in the first eleven messages for FY 1981. These messages were transmitted to the Congress on October 1 and December 2, 1980, January 15 and 29, February 13, March 10, 17, and 19, April 27, and June 8 and 19, 1981.

Congressional action has been completed on the 155 rescission proposals contained in the first nine special messages for FY 1981. Ten rescission proposals, totaling \$435.1 million, contained in the tenth and eleventh special messages are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the president as of July 1, 1981, while Attachment A shows the

history and status of each rescission proposed during FY 1981.

As of July 1, 1981, \$3,744.8 million in 1981 budget authority was being deferred from obligation and another \$7.1 million in 1981 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1981.

Information From Special Messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** of:

Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195)
 Friday, December 5, 1980 (Part VII, Vol. 45, No. 236)
 Wednesday, January 21, 1981 (Part XII, Vol. 46, No. 13)
 Tuesday, February 3, 1981 (Part III, Vol. 46, No. 22)
 Thursday, February 19, 1981 (Part II, Vol. 46, No. 33)
 Friday, March 13, 1981 (Part VI, Vol. 46, No. 49)
 Monday, March 23, 1981 (Part III, Vol. 46, No. 55)
 Tuesday, March 24, 1981 (Part III, Vol. 46, No. 56)
 Friday, May 1, 1981 (Part IV, Vol. 46, No. 84)
 Thursday, June 11, 1981 (Part IV, Vol. 46, No. 112)

Wednesday, July 1, 1981 (Part IV, Vol. 46, No. 126)

David A. Stockman,
 Director.

TABLE A.—Status of 1981 rescissions

(In millions of dollars)

| | Amount |
|---------------------------------------|------------------------|
| Rescissions proposed by the President | \$16,331.3 |
| Rescission proposals withdrawn | -1,142.4 |
| Accepted by the Congress | ¹ -11,715.1 |
| Rejected by the Congress | ² -3,038.7 |
| Pending before the Congress | 435.1 |

¹ Of the \$12,250.9 million identified in Attachment A (page 18) as rescinded by the Congress in action on the Administration's proposals, \$535.8 million exceeded the amounts proposed for rescission. This amount excludes the \$535.8 million not proposed by the Administration.

² Of the \$15,706.8 million identified in Attachment A (page 18) as made available, \$1,142.4 million was released when the related proposals were withdrawn and \$11,525.6 million was subsequently rescinded. In addition, as noted in footnote (c) on page 19, \$189.5 million related to a rescission of Temporary Employment Assistance funds (RRI-02) was not withheld.

TABLE A.—Status of 1981 deferrals

(In millions of dollars)

| | Amount |
|--|----------------------|
| Deferrals proposed by the President | \$8,906.2 |
| Routine Executive releases (-4,812.3 million) and adjustments (+19.4 million) through July 1, 1981 | -4,792.9 |
| Overtaken by the Congress | -361.4 |
| Currently before the Congress | ¹ 3,751.9 |

¹ This amount includes \$7.1 million in outlays for a Department of the Treasury deferral (D81-195).

BILLING CODE 3111-01-M

| PAGE 1 | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 18:45 | | |
|--|---|--|--------------------------------------|--------------------------|----------------------|-----------------------|------------------------------|
| AS OF JULY 1, 1981 | RESCISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | AMOUNT CURRENTLY BEFORE THE CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT RESCINDED | AMOUNT MADE AVAILABLE | DATE MADE AVAILABLE MO DA YR |
| EXECUTIVE OFFICE OF THE PRESIDENT | | | | | | | |
| Council on Env. Quality and Office of Env. Quality | | | | | | | |
| Council on Env. Quality and Office of Env. Quality | | | | | | | |
| | BA | R81- 38 | 708 | | 708 | 708a | 5 18 81 |
| Council on Wage and Price Stability | | | | | | | |
| Salaries and expenses | | | | | | | |
| | EA | R81- 34 | 1,500 | | 1,500 | 1,500a | 3 26 81 |
| Office of Science and Technology Policy | | | | | | | |
| Salaries and expenses | | | | | | | |
| | BA | R81- 39 | 595 | | 595 | 595a | 5 18 81 |
| EXECUTIVE OFFICE OF THE PRESIDENT | | | | | | | |
| TOTAL BA | | | | | | | |
| 2,803 | | | | | | | |
| FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | | |
| Appalachian Regional Development Programs | | | | | | | |
| Appalachian Regional Development programs | | | | | | | |
| | BA | R81- 40 | 110,000 | | 40,000 | 110,000b | 5 18 81 |
| Disaster Relief | | | | | | | |
| Disaster relief | | | | | | | |
| | BA | R81- 41 | 8,000 | | 8,000 | 8,000a | 5 18 81 |
| International Development Assistance | | | | | | | |
| Sahel development program | | | | | | | |
| | BA | R81- 42 | 2,000 | | 1,500 | 2,000b | 5 18 81 |
| Inter-American Foundation | | | | | | | |
| Inter-American Foundation | | | | | | | |

| PAGE 2 | | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | AS OF 07/07/81 18:45 | | | | |
|---|---------------------------------|---|-------------------|--|--------------------------------------|--------------------------|------------------|-----------------------|------------------------------|
| AS OF JULY 1, 1981 | AMOUNTS IN THOUSANDS OF DOLLARS | AGENCY/BUREAU/ACCOUNT | RESCISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | AMOUNT CURRENTLY BEFORE THE CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT RESCINDED | AMOUNT MADE AVAILABLE | DATE MADE AVAILABLE MO DA YR |
| | | BA | R81- 43 | 138 | 138 | 3 17 81 | 138 | 138a | 5 18 81 |
| FUNDS APPROPRIATED TO THE PRESIDENT | | | | 120,138 | | | 49,638 | 120,138 | |
| TOTAL BA | | | | | | | | | |
| DEPARTMENT OF AGRICULTURE | | | | | | | | | |
| Agricultural Stabilization Conservation Service | | | | | | | | | |
| Dairy and beekeeper indemnity programs | | | | | | | | | |
| | | BA | R81- 44 | 1,500 | | 3 17 81 | | 1,500 | 5 18 81 |
| Rural Electrification Administration | | | | | | | | | |
| Rural communication development fund | | | | | | | | | |
| | | BA | R81- 45 | 16,341 | | 3 17 81 | | | |
| | | BA | R81- 45A | -341 | | 4 27 81 | 16,000 | 16,000a | 5 18 81 |
| Farmers Home Administration | | | | | | | | | |
| Rural development planning grants | | | | | | | | | |
| | | BA | R81- 46 | 2,000 | | 3 17 81 | | 2,000 | 5 18 81 |
| Rural community fire protection grants | | | | | | | | | |
| | | BA | R81- 47 | 1,500 | | 3 17 81 | | 1,500 | 5 18 81 |
| Rural housing supervisory assistance grants | | | | | | | | | |
| | | BA | R81- 48 | 500 | | 3 17 81 | 500 | 500a | 5 18 81 |
| Rural housing insurance fund | | | | | | | | | |
| | | BA | R81-119 | 316,000c | | 3 17 81 | 150,000 | 316,000b | 5 18 81 |
| Agricultural credit insurance fund | | | | | | | | | |
| | | BA | R81-120 | 88,850c | | 3 17 81 | 50,000 | 88,850b | 5 18 81 |
| Rural development insurance fund | | | | | | | | | |
| | | BA | R81-121 | 160,000c | | 3 17 81 | | 160,000 | 5 18 81 |

| PAGE 3 | | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 18:45 | |
|---|---------------------------------|---|-------------------|--|--------------------------|----------------------|------------------------------|
| AS OF JULY 1, 1981 | AMOUNTS IN THOUSANDS OF DOLLARS | AGENCY/BUREAU/ACCOUNT | RESCISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT RESCINDED | DATE MADE AVAILABLE MO DA YR |
| Forest Service | | | | | | | |
| Construction and land acquisition | | | | | | | |
| | | | R81-160 | 20,000 | 6 19 81 | | |
| DEPARTMENT OF AGRICULTURE | | | | | | | |
| | | | TOTAL BA | 586,350 | | 216,500 | 586,350 |
| DEPARTMENT OF COMMERCE | | | | | | | |
| Economic Development Administration | | | | | | | |
| Economic development assistance programs | | | | | | | |
| | | | R81-49 | 342,350 | 3 17 81 | 187,850 | 342,350b |
| Regional Development Programs | | | | | | | |
| Regional development programs | | | | | | | |
| | | | R81-50 | 21,000 | 3 17 81 | 21,000 | 21,000a |
| United States Travel Service | | | | | | | |
| Salaries and expenses | | | | | | | |
| | | | R81-51 | 41 | 3 17 81 | 41 | 41a |
| National Oceanic and Atmospheric Administration | | | | | | | |
| Operations, research, and facilities | | | | | | | |
| | | | R81-1 | 30,493d | 1 15 81 | | 30,493 |
| | | | R81-123 | 36,493 | 3 19 81 | 23,640 | 36,493b |
| Construction | | | | | | | |
| | | | R81-52 | 9,000 | 3 17 81 | 11,000 | 9,000b |
| Coastal energy impact fund | | | | | | | |
| | | | R81-53 | 40,000 | 3 17 81 | | 40,000 |
| Science and Technical Research | | | | | | | |
| Scientific and technical research and services | | | | | | | |

| PAGE | 4 | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | AS OF 07/07/81 18:45 |
|--|--|---|-----------------------|
| AS OF JULY 1, 1981 | AMOUNTS IN | THOUSANDS OF DOLLARS | AGENCY/BUROAU/ACCOUNT |
| RESCISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT MADE AVAILABLE |
| AMOUNT CURRENTLY BEFORE THE CONGRESS | AMOUNT RESCINDED | DATE MADE AVAILABLE MO DA YR | |
| BA | 3,370 | 3 17 81 | 3,370a |
| National Telecommun. and Info Administration | | | |
| BA | 313 | 3 17 81 | 313b |
| Salaries and expenses | | | |
| BA | 4,000d | 1 15 81 | 4,000 |
| BA | 25,717 | 3 19 81 | 25,717b |
| Public telecommun. facil., plan, and construction | | | |
| BA | 2,500 | 3 17 81 | 2,500a |
| Maritime Administration | | | |
| BA | 2,500 | 3 17 81 | 2,500a |
| Research and development | | | |
| DEPARTMENT OF COMMERCE | | | |
| TOTAL BA | | | 515,277 |
| DEPARTMENT OF EDUCATION | | | |
| Office of Elementary and Secondary Education | | | |
| BA | 52,150d | 1 15 81 | 52,150 |
| BA | 982,385 | 3 19 81 | 982,385b |
| Elementary and secondary education | | | |
| School assistance in federally affected areas | | | |
| BA | 148,000d | 1 15 81 | 148,000 |
| BA | 66,500 | 3 19 81 | 66,500b |
| Equal educational opportunities | | | |
| BA | 73,253 | 3 17 81 | 73,253b |
| Office of Special Education and Rehab. Services | | | |
| Education for the handicapped, gifted and talented | | | |

| PAGE 5 | | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 18:45 | | |
|--------------------|---|---|--|--------------------------------------|--------------------------|----------------------|-----------------------|------------------------------|
| AS OF JULY 1, 1981 | AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | RESCISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | AMOUNT CURRENTLY BEFORE THE CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT RESCINDED | AMOUNT MADE AVAILABLE | DATE MADE AVAILABLE MO DA YR |
| | Rehabilitation services and handicapped research | R81-58 | 267,938 | | 3 17 81 | 76,819 | 267,938b | 5 18 81 |
| | BA | | | | | | | |
| | Office of Vocational and Adult Education | R81-59 | 22,323 | | 3 17 81 | 12,126 | 22,323b | 5 18 81 |
| | Vocational and adult education | R81-5 | 11,862d | | 1 15 81 | | 11,862 | 2 13 81 |
| | BA | R81-127 | 238,777 | | 3 19 81 | 132,565 | 238,777b | 4 28 81 |
| | Office of Postsecondary Education | | | | | | | |
| | Student financial assistance | R81-161 | | 14,800 | 6 19 81 | | | |
| | BA | | | | | | | |
| | Student loan insurance | R81-6 | 78,728d | | 1 15 81 | | 78,728 | 2 13 81 |
| | BA | R81-128 | 103,270 | | 3 19 81 | | 103,270 | 4 28 81 |
| | Higher and continuing education | | | | | | | |
| | BA | R81-7 | 30,989d | | 1 15 81 | | 30,989 | 2 13 81 |
| | BA | R81-129 | 49,239 | | 3 19 81 | 33,970 | 49,239b | 4 28 81 |
| | College housing loans | | | | | | | |
| | BA | R81-60 | 14,550 | | 3 17 81 | 14,271 | 14,550b | 5 18 81 |
| | Office of Educational Research and Improvement | | | | | | | |
| | Libraries and learning technologies | R81-61 | 42,750 | | 3 17 81 | 12,250 | 42,750b | 5 18 81 |
| | BA | | | | | | | |
| | Institute of museum services | R81-62 | 12,357 | | 3 17 81 | | 12,357 | 5 18 81 |
| | BA | | | | | | | |
| | School improvement programs | R81-63 | 36,606 | | 3 17 81 | 37,843 | 36,606b | 5 18 81 |
| | BA | | | | | | | |

| PAGE 6 | | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 18:45 | |
|---|----------|---|------------|----------|-----------|----------------------|---------|
| AS OF JULY 1, 1981 | | AMOUNT | AMOUNT | DATE OF | AMOUNT | DATE MADE | |
| THOUSANDS OF DOLLARS | | PREVIOUSLY | CURRENTLY | MESSAGE | RESCINDED | AVAILABLE | |
| AGENCY/BUREAU/ACCOUNT | | BY CONGRESS | BEFORE THE | MO DA YR | | MO DA YR | |
| DEPARTMENT OF EDUCATION | | RESCISSION | CONGRESS | | | | |
| TOTAL BA | | NUMBER | | | 913,303 | 2,231,677 | |
| | | | 2,231,677 | 14,600 | | | |
| DEPARTMENT OF ENERGY | | | | | | | |
| Energy Programs | | | | | | | |
| Energy supply R&D- operating expenses | | | | | | | |
| BA | R81- 8 | | 25,026d | | | 25,026 | 2 13 81 |
| BA | R81-130 | | 126,609 | | | | 3 19 81 |
| BA | R81-130A | | -327 | | 82,511 | 126,282b | 4 28 81 |
| Energy supply R&D- plant and capital equip. | | | | | | | |
| BA | R81- 9 | | 3,650d | | | 3,650 | 2 13 81 |
| BA | R81-131 | | 7,967 | | 2,500 | 7,967b | 4 28 81 |
| Fossil energy research and development | | | | | | | |
| BA | R81- 10 | | 25,450d | | | 25,450 | 2 13 81 |
| BA | R81-132 | | 65,932 | | 53,036 | 65,932b | 4 28 81 |
| Fossil energy construction | | | | | | | |
| BA | R81- 64 | | 246,900 | | 89,400 | 246,900b | 5 18 81 |
| Energy production demo, and distribution | | | | | | | |
| BA | R81- 65 | | 12,649 | | 10,348 | 12,649b | 5 18 81 |
| Energy conservation | | | | | | | |
| BA | R81- 11 | | 47,800d | | | 47,800 | 2 13 81 |
| BA | R81-133 | | 306,045 | | 153,180 | 306,045b | 4 28 81 |
| Energy information administration | | | | | | | |
| BA | R81- 66 | | 13,443 | | 13,700 | 13,443b | 5 18 81 |
| Economic regulation | | | | | | | |
| BA | R81- 67 | | 33,155 | | 17,167 | 33,155b | 5 18 81 |

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| PAGE 7 | | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 18:45 | | | |
|--------------------|---------------------------------|---|-------------------|--|--------------------------------------|--------------------------|------------------|-----------------------|------------------------------|
| AS OF JULY 1, 1981 | AMOUNTS IN THOUSANDS OF DOLLARS | AGENCY/BUREAU/ACCOUNT | RESCISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | AMOUNT CURRENTLY BEFORE THE CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT RESCINDED | AMOUNT MADE AVAILABLE | DATE MADE AVAILABLE MO DA YR |
| | | Geothermal resources development fund | | | | | | | |
| | | BA | R81-68 | 22,066 | | 3 17 81 | 21,982 | 22,066b | 5 18 81 |
| | | Alternative fuels production | | | | | | | |
| | | BA | R81-69 | 300,000 | | 3 17 81 | 300,000 | 300,000a | 5 18 81 |
| | | Departmental Administration | | | | | | | |
| | | Departmental administration | | | | | | | |
| | | BA | R81-70 | 11,500 | | 3 17 81 | 11,500 | 11,500a | 5 18 81 |
| | | DEPARTMENT OF ENERGY | | | | | | | |
| | | TOTAL BA | | 1,247,865 | | | 755,324 | 1,247,865 | |
| | | DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | | | |
| | | Health Services Administration | | | | | | | |
| | | Health services | | | | | | | |
| | | BA | R81-12 | 8,057d | | 1 15 81 | | 8,057 | 2 13 81 |
| | | BA | R81-134 | 11,616 | | 3 19 81 | 49,776 | 11,616b | 4 28 81 |
| | | Indian health facilities | | | | | | | |
| | | BA | R81-71 | 8,871 | | 3 17 81 | 3,916 | 8,871b | 5 18 81 |
| | | Centers for Disease Control | | | | | | | |
| | | Preventive health services | | | | | | | |
| | | BA | R81-13 | 27,000d | | 1 15 81 | | 27,000 | 2 13 81 |
| | | BA | R81-135 | 38,520 | | 3 19 81 | 54,381 | 38,520b | 4 28 81 |
| | | National Institutes of Health | | | | | | | |
| | | National Cancer Institute | | | | | | | |
| | | BA | R81-14 | 13,565d | | 1 15 81 | | 13,565 | 2 13 81 |
| | | BA | R81-136 | 17,986 | | 3 19 81 | 10,785 | 17,986b | 4 28 81 |
| | | National Heart, Lung, and Blood Institute | | | | | | | |

| PAGE | AS OF JULY 1, 1981 | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | AS OF 07/07/81 | 18:45 | | | | |
|------|---|---|--|--------------------------------------|--------------------------|------------------|-----------------------|------------------------------|
| 8 | AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | RESCISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | AMOUNT CURRENTLY BEFORE THE CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT RESCINDED | AMOUNT MADE AVAILABLE | DATE MADE AVAILABLE MO DA YR |
| | BA | R81-15 | 10,324d | | 1 15 81 | | 10,324 | 2 13 81 |
| | BA | R81-137 | 11,120 | | 3 19 81 | 9,950 | 11,120b | 4 28 81 |
| | National Institute of Dental Research | | | | | | | |
| | BA | R81-16 | 302d | | 1 15 81 | | 302 | 2 13 81 |
| | BA | R81-138 | 700 | | 3 18 81 | | 700 | 4 28 81 |
| | Nat. Inst. of Arth., Metab. and Diges. Diseases | | | | | | | |
| | BA | R81-17 | 3,232d | | 1 15 81 | | 3,232 | 2 13 81 |
| | BA | R81-139 | 3,943 | | 3 19 81 | 2,113 | 3,943b | 4 28 81 |
| | Nat. Inst. of Neurol. and Com. Disord. and Stroke | | | | | | | |
| | BA | R81-18 | 2,031d | | 1 15 81 | | 2,031 | 2 13 81 |
| | BA | R81-140 | 4,388 | | 3 19 81 | 997 | 4,388b | 4 28 81 |
| | Nat. Inst. of Allergy and Infectious Diseases | | | | | | | |
| | BA | R81-72 | 1,088 | | 3 17 81 | | 1,088 | 5 18 81 |
| | Nat. Inst. of General Medical Sciences | | | | | | | |
| | BA | R81-73 | 18,682 | | 3 17 81 | 1,571 | 18,682b | 5 18 81 |
| | Nat. Inst. of Child Health and Human Develop. | | | | | | | |
| | BA | R81-19 | 3,285d | | 1 15 81 | | 3,285 | 2 13 81 |
| | BA | R81-141 | 4,119 | | 3 19 81 | 2,694 | 4,119b | 4 28 81 |
| | National Eye Institute | | | | | | | |
| | BA | R81-20 | 2,353d | | 1 15 81 | | 2,353 | 2 13 81 |
| | BA | R81-142 | 3,856 | | 3 19 81 | 2,137 | 3,856b | 4 28 81 |
| | Nat. Inst. of Environmental Health Sciences | | | | | | | |
| | BA | R81-21 | 3,258d | | 1 15 81 | | 3,258 | 2 13 81 |
| | BA | R81-143 | 2,179 | | 3 19 81 | 3,630 | 2,179b | 4 28 81 |
| | National Institute of Aging | | | | | | | |

| PAGE 9 | | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 18:45 | | |
|--------------------|---|---|--|--------------------------------------|--------------------------|----------------------|-----------------------|------------------------------|
| AS OF JULY 1, 1981 | AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | RESCISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | AMOUNT CURRENTLY BEFORE THE CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT RESCINDED | AMOUNT MADE AVAILABLE | DATE MADE AVAILABLE MO DA YR |
| | BA | R81-22 | 588d | | 1 15 81 | | 588 | 2 13 81 |
| | BA | R81-144 | 1,593 | | 3 19 81 | 377 | 1,593b | 4 28 81 |
| | BA | R81-23 | 10,561d | | 1 15 81 | | 10,561 | 2 13 81 |
| | BA | R81-145 | 3,714 | | 3 19 81 | 8,623 | 3,714b | 4 28 81 |
| | BA | R81-24 | 341d | | 1 15 81 | | 341 | 2 13 81 |
| | BA | R81-146 | 341 | | 3 19 81 | | 341 | 4 28 81 |
| | BA | R81-25 | 360d | | 1 15 81 | | 360 | 2 13 81 |
| | BA | R81-147 | 360 | | 3 19 81 | | 360 | 4 28 81 |
| | BA | R81-74 | 1,020 | | 3 17 81 | 1,500 | 1,020b | 5 18 81 |
| | BA | R81-26 | 67,140d | | 1 15 81 | | 67,140 | 2 13 81 |
| | BA | R81-148 | 98,370 | | 3 19 81 | 112,244 | 98,370b | 4 28 81 |
| | BA | R81-27 | 78,683d | | 1 15 81 | | 78,683 | 2 13 81 |
| | BA | R81-149 | 131,751 | | 3 19 81 | 158,189 | 131,751b | 4 28 81 |
| | BA | R81-75 | 30,724 | | 3 17 81 | 38,270 | 30,724b | 5 18 81 |

Research resources

National Library of Medicine

Office of the Director

Alcohol, Drug Abuse, and Mental Health Admin.

Const. and renovation, St. Elizabeths Hospital

Alcohol, drug abuse, and mental health

Health Resources Administration

Health resources

Office of Assistant Secretary for Health

Salaries and expenses

Health Care Financing Administration

| PAGE 10 | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 18:45 | |
|---|---|--|--------------------------------------|--------------------------|----------------------|------------------------------|
| AS OF JULY 1, 1981 | RESCISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | AMOUNT CURRENTLY BEFORE THE CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT RESCINDED | DATE MADE AVAILABLE MO DA YR |
| AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUROAU/ACCOUNT | | | | | | |
| Payments to health care trust funds | | | | | | |
| BA | R81-76 | 8,693 | | 3 17 81 | 6,520 | 8,693b 5 18 81 |
| Program management | BA | | | | | |
| | R81-77 | 6,992 | | 3 17 81 | 7,494 | 6,992b 5 18 81 |
| Social Security Administration | | | | | | |
| Refugee assistance | BA | | | | | |
| | R81-78 | 25,100 | | 3 17 81 | 41,805 | 25,100b 5 18 81 |
| Human Development Services | | | | | | |
| Grants to states for social services | BA | | 100,000 | 6 19 81 | | |
| | R81-162 | | | | | |
| Human development services | BA | 10,000d | | 1 15 81 | | 10,000 2 13 81 |
| | R81-28 | | | | | |
| | BA | 10,100 | | 3 19 81 | 13,500 | 10,100b 4 28 81 |
| | R81-150 | | | | | |
| DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | | |
| TOTAL BA | | 686,906 | 100,000 | | 530,472 | 686,906 |
| DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT | | | | | | |
| Housing Programs | | | | | | |
| Subsidized housing programs | BA | | | | | |
| | R81-79 | 5,099,104 | | 3 17 81 | 5,446,818 | 5,099,104b 5 18 81 |
| Congregate services program | BA | | | | | |
| | R81-29 | 10,000d | | 1 15 81 | | 10,000 2 13 81 |
| | BA | 10,000 | | 3 19 81 | 10,000 | 10,000a 4 28 81 |
| | R81-151 | | | | | |
| Solar Energy and Energy Conservation Bank | | | | | | |
| Assistance for solar and conserv. improvements | BA | | | | | |
| | R81-80 | 121,000 | | 3 17 81 | 121,000 | 121,000a 5 18 81 |

| PAGE 11 | | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 18:45 | |
|---|----|---|------------|----------|-----------|----------------------|-----------|
| AS OF JULY 1, 1981 | | AMOUNT | AMOUNT | DATE OF | AMOUNT | AMOUNT | DATE MADE |
| THOUSANDS OF DOLLARS | | PREVIOUSLY | CURRENTLY | MESSAGE | RESCINDED | MADE | AVAILABLE |
| AGENCY/BUREAU/ACCOUNT | | BY CONGRESS | BEFORE THE | MO DA YR | | AVAILABLE | MO DA YR |
| | | RESCISSION | CONGRESS | | | | |
| | | NUMBER | CONGRESS | | | | |
| Community Planning and Development | | | | | | | |
| Planning assistance | BA | R81-81 | 34,976 | 3 17 81 | 34,976 | 34,976a | 5 18 81 |
| Rehabilitation loan fund | BA | R81-82 | 110,857 | 3 17 81 | 110,857 | 110,857a | 5 18 81 |
| Urban development action grants | BA | R81-163 | 130,000 | 6 19 81 | | | |
| Community development grants | BA | R81-164 | 50,000 | 6 19 81 | | | |
| Neighborhoods, Vol. Assoc. and Consumer Prot. | | | | | | | |
| Housing counseling assistance | BA | R81-83 | 6,000 | 3 17 81 | 3,000 | 6,000b | 5 18 81 |
| Neighborhood self-help devel. program | BA | R81-84 | 8,119 | 3 17 81 | 8,119 | 8,119a | 5 18 81 |
| DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT | | | 180,000 | | 5,734,770 | 5,400,056 | |
| TOTAL BA | | | 5,400,056 | | | | |
| DEPARTMENT OF THE INTERIOR | | | | | | | |
| Office of Water Research and Technology | | | | | | | |
| Salaries and expenses | BA | R81-85 | 11,800 | 3 17 81 | 5,900 | 11,800b | 5 18 81 |
| United States Fish and Wildlife Service | | | | | | | |
| Construction and anadromous fish | BA | R81-86 | 2,500 | 3 17 81 | 2,500 | 2,500a | 5 18 81 |
| National Park Service | | | | | | | |
| Urban park and recreation grants | | | | | | | |

| PAGE 12 | | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 18:45 | | |
|--------------------|---|---|--|--------------------------------------|--------------------------|----------------------|-----------------------|------------------------------|
| AS OF JULY 1, 1981 | AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | RESCISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | AMOUNT CURRENTLY BEFORE THE CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT RESCINDED | AMOUNT MADE AVAILABLE | DATE MADE AVAILABLE MO DA YR |
| | BA | R81-87 | 35,000 | | 3 17 81 | 19,000 | 35,000b | 5 18 81 |
| | Land and water conservation fund | | | | | | | |
| | BA | R81-88 | 250,000 | | 3 17 81 | 90,000 | 250,000b | 5 18 81 |
| | Historic preservation fund | | | | | | | |
| | BA | R81-89 | 8,000 | | 3 17 81 | 6,500 | 8,000b | 5 18 81 |
| | Construction (trust fund) | | | | | | | |
| | BA | R81-90 | 15,500 | | 3 17 81 | 12,000 | 15,500b | 5 18 81 |
| | Office of Surface Mining Reclam. and Enforcement | | | | | | | |
| | Regulation and technology | | | | | | | |
| | BA | R81-91 | 1,954 | | 3 17 81 | 3,154 | 1,954b | 5 18 81 |
| | Office of the Solicitor & Office of the Secretary | | | | | | | |
| | Youth conservation corps | | | | | | | |
| | BA | R81-35 | 38,194 | | 3 10 81 | 34,000 | 38,194b | 5 11 81 |
| | DEPARTMENT OF THE INTERIOR | | | | | | | |
| | TOTAL BA | | 362,948 | | | 173,054 | 362,948 | |
| | DEPARTMENT OF LABOR | | | | | | | |
| | Employment and Training Administration | | | | | | | |
| | Temporary employment assistance | | | | | | | |
| | BA | R81-92 | 234,475e | | 3 17 81 | 234,475 | 45,000b | 5 18 81 |
| | DEPARTMENT OF LABOR | | | | | | | |
| | TOTAL BA | | 234,475 | | | 234,475 | 45,000 | |
| | DEPARTMENT OF STATE | | | | | | | |

PAGE 13

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981

AS OF JULY 1, 1981

AS OF 07/07/81 18:45

AMOUNTS IN THOUSANDS OF DOLLARS
 AGENCY/BUREAU/ACCOUNT

Bureau of Refugee Programs

Migration and refugee assistance
 BA

R81- 93

Bureau for International Narcotics Matters

International narcotics control
 BA

R81- 94

DEPARTMENT OF STATE

TOTAL BA

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

Urban mass transportation fund
 BA

R81- 95

Research and Special Programs Administration

Cooperative automotive research
 BA

R81- 96

DEPARTMENT OF TRANSPORTATION

TOTAL BA

DEPARTMENT OF THE TREASURY

Bureau of Government Financial Operations

Biomass energy development
 BA

R81- 97

DEPARTMENT OF THE TREASURY

AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS

AMOUNT CURRENTLY BEFORE THE CONGRESS

DATE OF MESSAGE
 MO DA YR

AMOUNT RESCINDED

AMOUNT MADE AVAILABLE

DATE MADE AVAILABLE
 MO DA YR

RESCISSION NUMBER

AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS

AMOUNT CURRENTLY BEFORE THE CONGRESS

22,500

17,500

3 17 81

22,500b

5 18 81

R81- 93

3,100

12,785

3,100b

3 17 81

3,100b

5 18 81

R81- 94

25,600

30,285

25,600

DEPARTMENT OF STATE

DEPARTMENT OF TRANSPORTATION

24,700

20,700

3 17 81

24,700b

5 18 81

R81- 95

11,500

11,500

3 17 81

11,500b

5 18 81

R81- 96

36,200

32,200

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF THE TREASURY

1,245,500

974,500

3 17 81

1,245,500b

5 18 81

R81- 97

PAGE 14
 AS OF JULY 1, 1981
 THOUSANDS OF DOLLARS
 AGENCY/BUREAU/ACCOUNT

ATTACHMENT A - STATUS OF RECISSIONS - FISCAL YEAR 1981

AS OF 07/07/81 18:45

| RECISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | AMOUNT CURRENTLY BEFORE THE CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT RESCINDED | AMOUNT MADE AVAILABLE | DATE MADE AVAILABLE MO DA YR |
|---|--|--------------------------------------|--------------------------|------------------|-----------------------|------------------------------|
| TOTAL BA | 1,245,500 | | | 974,500 | 1,245,500 | |
| ENVIRONMENTAL PROTECTION AGENCY | | | | | | |
| Salaries and expenses BA | | 6,200 | 6 19 81 | | | |
| Res. and dev. (pollution and abatement) BA | 149 | | 3 17 81 | 499 | 149b | 5 18 81 |
| BA | | 56,300 | 6 8 81 | | | |
| Abatement control and compliance BA | 1,253 | | 3 17 81 | 4,953 | 1,253b | 5 18 81 |
| BA | | 43,700 | 6 8 81 | | | |
| Construction grants BA | 1,700,000 | | 3 17 81 | 1,700,000 | 1,700,000a | 5 18 81 |
| BA | | | | | | |
| ENVIRONMENTAL PROTECTION AGENCY | | | | | | |
| TOTAL BA | 1,701,402 | 106,200 | | 1,705,452 | 1,701,402 | |
| NATIONAL AERONAUTICS AND SPACE ADMINISTRATION | | | | | | |
| Research and development BA | 4,500 | | 3 17 81 | 4,500 | 4,500a | 5 18 81 |
| BA | | | | | | |
| NATIONAL AERONAUTICS AND SPACE ADMINISTRATION | | | | | | |

| PAGE 15 | | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 18:45 | |
|----------------------------|---|---|--|--------------------------------------|--------------------------|----------------------|------------------------------|
| AS OF JULY 1, 1981 | AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | RESCISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | AMOUNT CURRENTLY BEFORE THE CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT RESCINDED | DATE MADE AVAILABLE MO DA YR |
| | TOTAL BA | | 4,500 | 4,500 | | 4,500 | 4,500 |
| VETERANS ADMINISTRATION | | | | | | | |
| | Construction, major projects | BA | | | | | |
| | | R81-102 | 162,160 | | 3 17 81 | 162,160 | 162,160a 5 18 81 |
| | | BA | | | | | |
| | | 0000 | | | | | |
| | TOTAL BA | | 162,160 | | | 162,160 | 162,160 |
| OTHER INDEPENDENT AGENCIES | | | | | | | |
| | Action | | | | | | |
| | Operating expenses, domestic programs | BA | | | | | |
| | | R81-103 | 3,207 | | 3 17 81 | | |
| | | BA | | | | | |
| | | R81-103A | -3,007 | | 4 23 81 | 5,187 | 200b 5 18 81 |
| | Arms Control and Disarmament Agency | | | | | | |
| | Arms control and disarmament activities | BA | | | | | |
| | | R81-104 | 1,500 | | 3 17 81 | 1,500 | 1,500a 5 18 81 |
| | Community Services Administration | | | | | | |
| | Community services program | BA | | | | | |
| | | R81-30 | 6,000d | | 1 15 81 | | 6,000 2 13 81 |
| | | BA | | | | | |
| | | R81-152 | 6,000 | | 3 19 81 | 16,915 | 6,000b 4 28 81 |
| | Corporation for Public Broadcasting | | | | | | |
| | Salaries and expenses | BA | | | | | |
| | | R81-105 | 95,000 | | 3 17 81 | 35,000g | 95,000b 5 18 81 |

| PAGE 16 | | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 18:45 | |
|--|------------|---|------------|----------|-----------|----------------------|---------|
| AS OF JULY 1, 1981 | | AMOUNT | AMOUNT | DATE OF | AMOUNT | DATE MADE | |
| THOUSANDS OF DOLLARS | RESCISSION | PREVIOUSLY | CURRENTLY | MESSAGE | RESCINDED | AVAILABLE | |
| AGENCY/BUREAU/ACCOUNT | NUMBER | BY CONGRESS | BEFORE THE | MO DA YR | | MO DA YR | |
| | | | CONGRESS | | | | |
| Federal Mediation and Conciliation Service | | | | | | | |
| Salaries and expenses | BA | | 687 | | | 687 | 5 18 81 |
| | | | | 3 17 81 | | | |
| Federal Mine Safety and Health Review Commission | | | | | | | |
| Salaries and expenses | BA | | 163d | | | 163 | 2 13 81 |
| | | | | 1 15 81 | | | |
| | BA | | 186 | | 273 | 186 | 4 28 81 |
| | | | | 3 19 81 | | | |
| Federal Trade Commission | | | | | | | |
| Salaries and expenses | BA | | 226 | | | 226a | 5 18 81 |
| | | | | 3 17 81 | | | |
| Marine Mammal Commission | | | | | | | |
| Salaries and expenses | BA | | 4 | | | 4 | 5 18 81 |
| | | | | 3 17 81 | | | |
| Merit Systems Protection Board | | | | | | | |
| Office of the special counsel | BA | | 210 | | | 210a | 5 18 81 |
| | | | | 3 17 81 | | | |
| National Consumer Cooperative Bank | | | | | | | |
| Investment in Nat. Consumer Cooperative Bank | BA | | 59,849 | | | 59,849 | 5 11 81 |
| | | | | 3 10 81 | | | |
| Self-help development and technical assistance | | | | | | | |
| | BA | | 29,990 | | | 16,990 | 5 11 81 |
| | | | | 3 10 81 | | | |
| National Foundation on the Arts and Humanities | | | | | | | |
| National Endowment for the Arts: sal. & expen. | BA | | 6,650 | | | 6,650 | 6 8 81 |
| | | | | 6 8 81 | | | |
| National Endowment for the Human.: sal. & expen. | | | | | | | |
| | BA | | | | | 29,990b | 5 11 81 |

| PAGE 17 | | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 18:45 | |
|---|-------------------|---|--------------------------------------|--------------------------|------------------|-----------------------|------------------------------|
| AS OF JULY 1, 1981 | RESCISSION NUMBER | AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS | AMOUNT CURRENTLY BEFORE THE CONGRESS | DATE OF MESSAGE MO DA YR | AMOUNT RESCINDED | AMOUNT MADE AVAILABLE | DATE MADE AVAILABLE MO DA YR |
| THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | | | | | | | |
| | R81-159 | | 7,417 | 6 8 81 | | | |
| National Science Foundation | | | | | | | |
| Research and related activities | | | | | | | |
| BA | R81-110 | 66,000 | | 3 17 81 | 46,000 | 66,000b | 5 18 81 |
| BA | R81-110A | f | | 4 27 81 | | | |
| Science and engineering activities | | | | | | | |
| BA | R81-111 | 16,000 | | 3 17 81 | 10,000 | 16,000b | 5 18 81 |
| BA | R81-111A | f | | 4 27 81 | | | |
| Occupational, Safety, and Health Review Comm. | | | | | | | |
| Salaries and expenses | | | | | | | |
| BA | R81-112 | 39 | | 3 17 81 | 54 | 39b | 5 18 81 |
| Office of Fed. Insp. for the Alaska Nat. Gas Sys. | | | | | | | |
| Salaries and expenses | | | | | | | |
| BA | R81-113 | 445 | | 3 17 81 | 445 | 445a | 5 18 81 |
| Pennsylvania Avenue Development Corporation | | | | | | | |
| Salaries and expenses | | | | | | | |
| BA | R81-114 | 60 | | 3 17 81 | | 60 | 5 18 81 |
| Postal Service | | | | | | | |
| Payment to the Postal Service Fund | | | | | | | |
| BA | R81- 32 | 250,000d | | 1 15 81 | | 250,000 | 2 13 81 |
| BA | R81-154 | 250,000 | | 3 19 81 | 250,000 | 250,000a | 4 28 81 |
| Selective Service System | | | | | | | |
| Salaries and expenses | | | | | | | |
| BA | R81-115 | 1,940 | | 3 17 81 | 1,940 | 1,940a | 5 18 81 |
| Small Business Administration | | | | | | | |

| PAGE 18 | | ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 | | | AS OF 07/07/81 18:45 | | |
|--|-----------------------------------|---|-----------------|-----------|----------------------|------------|---------|
| AS OF JULY 1, 1981 | AMOUNT | AMOUNT | DATE OF MESSAGE | AMOUNT | DATE MADE | | |
| THOUSANDS OF DOLLARS | PREVIOUSLY CONSIDERED BY CONGRESS | CURRENTLY BEFORE THE CONGRESS | MO DA YR | RESCINDED | AVAILABLE | | |
| AGENCY/BUREAU/ACCOUNT | RESCISSION NUMBER | RESCISSION NUMBER | MO DA YR | RESCINDED | AVAILABLE | | |
| Salaries and expenses | BA | R81-116 | 1,405 | 3 17 81 | 700 | 1,405b | 5 18 81 |
| Tennessee Valley Authority | | | | | | | |
| Tennessee Valley Authority fund | BA | R81-33 | 177,000d | 1 15 81 | | 177,000 | 2 13 81 |
| | BA | R81-117 | 500 | 3 17 81 | | 500 | 5 18 81 |
| | BA | R81-155 | 177,000 | 3 19 81 | 85,500 | 177,000b | 4 28 81 |
| Water Resources Council | | | | | | | |
| Water resources planning | BA | R81-118 | 5,000 | 3 17 81 | 5,000 | 5,000a | 5 18 81 |
| OTHER INDEPENDENT AGENCIES | | | | | | | |
| TOTAL BA | | | 1,145,404 | 14,067 | 475,940 | 1,145,404 | |
| OFF-BUDGET FEDERAL ENTITIES | | | | | | | |
| Department of Agriculture | | | | | | | |
| Rural electr. and telephone revolving fund | BA | R81-122 | 187,000c | 0 3 17 81 | | | |
| | BA | R81-122A | f | 0 4 27 81 | | 187,000 | 5 18 81 |
| TOTAL BA | | | 15,896,261 | 435,067 | 12,250,940 | 15,706,786 | |

NOTE: This report does not include Congressionally-initiated rescissions

FOOTNOTES

a. These funds were made available for obligation on the date shown in the column to the right. Subsequently, the funds were rescinded by the Supplemental Appropriations and Rescission Act, 1981 (PL 97-12), signed into law on June 5, 1981.

b. These funds were made available for obligation on the date indicated in the column to the right. Subsequently, the amount listed in the column to the left was rescinded by PL 97-12.

c. This amount represents a proposed reduction in authority to incur obligations for direct loans.

d. This rescission proposal was withdrawn on February 12, 1981.

e. The amount withheld totals \$45,000,000, which is \$189,475,000 less than the amount proposed for rescission.

f. This supplementary report was transmitted solely to report a technical correction to the appropriation language accompanying this report. This change did not affect amounts proposed for rescission.

g. This amount represents a rescission of 1983 funds.

END OF REPORT

| PAGE 1 | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | AS OF 07/07/81 17:45 | | | | | | |
|---|---|-------------------------------------|--------------------------------------|--------------------------|------------------------------|-----------------------------------|------------------------|-------------------------------|
| AMOUNTS IN THOUSANDS OF DOLLARS | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULATIVE / AGENCY RELEASES | CONGRESSIONALLY REQUIRED RELEASES | CUMULATIVE ADJUSTMENTS | AMOUNT DEFERRED AS OF 7-01-81 |
| FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | | | |
| Appalachian Regional Development Programs | | | | | | | | |
| Appalachian regional development programs | BA 081-79 | 10,000 | | 3 10 81 | | | | 10,000 |
| International Security Assistance | | | | | | | | |
| Foreign military credit sales | BA 081-23 | 659,250 | | 12 2 80 | -659,250 | | | |
| Economic support fund | BA 081-24 | 1,984,500 | | 12 2 80 | -1,570,900 | | | 413,600 |
| FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA | | 2,653,750 | | | -2,230,150 | | | 423,600 |
| DEPARTMENT OF AGRICULTURE | | | | | | | | |
| Foreign Assistance Programs | | | | | | | | |
| Expenses, P.L. 480, for assist. prog.. Agric. | BA 081-107 | 28,000 | | 6 19 81 | | | | 28,000 |
| Soil Conservation Service | | | | | | | | |
| Watershed and flood prevention operations | BA 081-108 | 11,000 | | 6 19 81 | | | | 11,000 |
| Forest Service | | | | | | | | |
| Timber salvage sales | BA 081-1A | 16,481 | | 10 1 80 | | | | 16,718 |
| Expenses, brush disposal | BA 081-2A | 37,342 | 3,228 | 10 1 80 | | | | 40,570 |

| PAGE 2 | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 17:45 | | |
|---|---|-----------------|-------------------------------------|--------------------------------------|--------------------------|-----------------------------|--------------------------------------|
| | AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULATIVE /AGENCY RELEASES | CUMULATIVE ADJUSTMENTS AS OF 7-01-81 |
| DEPARTMENT OF AGRICULTURE | | | | | | | |
| TOTAL BA | | | 92,823 | 3,465 | | | 96,288 |
| DEPARTMENT OF COMMERCE | | | | | | | |
| General Administration | | | | | | | |
| Participation in U.S. expositions | | | | | | | |
| | BA D81- 3 | | 2,867 | 184 | 10 1 80 | | 3,051 |
| | BA D81- 3A | | | | 1 15 81 | | |
| Minority Business Development Agency | | | | | | | |
| Minority business development | | | | | | | |
| | BA D81-103 | | 3,400 | | 3 17 81 | | 3,400 |
| National Oceanic and Atmospheric Administration | | | | | | | |
| Operations, research, and facilities | | | | | | | |
| | BA D81- 42 | | 30,493a | | 2 13 81 | -30,493 | |
| Construction | | | | | | | |
| | BA D81- 4 | | 10,230 | | 10 1 80 | -5,239 | 4,991 |
| Promote and develop fishery products and research | | | | | | | |
| | BA D81-105 | | 5,000 | | 4 27 81 | -2,500 | -2,500a |
| National Telecom and Information Admin. | | | | | | | |
| Public telecom facilities, plan. & constr. | | | | | | | |
| | BA D81- 43 | | 4,000b | | 2 13 81 | -4,000 | |
| Maritime Administration | | | | | | | |
| Ship construction | | | | | | | |
| | BA D81- 80 | | 92,000 | | 3 10 81 | | 37,000 |
| DEPARTMENT OF COMMERCE | | | | | | | |
| TOTAL BA | | | 147,990 | 184 | | -42,232 | -57,500 |
| DEPARTMENT OF DEFENSE-MILITARY | | | | | | | |
| Procurement | | | | | | | |
| Shipbuilding and conversion, Navy | | | | | | | |

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT

DEFERRAL NUMBER

AMOUNT TRANSMITTED ORIGINAL REQUEST

AMOUNT TRANSMITTED SUBSEQUENT CHANGE

DATE OF MESSAGE MO DA YR

CUMULATIVE /AGENCY RELEASES

CUMULATIVE ADJUSTMENTS AS OF 7-01-81

| PAGE 3 | | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 17:45 | | |
|---|-----------------|---|--------------------------------------|--------------------------|-----------------------------|-----------------------------------|------------------------|-------------------------------|
| AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULATIVE /AGENCY RELEASES | CONGRESSIONALLY REQUIRED RELEASES | CUMULATIVE ADJUSTMENTS | AMOUNT DEFERRED AS OF 7-01-81 |
| Procurement activities | BA D81- 27 | 1,125,000 | | 1 15 81 | | | | 1,125,000 |
| | BA D81- 5 | 139,700 | | 10 1 80 | -139,700 | | | |
| Research, Development, Test, and Evaluation | | | | | | | | |
| RD1&E Activities | BA D81- 6 | 46,500 | | 10 1 80 | -46,500 | | | |
| Military Construction | | | | | | | | |
| Military construction (medical facilities) | BA D81- 25 | 111,300 | | 12 2 80 | -111,300 | | | |
| Military construction, all services | BA D81- 7 | 6,983 | | 10 1 80 | | | | |
| | BA D81- 7A | | 600,344 | 12 2 80 | -559,490 | | 1,134 | 48,971 |
| Family Housing, Defense | | | | | | | | |
| Family housing, Defense | BA D81- 8 | 18,651 | | 10 1 80 | -18,651 | | | |
| | BA D81- 28 | 1,992 | | 1 15 81 | | | | 1,992 |
| DEPARTMENT OF DEFENSE-MILITARY TOTAL BA | | 1,450,126 | 600,344 | | -875,641 | | 1,134 | 1,175,963 |
| DEPARTMENT OF DEFENSE-CIVIL | | | | | | | | |
| Corps of Engineers | | | | | | | | |
| Construction, general | BA D81- 81 | 10,000 | | 3 10 81 | | | | 67,600 |
| | BA D81- 81A | | 57,600 | 6 19 81 | | | | 30,000 |
| Operation and maintenance, general | BA D81-109 | 30,000 | | 6 19 81 | | | | 5,000 |
| Flood control, Mississippi River & tributaries | BA D81-110 | 5,000 | | 6 19 81 | | | | |
| Wildlife Conservation, Military Reservations | | | | | | | | |
| Wildlife conservation, all services | BA D81- 9 | 667 | | 10 1 80 | -136c | | | |

| PAGE | 4 | AMOUNTS IN THOUSANDS OF DOLLARS | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 17:45 | | |
|------|---|--|---|-------------------------------------|--------------------------------------|--------------------------|------------------------------|-----------------------------------|------------------------|
| | | | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULATIVE / AGENCY RELEASES | CONGRESSIONALLY REQUIRED RELEASES | CUMULATIVE ADJUSTMENTS |
| | | AGENCY/BUREAU/ACCOUNT | BA D81- 9A | | 147 | 1 15 81 | -18 | 136 | 796 |
| | | DEPARTMENT OF DEFENSE-CIVIL TOTAL BA | | 45,667 | 57,747 | | -154 | 136 | 103,396 |
| | | DEPARTMENT OF EDUCATION | | | | | | | |
| | | Office of Elem. and Secondary Education | | | | | | | |
| | | Elementary and secondary education | BA D81- 45 | 52,150b | | 2 13 81 | -52,150 | | |
| | | School assist. in federally affected areas | BA D81- 44 | 148,000b | | 2 13 81 | -148,000 | | |
| | | Office of Vocational and Adult Education | | | | | | | |
| | | Vocational and adult education | BA D81- 46 | 11,862b | | 2 13 81 | -11,862 | | |
| | | Office of Postsecondary Education | | | | | | | |
| | | Student loan insurance | BA D81- 47 | 78,728b | | 2 13 81 | -78,728 | | |
| | | Higher and continuing education | BA D81- 48 | 30,989b | | 2 13 81 | -30,989 | | |
| | | Higher education facilities loan and ins. | BA D81- 82 | 25,000 | | 3 10 81 | | -25,000a | |
| | | DEPARTMENT OF EDUCATION TOTAL BA | | 346,729 | | | -321,729 | -25,000 | |
| | | DEPARTMENT OF ENERGY | | | | | | | |
| | | Atomic Energy Defense Activities | | | | | | | |
| | | Operating expenses | BA D81- 29 | 5,000 | | 1 15 81 | -5,000 | | |
| | | | BA D81- 29A | | 5,000 | 3 10 81 | | -10,000a | 5,000 |
| | | Plant and capital equipment | BA D81- 30 | 12,000 | | 1 15 81 | -12,000 | | |

| PAGE 5 | AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 17:45 | | |
|--------|---|---|-------------------------------------|--------------------------------------|--------------------------|----------------------------------|------------------------------------|--------------------------|
| | | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULA-TIVE OMB /AGENCY RELEASES | CONGRES-SIONALLY REQUIRED RELEASES | CUMULA-TIVE ADJUST-MENTS |
| | Energy Programs | | | | | | | |
| | Fossil energy R&D | BA D81- 51 | 25,450b | | 2 13 81 | -25,450 | | |
| | Fossil energy construction | BA D81- 33 | 42,000 | 163,000 ^e | 1 15 81 | | | |
| | | BA D81- 33A | | | 3 10 81 | | | |
| | | BA D81- 33B | | | 4 27 81 | -132,000 | | 73,000 |
| | Energy supply R&D-operating expenses | BA D81- 31 | 23,860 | | 1 15 81 | | | |
| | | BA D81- 49 | 25,026b | | 2 13 81 | -48,886 | | |
| | Energy supply R&D-plant and capital equip. | BA D81- 32 | 3,690 | | 1 15 81 | | | |
| | | BA D81- 50 | 3,650b | | 2 13 81 | -7,340 | | |
| | Energy conservation | BA D81- 34 | 10,450 | | 1 15 81 | | | |
| | | BA D81- 52 | 47,800b | | 2 13 81 | -58,250 | | |
| | Strategic Petroleum Reserve | BA D81- 83 | 8,000 | | 3 10 81 | | | 8,000 |
| | DEPARTMENT OF ENERGY | TOTAL BA | 206,926 | 168,000 | | -288,926 | -10,000 | 81,000 |
| | DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | | | |
| | Health Services Administration | | | | | | | |
| | Health Services | BA D81- 53 | 8,057b | | 2 13 81 | -8,057 | | |
| | Centers for Disease Control | | | | | | | |
| | Preventive Health Services | BA D81- 54 | 27,000b | | 2 13 81 | -27,000 | | |
| | National Institutes of Health | | | | | | | |
| | National Cancer Institute | BA D81- 55 | 13,565b | | 2 13 81 | -13,565 | | |
| | Nat. Heart, Lung, and Blood Institute | | | | | | | |

| PAGE | 6 | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | | | AS OF 07/07/81 17:45 | | | | |
|------|---|---|-----------------|-------------------------------------|--------------------------------------|--------------------------|------------------------------|------------------------|-------------------------------|
| | | AMOUNTS IN THOUSANDS OF DOLLARS | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULATIVE / AGENCY RELEASES | CUMULATIVE ADJUSTMENTS | AMOUNT DEFERRED AS OF 7-01-81 |
| | | AGENCY/BUREAU/ACCOUNT | | | | | | | |
| | | BA 081-56 | | 10,324b | | 2 13 81 | -10,324 | | |
| | | Nat. Institute of Dental Research | | | | | | | |
| | | BA 081-57 | | 302b | | 2 13 81 | -302 | | |
| | | Nat. Inst. of Arth., Metab., and Digest. Dis. | | | | | | | |
| | | BA 081-58 | | 3,232b | | 2 13 81 | -3,232 | | |
| | | Nat. Inst. of Neuro. and Commun. Dis. and Stroke | | | | | | | |
| | | BA 081-59 | | 2,031b | | 2 13 81 | -2,031 | | |
| | | Nat. Inst. of Child Health and Human Development | | | | | | | |
| | | BA 081-60 | | 3,285b | | 2 13 81 | -3,285 | | |
| | | National Eye Institute | | | | | | | |
| | | BA 081-61 | | 2,353b | | 2 13 81 | -2,353 | | |
| | | Nat. Inst. of Environ. Health Sciences | | | | | | | |
| | | BA 081-62 | | 3,258b | | 2 13 81 | -3,258 | | |
| | | National Institute of Aging | | | | | | | |
| | | BA 081-63 | | 588b | | 2 13 81 | -588 | | |
| | | Research Resources | | | | | | | |
| | | BA 081-64 | | 10,561b | | 2 13 81 | -10,561 | | |
| | | National Library of Medicine | | | | | | | |
| | | BA 081-65 | | 341b | | 2 13 81 | -341 | | |
| | | Office of the Director | | | | | | | |
| | | BA 081-66 | | 360b | | 2 13 81 | -360 | | |
| | | Alcohol, Drug Abuse & Mental Health Administration | | | | | | | |
| | | Alcohol, drug abuse & mental health | | | | | | | |
| | | BA 081-67 | | 67,140b | | 2 13 81 | -67,140 | | |
| | | Construction & renovation, St. Elizabeths Hospital | | | | | | | |
| | | BA 081-10 | | 10,698 | | 10 1 80 | | | 10,698 |
| | | Health Resources Administration | | | | | | | |
| | | Health resources | | | | | | | |
| | | BA 081-68 | | 78,683b | | 2 13 81 | -78,683 | | |
| | | Office of Assistant Secretary for Health | | | | | | | |
| | | Special foreign currency program | | | | | | | |

| PAGE 7 | | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 17:45 | |
|---|-----------------|---|--------------------------------------|--------------------------|------------------------------|-----------------------------------|--|
| AMOUNTS IN THOUSANDS OF DOLLARS | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULATIVE / AGENCY RELEASES | CONGRESSIONALLY REQUIRED RELEASES | CUMULATIVE AMOUNT DEFERRED AS OF 7-01-81 |
| | BA DB1- 11 | 8,000 | 1,118 | 10 1 80 | | | 9,118 |
| | BA DB1- 11A | | | 4 27 81 | | | |
| Social Security Administration | | | | | | | |
| | BA DB1-112 | 35,000 | | 6 19 81 | | | 35,000 |
| | BA DB1-104 | 8,004 | | 3 19 81 | | | 8,004 |
| Limitation on administrative expenses | | | | | | | |
| | BA DB1-111 | 20,000 | | 6 19 81 | | | 20,000 |
| Human Development Services | | | | | | | |
| | BA DB1- 69 | 10,000b | | 2 13 81 | -10,000 | | |
| Grants to states for social & child welfare serv. | | | | | | | |
| | BA DB1- 12 | 562 | | 10 1 80 | -562 | | |
| White House Conference on Children and Youth | | | | | | | |
| DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | | | |
| | TOTAL BA | 323,344 | 1,118 | | -241,642 | | 82,820 |
| DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT | | | | | | | |
| Housing Programs | | | | | | | |
| | BA DB1- 70 | 10,000b | | 2 13 81 | -10,000 | | |
| Congregate services program | | | | | | | |
| Policy Development and Research | | | | | | | |
| | BA DB1- 84 | 5,000 | | 3 10 81 | | | 5,000 |
| Research and technology | | | | | | | |
| DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT | | | | | | | |
| | TOTAL BA | 15,000 | | | -10,000 | | 5,000 |
| DEPARTMENT OF THE INTERIOR | | | | | | | |
| Bureau of Land Management | | | | | | | |

| PAGE | B | AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | | | AS OF 07/07/81 17:45 | | | |
|------|---|---|---|-------------------------------------|--------------------------------------|--------------------------|---------------------------------|-----------------------------------|------------------------|
| | | | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULATIVE DMB /AGENCY RELEASES | CONGRESSIONALLY REQUIRED RELEASES | CUMULATIVE ADJUSTMENTS |
| | | Acquisition, construction and maintenance | | | | | | | |
| | | BA D81-113 | 2,600 | | | 6 19 81 | | | 2,600 |
| | | Oregon and California grant lands | | | | | | | |
| | | BA D81-71 | 1,849 | | 71 | 2 13 81 | | | 1,920 |
| | | BA D81-71A | | | | 6 19 81 | | | |
| | | Bureau of Reclamation | | | | | | | |
| | | Construction program | | | | | | | |
| | | BA D81-114 | 21,430 | | | 6 19 81 | | | 21,430 |
| | | General Investigations | | | | | | | |
| | | BA D81-115 | 570 | | | 6 19 81 | | | 570 |
| | | Heritage Conservation and Recreation Service | | | | | | | |
| | | Land and water conservation fund | | | | | | | |
| | | BA D81-13 | 30,000 | | | 10 1 80 | | | 30,000 |
| | | National Park Service | | | | | | | |
| | | Construction | | | | | | | |
| | | BA D81-116 | 14,720 | | | 6 19 81 | | | 14,720 |
| | | Geological Survey | | | | | | | |
| | | Surveys, investigations and research | | | | | | | |
| | | BA D81-117 | 6,000 | | | 6 19 81 | | | 6,000 |
| | | Exploration of National Petroleum Res. in Alaska | | | | | | | |
| | | BA D81-35 | 10,710 | | | 1 15 81 | | -7,960 | 2,750 |
| | | Payments from proceeds, sale of water | | | | | | | |
| | | BA D81-14 | 41 | | | 10 1 80 | | | 41 |
| | | Bureau of Mines | | | | | | | |
| | | Drainage of anthracite mines | | | | | | | |
| | | BA D81-15 | 765 | | 226 | 10 1 80 | | | 991 |
| | | BA D81-15A | | | | 6 19 81 | | | |
| | | DEPARTMENT OF THE INTERIOR | | | | | | | |
| | | TOTAL BA | 88,685 | | 297 | | | -7,960 | 81,022 |
| | | DEPARTMENT OF JUSTICE | | | | | | | |

| PAGE | 9 | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 17:45 | | | |
|------|---|---|-----------------|-------------------------------------|--------------------------------------|--------------------------|------------------------------|-----------------------------------|-------------------------------|
| | | AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULATIVE / AGENCY RELEASES | CONGRESSIONALLY REQUIRED RELEASES | AMOUNT DEFERRED AS OF 7-01-81 |
| | | General Administration | | | | | | | |
| | | Salaries and expenses | BA D81- 85 | 7,485 | | 3 10 81 | | -3,165e | 4,320 |
| | | Federal Prison System | | | | | | | |
| | | Buildings and facilities | BA D81- 16 | 15,750 | 4,050 | 10 1 80 | | | 19,800 |
| | | | BA D81- 16A | | | 1 15 81 | | | |
| | | Salaries and expenses | BA D81- 86 | 4,385 | | 3 10 81 | | -4,385e | |
| | | Office of Justice Assist., Res., and Statistics | | | | | | | |
| | | Law enforcement assistance | BA D81- 87 | 670 | | 3 10 81 | | | 670 |
| | | DEPARTMENT OF JUSTICE | TOTAL BA | 28,290 | 4,050 | | | -7,550 | 24,790 |
| | | DEPARTMENT OF LABOR | | | | | | | |
| | | Employment and Training Administration | | | | | | | |
| | | Employment and training assistance | BA D81- 36 | 76,699 | 652,488 | 1 15 81 | | | 729,187 |
| | | | BA D81- 36A | | | 3 10 81 | | | |
| | | DEPARTMENT OF LABOR | TOTAL BA | 76,699 | 652,488 | | | | 729,187 |
| | | DEPARTMENT OF STATE | | | | | | | |
| | | Other | | | | | | | |
| | | Emergency refugee and migration assistance fund | BA D81- 37 | 15,000 | 20,000 | 1 15 81 | | | 35,000 |
| | | | BA D81- 37A | | | 6 19 81 | | | |

| PAGE 10 | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 17:45 | | | |
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| | AMOUNTS IN THOUSANDS OF DOLLARS | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULATIVE / AGENCY RELEASES | CUMULATIVE ADJUSTMENTS 7-01-81 | AMOUNT DEFERRED AS OF 7-01-81 |
| | DEPARTMENT OF STATE | TOTAL BA | 15,000 | 20,000 | | | | 35,000 |
| | DEPARTMENT OF TRANSPORTATION | | | | | | | |
| | Office of the Secretary | | | | | | | |
| | Transportation planning, res. and dev. | BA D81-88 | 1,040 | | 3 10 81 | -1,040 | | |
| | Federal Aviation Administration | | | | | | | |
| | Various activities | BA D81-72 | 3,403 | | 2 13 81 | | | 3,403 |
| | Facilities & equip. (Airport & airway trust fund) | BA D81-17 | 133,823 | | 10 1 80 | | | |
| | | BA D81-17A | | 240,603 | 12 2 80 | | | |
| | | BA D81-17B | | d | 3 10 81 | -14,893 | | 335,783 |
| | Federal Highway Administration | | | | | | | |
| | Trust fund share of other highway programs | BA D81-89 | 21,500 | | 3 10 81 | | | |
| | | BA D81-89A | | e | 4 27 81 | -3,765 | | 17,735 |
| | Federal Railroad Administration | | | | | | | |
| | Railroad research and development | BA D81-90 | 383 | | 3 10 81 | | | 383 |
| | Rail service assistance | BA D81-91 | 80,341 | | 3 10 81 | | | |
| | Northeast corridor improvement program | BA D81-92 | 125,000 | | 3 10 81 | -5,000 | | 35,341 |
| | Urban Mass Transportation Administration | | | | | | | |
| | Urban mass transportation fund | BA D81-93 | 210,000 | | 3 10 81 | -210,000 | | 125,000 |
| | Research and Special Programs Administration | | | | | | | |

| PAGE 11 | | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 17:45 | | |
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| AMOUNTS IN THOUSANDS OF DOLLARS | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULATIVE / AGENCY RELEASES | CONGRESSIONALLY REQUIRED RELEASES | CUMULATIVE ADJUSTMENTS | AMOUNT DEFERRED AS OF 7-01-81 |
| DEPARTMENT OF TRANSPORTATION | | | | | | | | |
| Research and special programs | | | | | | | | |
| | BA 081- 94 | 3,100 | | 3 10 81 | -1,000 | | | 2,100 |
| TOTAL BA | | | | | | | | |
| | | 578,590 | 240,603 | | -235,698 | -70,000 | 6,250 | 519,745 |
| DEPARTMENT OF THE TREASURY | | | | | | | | |
| Office of Revenue Sharing | | | | | | | | |
| State and local government fiscal assistance fund | | | | | | | | |
| | BA 081- 18 | 111,773 | | 10 1 80 | -2,160 | | 258 | 109,871 |
| Bureau of the Mint | | | | | | | | |
| Construction of mint facilities | | | | | | | | |
| | BA 081- 20 | 5,730 | | 10 1 80 | -5,730 | | | |
| | | 5,485 | 5,209 | 10 1 80 | -3,959 | | | |
| | | 0 | 51,062 | 12 2 80 | -57,302 | | 6,606 | 7,101 |
| | | 0 | | 2 13 81 | | | | |
| DEPARTMENT OF THE TREASURY | | | | | | | | |
| TOTAL BA | | | | | | | | |
| | | 117,503 | 56,271 | | -7,890 | | 258 | 109,871 |
| TOTAL 0 | | | | | | | | |
| | | 5,485 | | | -61,261 | | 6,606 | 7,101 |
| Veterans Administration | | | | | | | | |
| Medical care | | | | | | | | |
| | BA 081- 95 | 29,389 | | 3 10 81 | | -29,389a | | |
| Medical and prosthetic research | | | | | | | | |
| | BA 081- 96 | 1,690 | | 3 10 81 | | -1,690a | | |
| Medical admin. and misc. operating expenses | | | | | | | | |
| | BA 081- 97 | 515 | | 3 10 81 | | -515a | | |
| Construction, major projects | | | | | | | | |
| | BA 081- 98 | 183,493 | | 3 10 81 | | -85,965a | | 97,528 |

| PAGE 12 | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | | | AS OF 07/07/81 17:45 | | | | | |
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| | AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MD DA YR | CUMULATIVE / AGENCY RELEASES | CONGRESSIONALLY REQUIRED RELEASES | CUMULATIVE ADJUSTMENTS | AMOUNT DEFERRED AS OF 7-01-81 |
| | Veterans Administration | | 215,087 | | | | -117,559 | | 97,528 |
| | TOTAL BA | | | | | | | | |
| | OTHER INDEPENDENT AGENCIES | | | | | | | | |
| | Board for International Broadcasting | | | | | | | | |
| | Grants and expenses | BA D81-106 | 1,370 | | 4 27 81 | -1,370 | | | |
| | Community Services Administration | | | | | | | | |
| | Community services program | BA D81- 73 | 6,000a | | 2 13 81 | -6,000 | | | |
| | Federal Emergency Management Agency | | | | | | | | |
| | Emergency planning, preparedness, and mobilization | BA D81- 21 | 80 | | 10 1 80 | -80 | | | |
| | Federal Mine Safety & Health Review Commission | | | | | | | | |
| | Salaries and expenses | BA D81- 74 | 163b | | 2 13 81 | -163 | | | |
| | General Services Administration | | | | | | | | |
| | Office of Inspector General | BA D81- 99 | 444 | | 3 10 81 | -444 | | | |
| | Allowances and office staff for former Presidents | BA D81-100 | 8 | | 3 10 81 | -8 | | | |
| | Consumer information center | BA D81-101 | 50 | | 3 10 81 | -50 | | | |
| | Intelligence Community Staff | | | | | | | | |
| | Intelligence Community Staff | BA D81- 38 | 2,000 | | 1 15 81 | -800 | | | 1,200 |
| | International Communication Agency | | | | | | | | |
| | Salaries & expenses | | | | | | | | |

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| | AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULATIVE / AGENCY RELEASES | CONGRESSIONALLY REQUIRED RELEASES | CUMULATIVE ADJUSTMENTS | AMOUNT DEFERRED AS OF 7-01-81 |
| | | BA D81- 75 | 1,500 | | 2 13 81 | | -350a | | 1,150 |
| | Acquisition & construction of radio facilities | BA D81- 76 | 1,252 | 12,074 | 2 13 81 | | | | 13,326 |
| | | BA D81- 76A | | | 4 27 81 | | | | |
| | National Consumer Cooperative Bank | | | | | | | | |
| | Self-help development fund | BA D81- 39 | 13,133 | | 1 15 81 | -13,133 | | | |
| | National Foundation on the Arts & Humanities | | | | | | | | |
| | National endowment for the arts: sal. & expen. | BA D81-118 | 25,356f | | 6 19 81 | -12,000 | | | 13,356 |
| | Nat. endowment for the human.: sal. and expen. | BA D81-119 | 20,460g | | 6 19 81 | -5,000 | | | 15,460 |
| | Pennsylvania Avenue Development Corporation | | | | | | | | |
| | Land acquisition and development | BA D81- 40 | 30,896 | | 1 15 81 | | | | 30,896 |
| | Postal Service | | | | | | | | |
| | Payment to the Postal Service fund | BA D81- 77 | 250,000a | | 2 13 81 | -250,000 | | | |
| | Small Business Administration | | | | | | | | |
| | Business loan and investment fund | BA D81- 41 | 57,500 | 55,900 | 1 15 81 | | | | |
| | | BA D81- 41A | | | 3 10 81 | | -73,400a | | 40,000 |
| | Surety bond guarantees revolving fund | BA D81-102 | 6,000 | | 3 10 81 | -6,000 | | | |
| | Tennessee Valley Authority | | | | | | | | |
| | Tennessee Valley Authority fund | BA D81- 22 | 17,000 | | 10 1 80 | -17,000 | | | |
| | | BA D81- 26 | 15,800 | | 12 2 80 | | | | 15,800 |
| | | BA D81- 78 | 177,000b | | 2 13 81 | -177,000 | | | |
| | OTHER INDEPENDENT AGENCIES | | | | | | | | |
| | TOTAL BA | | 626,012 | 67,974 | | -489,048 | -73,750 | | 131,188 |

| PAGE 14 | | ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 | | | | AS OF 07/07/81 17:45 | |
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| AMOUNTS IN THOUSANDS OF DOLLARS | DEFERRAL NUMBER | AMOUNT TRANSMITTED ORIGINAL REQUEST | AMOUNT TRANSMITTED SUBSEQUENT CHANGE | DATE OF MESSAGE MO DA YR | CUMULATIVE / AGENCY RELEASES | CUMULATIVE ADJUSTMENTS | AMOUNT DEFERRED AS OF 7-01-81 |
| | | 7,028,221 | 1,816,270 | | -4,751,070 | 12,778 | 3,744,840 |
| | | 5,485 | 56,271 | | -61,261 | 6,606 | 7,101 |
| TOTAL BA | | | | | | | |
| TOTAL O | | | | | | | |

NOTE: This report does not include Congressionally-Initiated deferrals.

FOOTNOTES

- a. This amount was disapproved by the Congress in the Supplemental Appropriations and rescission Act, 1981 (PL 97-12), signed into law on June 5, 1981.
- b. These funds were proposed for rescission from January 15, 1981 until February 12, 1981. The former rescission proposal related to these funds is listed in Attachment A.
- c. This amount was released before the special message containing the deferral was transmitted to the Congress.
- d. This report was transmitted solely to reflect a change in justification for \$30 million of the deferred funds.
- e. This report was transmitted solely to reflect technical adjustments to the previous report.
- f. This amount excludes the effect of a release totaling \$12 million made prior to the transmittal of the special message.
- g. This amount excludes the effect of a release totaling \$5 million made prior to the transmittal of the special message.

END OF REPORT

[FR Doc. 81-20795 Filed 7-14-81; 8:45 am]
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Wednesday, July 15, 1981

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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 |
|-----------------|-----------|-----------|-----------------|-----------|
| DOT/SECRETARY | USDA/ASCS | | DOT/SECRETARY | USDA/ASCS |
| DOT/COAST GUARD | USDA/FNS | | DOT/COAST GUARD | USDA/FNS |
| 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 | |
| DOT/UMTA | | | DOT/UMTA | |
| 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.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of July 19 through July 25, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

32590 6-24-81 / U.S. type 31—burley tobacco; Sales of burley tobacco in untied form; comments by 7-24-81

Commodity Credit Corporation—

32591 6-24-81 / Tobacco loan program; proposed price support for baled burley tobacco; comments by 7-24-81

Rural Electrification Administration—

27344 5-19-81 / Proposed rescission of REA Bulletin 80-8: Construction operation and maintenance of electric lines on lands administered by the Forest Service; comments by 7-20-81

CIVIL AERONAUTICS BOARD

28381 5-26-81 / Reports of ownership of stock and other interests and reports of stock ownership of affiliates of air carriers; comments by 7-21-81

28383 5-26-81 / Wet lease agreements, proposal to liberalize regulation; comments by 7-21-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

33350 6-29-81 / Interim Plan for the Management of Atlantic Groundfish; management measures; comments by 7-24-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

32596 6-24-81 / Wyoming; high-cost gas produced from tight formations; comments by 7-20-81

ENVIRONMENTAL PROTECTION AGENCY

30116 6-5-81 / Approval and promulgation of implementation plans; Ohio; comments by 7-20-81

32271 6-22-81 / Approval and promulgation of State implementation plans; revision to the Virgin Island implementation plan; comments by 7-22-81

32272 6-22-81 / Commonwealth of Virginia; section 107—attainment status designations; comments by 7-22-81

27363 5-19-81 / Hazardous waste and hazardous waste management; availability of information; comments by 7-20-81

31903 6-18-81 / Ohio; approval and promulgation of implementation plans; comments by 7-20-81

27333 5-19-81 / State underground injection control programs; comments by 7-20-81

32272 6-22-81 / Status for West Virginia; proposed redesignation of attainment; comments by 7-22-81

FEDERAL COMMUNICATIONS COMMISSION

32281 6-22-81 / Federal-State Joint Board; order inviting comments and suggested information request, appendix B; reply comments by 7-20-81

26513 5-13-81 / FM broadcast station in Coxsackie, N.Y.; proposed changes in table of assignments; reply comments by 7-20-81

26509 5-13-81 / FM broadcast station in Delta, Colo.; proposed changes in table of assignments; reply comments by 7-20-81

26511 5-13-81 / FM broadcast station in Sandpoint, Idaho; proposed changes in table of assignments; reply comments by 7-20-81

30153 6-5-81 / FM broadcast station; table of assignments; Rayville, La.; comments by 7-20-81

26514 5-13-81 / FM broadcast station in Minot, N. Dak.; proposed changes in table of assignments; reply comments by 7-20-81

31292 6-15-81 / Memphis, Tenn. added to the table of assignments for Air-Ground Stations in the Domestic Public Land Mobile Radio Service; reply comments by 7-21-81

- 28681 5-28-81 / Operation of TV stations by remote control comments by 7-20-81
- 22911 4-22-81 / Petition to reallocate VHF-TV Channel 9 from New York, N.Y. to a city within the city grade contour of Station WOR-TV; reply comments by 7-20-81
- 31290 6-15-81 / Use of the Subsidiary Communications Authorization for Utility Load Management; reply comments by 7-23-81
- GENERAL SERVICES ADMINISTRATION**
National Archives and Records Service—
- 30369 6-8-81 / Records management, standard and optional forms; comments by 7-23-81
- HEALTH AND HUMAN SERVICES DEPARTMENT**
Food and Drug Administration—
- 18996 3-27-81 / Caffeine; deletion from list of substances generally recognized as safe (GRAS) for use as an added ingredient; comment period extended to 7-20-81
[See also 45 FR 69837, 12-23-80. Corrected at 46 FR 24593, 5-1-81 and 46 FR 31020, 6-12-81]
- 23266 4-24-81 / Microwave ovens; radiation leakage compliance measurement instrument requirements and test conditions; reopening of comment period; comments by 7-23-81
[See also 45 FR 29307, 5-2-80]
- LIBRARY OF CONGRESS**
Copyright Office—
- 30649 6-10-81 / Compulsory License for cable systems; comments by 7-24-81
- SECURITIES AND EXCHANGE COMMISSION**
- 32879 6-25-81 / Amendment of exemptive regulations for primary distribution of securities issued by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank; comments by 7-24-81
- SMALL BUSINESS ADMINISTRATION**
- 32259 6-22-81 / Standards of conduct; comments by 7-22-81
- TRANSPORTATION DEPARTMENT**
Federal Aviation Administration—
- 27710 5-21-81 / Rulemaking petitions; summary and disposition; comments by 7-20-81
Research and Special Programs Administration—
- 29973 6-4-81 / Transportation of hazardous materials; conversion of individual exemptions into regulations of general applicability; comments by 7-20-81
- TREASURY DEPARTMENT**
Internal Revenue Service—
- 27723 5-21-81 / Exclusion for certain cost-sharing payments, comments by 7-20-81
- 28677 5-28-81 / Income tax; use of property to satisfy a pecuniary bequest; comment by 7-20-81
- 27357 5-19-81 / Voluntary withholding from annuity payments; comments by 7-20-81
- VETERANS ADMINISTRATION**
- 28679 5-28-81 / Time limit for a veteran to submit mitigating circumstances surrounding a withdrawal from a course or receipt of a nonpunitive grade which does not count toward meeting graduation requirements; comments by 7-27-81
- 35264 7-8-81 / Tennessee Valley Federal milk order; recommended decision on proposed amendments to tentative marketing agreement and order; comments by 7-30-81
Animal and Plant Health Inspection Service—
- 28860 5-29-81 / Importation of mares over 731 days of age into the U.S. from countries affected with contagious equine metritis (CEM) when specific requirements to prevent them introducing CEM into the U.S. are met; comments by 7-28-81
Commodity Credit Corporation—
- 35520 7-9-81 / General regulations governing 1979 and subsequent crops peanut warehouse storage loans and handler operations; comments by 7-28-81
Farmers Home Administration—
- 28330 5-26-81 / Emergency loans, insured; comments by 7-27-81
Federal Grain Inspection Service—
- 28170 5-26-81 / United States standards for hay and straw; comments by 7-27-81
Rural Electrification Administration—
- 28170 5-26-81 / Public information; Appendix A—REA Bulletins Specification for filled telephone cables with expanded insulation, PE89; comments by 7-27-81
- CIVIL AERONAUTICS BOARD**
- 29282 6-1-81 / Airlines; terminations, suspensions, and reductions of service; comments by 7-31-81
- 29727 6-3-81 / Extension of fare flexibility to Micronesia and American Samoa; comments by 7-30-81
- 29719 6-3-81 / "Joint fares" for flights using two or more carriers; statement of general policy; comments by 7-31-81
- 29285 6-1-81 / Standard Foreign Fare Level methodology; statements of general policy; reply comments by 7-30-81
- COMMERCE DEPARTMENT**
International Trade Administration—
- 23755 4-28-81 / Instruments and apparatus for educational and scientific institutions; comments by 7-27-81
- COMMODITY FUTURES TRADING COMMISSION**
- 33293 6-29-81 / Domestic exchange—traded commodity options pilot program; comments by 7-29-81
- CONSUMER PRODUCT SAFETY COMMISSION**
- 31901 6-18-81 / Omnidirectional citizens band base station antennas; comments by 7-31-81
[Originally published at 44 FR 53676, 9-14-81]
- 28665 5-28-81 / Standards for the flammability of clothing textiles and vinyl plastic film; comments by 7-27-81
- DEFENSE DEPARTMENT**
Army Department—
- 33057 6-26-81 / Personal privacy and rights of individuals regarding personal records; comments by 7-27-81
Office of the Secretary—
- 34351 7-1-81 / Implementation of the Civilian Health and Medical Services; comments by 7-31-81
- ENERGY DEPARTMENT**
- 29242 6-1-81 / Weatherization assistance for low-income persons; comments by 7-31-81
Economic Regulatory Administration—
- 31216 6-12-81 / Powerplant and Industrial Fuel Use of 1978; proposed revision of final rules; comments by 7-27-81

Deadlines for Comments on Proposed Rules for the Week of July 26 through August 1, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

- 30073 6-5-81 / Cotton fiber and processing tests; comments by 8-1-81

- Federal Energy Regulatory Commission—
- 35119 7-7-81 / Pennsylvania; high-cost gas produced from tight formations; comments by 7-29-81
- ENVIRONMENTAL PROTECTION AGENCY**
- 33059 6-26-81 / Air quality planning areas; Alabama; redesignation for Etowah County; comments by 7-27-81
- 33269 6-29-81 / Exemption from requirement of a tolerance for boiled linseed oil (final rule); comments by 7-29-81
- 34353 7-1-81 / Exemption from requirement of a tolerance for cross-link nylon-type encapsulating polymer; comments by 7-31-81
- 29292 6-1-81 / Kansas application for interim authorization, Phase I, Hazardous Waste Management Program; comments by 7-31-81
- 35126 7-7-81 / Motor vehicle pollution control; waiver of oxides of nitrogen (NO_x) emission standards; comments by 7-30-81
- 31677 6-17-81 / New motor vehicles; emission control system warranties; comments by 7-30-81
- 21789 4-14-81 / Standards of performance for new-stationary sources; VOC fugitive emission sources; synthetic organic chemical manufacturing industry; comments by 7-31-81
- 33336 6-29-81 / State implementation plan; Wash.; control of Volatile Organic Compound (VOC) emissions for source categories covered by Group II of the VOC Control Techniques Guidelines; comments by 7-29-81
- 33333 6-29-81 / State Implementation Plan; West Va.; test method for prevention and control of air pollution from emission of volatile organic compounds from bulk gasoline terminals (Regulation XXIII); comments by 7-29-81
- 31279 6-15-81 / Virginia application for interim authorization, Phase I; Hazardous Waste Management Program; comments by 7-30-81
- 28873 5-29-81 / Water pollution, effluent limitations guidelines and new source performance standards; coal mining point source category; comments by 7-28-81
[See also 46 FR 3136, 1-13-81]
- FARM CREDIT ADMINISTRATION**
- 35663 7-10-81 / Eligibility and scope of financing loan policies and operations; comments by 7-28-81
- FEDERAL COMMUNICATIONS COMMISSION**
- 27729 5-21-81 / Amendment of the Commission's Rules To Expand the Use of Digital Voice Modulation Generally to the Private Land Mobile Radio Services; reply comments by 7-22-81
- 30150 6-5-81 / Deregulation of customer premises inside wiring; comments by 7-31-81
- 33533 6-30-81 / Development of regulatory policy on Direct Broadcast Satellites for the period following the 1983 Regional Administrative Radio Conference; reply comments extended to 7-31-81
[See also 46 FR 30124, 6-5-81]
- 29488 6-2-81 / FM broadcast station in Kailua-Kona, Hawaii, proposed changes in table of assignments; reply comments by 7-31-81
- 27726 5-21-81 / FM Broadcast Station in Newport, Washington; proposed changes in table of assignments; reply comments by 7-30-81
- 27727 5-21-81 / FM Broadcast Station in Owensville, Missouri; proposed changes in table of assignments; reply comments by 7-30-81
- 27728 5-21-81 / FM Broadcast Station in Atoka, Okla.; proposed changes in table of assignments; reply comments by 7-30-81
- 31286 6-15-81 / Inquiry into the policies to be followed in the authorization of common carrier facilities to meet Pacific Region Telecommunications needs during the 1981-1985 period; reply comments by 7-30-81
- 22215 4-16-81 / Proposed amendments to registration standards; reply comments by 7-27-81
- FEDERAL EMERGENCY MANAGEMENT AGENCY**
- 29294 6-1-81 / Disaster preparedness assistance, reply comments by 7-31-81
- FEDERAL MARITIME COMMISSION**
- 30667 6-10-81 / Procedures for environmental policy analysis; reply comments by 7-27-81
- FEDERAL TRADE COMMISSION**
- 28444 5-27-81 / Palm Beach Co.; consent agreement with analysis to aid public comment; reply comments by 7-27-81
- GENERAL SERVICES ADMINISTRATION**
- 29955 6-4-81 / Licensing of federally-owned inventions; availability of draft regulations; reply comments by 7-31-81
- 30369 6-8-81 / Telecommunications, procurement and contractors; reply comments by 7-28-81
- HEALTH AND HUMAN SERVICES DEPARTMENT**
- Food and Drug Administration—
- 33027 6-27-81 / Canned peaches; standards of identity; "chunky" designation; objections by 7-27-81
- 33512 6-30-81 / Capreomycin, cycloserine, gramicidin, and froleandomycin; revision of standard response line concentrations; comments by 7-27-81
- 35120 7-7-81 / Policy for irradiated foods; advance notice of proposed procedures for the regulation of irradiated foods for human consumption; comments extended to 7-27-81
[See also 46 FR 18992, 3-2-81]
- 18995 3-27-81 / Soda water, standard of identity; caffeine requirements; comments period extended to 7-29-81
[See also 45 FR 69816, 10-21-80 and 45 FR 84837, 12-23-80]
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
- Federal Housing Commissioner, Office of the Assistance Secretary for Housing—
- 29259 6-1-81 / Mortgage insurance and assistance payments for home ownership and project rehabilitation; change in maximum mortgage amounts; comments by 7-31-81
[Corrected at 46 FR 31257; 6-15-81]
- 28401 5-27-81 / Repayment by mortgagor under section 235(c) of assistance payments made to lower income families (interim rule); comments by 7-27-81
- INTERIOR DEPARTMENT**
- Surface Mining Reclamation and Enforcement Office—
- 34348 7-1-81 / Permanent regulatory programs for non-federal and non-Indian lands; comments by 7-31-81
- 33056 6-26-81 / Permanent state regulatory programs of Colo.; Md., N.M., N. Dak., Utah, W. Va., and Wyo.; comments by 7-27-81
- INTERSTATE COMMERCE COMMISSION**
- 30668 6-10-81 / Motor carriers; agricultural cooperative exemption; comments by 7-27-81
- 30092 6-5-81 / Motor carrier rate bureaus; implementation; reply comments by 7-30-81
- NATIONAL CREDIT UNION ADMINISTRATION**
- 29482 6-2-81 / Federal credit unions, establishment of minimum standards for surety bond and insurance coverage; comments by 7-31-81

- POSTAL SERVICE**
- 34600 7-2-81 / Preparation requirements for third-class 5-digit ZIP code presorted mail; comments by 8-1-81
- SMALL BUSINESS ADMINISTRATION**
- 29276 6-1-81 / Minority small business and capital ownership development assistance; comments by 7-31-81
- TRANSPORTATION DEPARTMENT**
- Coast Guard—
- 30835 6-11-81 / Ports and waterways safety; conditions for vessel operation and cargo transfers; comments by 7-27-81
- 22210 4-16-81 / Provisions on tank stop valves and their controls and indicators; comments by 7-30-81
Federal Aviation Administration—
- 34598 7-2-81 / Air Line Pilots Association (ALPA); petition on water survival; comments by 7-30-81
[Originally published at 46 FR 19245, 3-30-81]
Federal Highway Administration and Urban Mass Transportation Administration—
- 8426 1-28-81 / Air quality conformity and priority procedures for use in Federal aid highways and federally funded transit programs; comments by 7-27-81
Office of the Secretary—
- 30816 6-11-81 / Procurement regulations; options and consulting services; comments by 7-31-81
Research and Special Programs Administration—
- 25491 5-7-81 / Transport of radioactive materials; proposed changes to international regulations; comments by 7-31-81
- TREASURY DEPARTMENT**
- Customs Service—
- 23755 4-28-81 / Instruments and apparatus for educational and scientific institutions; comments by 7-27-81
- 28172 5-26-81 / Proposed revision of the customs bond structure; comments by 7-27-81
[Corrected at 46 FR 29953, 6-4-81]
- Next Week's Meetings:**
- AGRICULTURAL DEPARTMENT**
- Cooperative State Research Service—
- 34822 7-8-81 / Cooperative Forestry Research Advisory Board, Grafton, Vt. (open), 7-21 and 7-22-81
- ARTS AND HUMANITIES, NATIONAL FOUNDATION**
- 34441 7-1-81 / Dance Panel (Dance/Film/Video), Washington, D.C. (closed), 7-21 and 7-22-81
- CIVIL RIGHTS COMMISSION**
- 34611 7-2-81 / Alaska Advisory Committee, Washington, D.C. (open), 7-20-81
- 34612 7-2-81 / Maine Advisory Committee, Augusta, Maine (open), 7-23-81
- 35139 7-7-81 / South Dakota Advisory Committee, Denver, Colo. (open), 7-24-81
- 34612 7-2-81 / Texas Advisory Committee, Dallas, Tex. (open), 7-24-81
- 34612 7-2-81 / Wisconsin Advisory Committee, Madison, Wis. (open), 7-21-81
- COMMERCE DEPARTMENT**
- International Trade Administration—
- 32467 6-23-81 / Telecommunications Equipment Technical Advisory Committee, Washington, D.C. (open), 7-21-81
National Oceanic and Atmospheric Administration—
- 34360 7-1-81 / Caribbean Fishery Management Council, Administrative, Santurce, Puerto Rico (open), 7-22-81
[See also 46 FR 30678, 6-10-81]
- 34360 7-1-81 / Caribbean Fishery Management Council, Education and Information Subcommittee, Santurce, Puerto Rico (open), 7-22-81
[See also 46 FR 30678, 6-10-81]
- 34360 7-1-81 / Caribbean Fishery Management Council, Santurce, Puerto Rico (open), 7-23 and 7-24-81
[See also 46 FR 30678, 6-10-81]
- 30679 6-10-81 / Inter-Council Swordfish Steering Committee, San Juan, Puerto Rico (open), 7-20 and 7-21-81
- 30844 6-11-81 / Sea Grant Review Panel, Washington, D.C. (open), 7-21 and 7-22-81
- 35541 7-9-81 / North Pacific Fishery Management Council, Scientific and Statistical Committee, Advisory Panel, Homer, Alaska (open), 7-21 through 7-24-81
- CONSUMER PRODUCT SAFETY COMMISSION**
- 30169 6-5-81 / Crown-Tex Corp., New York, N.Y., 7-21 through 7-23-81 and 7-28 through 7-30-81
- DEFENSE DEPARTMENT**
- Air Force Department—
- 31916 6-18-81 / USAF Scientific Advisory Board, Kirtland Air Force Base, N. Mex. (closed), 7-21 and 7-22-81
Army Department—
- 34621 7-2-81 / Acme Fill Corp. sanitary landfill expansion, intent to prepare an environmental impact statement, Martinez, Calif. (open), 7-22-81
Corps of Engineers, Army Department—
- 34305 6-15-81 / National Waterways Study, Arlington, Va. (open), 7-21-81
Navy Department—
- 34621 7-2-81 / Chief of Naval Operations Executive Panel Advisory Committee, Long Range Planning Sub-Panel, Alexandria, Va. (closed), 7-20 and 7-21-81
Office of the Secretary—
- 31917 6-18-81 / DoD Wage Committee, Washington, D.C. (closed), 7-21-81
- 33356 6-29-81 / Defense Science Board Summer Study Panel on Operational Readiness with High Performance Systems, Arlington, Va. (closed), 7-23 and 7-24-81
- 32303 6-22-81 / National Hydropower Study, Fort Belvoir, Va. (open), 7-19 through 7-25-81
- EDUCATION DEPARTMENT**
- 35542 7-9-81 / Fund for the Improvement of Postsecondary Education National Board, Washington, D.C. (open), 7-23 through 7-25-81
- ENERGY DEPARTMENT**
- 34833 7-6-81 / Dose Assessment Advisory Group, Las Vegas, Nev. (open), 7-22 and 7-23-81
- ENVIRONMENTAL PROTECTION AGENCY**
- 35126 7-7-81 / Motor Vehicle Pollution Control; waiver of oxides of nitrogen emission standards, Washington, D.C., 7-23-81
- HEALTH AND HUMAN SERVICES DEPARTMENT**
- Food and Drug Administration—
- 35189 7-7-81 / Consumer participation (open), Minneapolis, Minn., 7-22-81
- 33635 6-30-81 / Consumer participation, Portland, Oreg. (open), 7-25-81
- 31517 6-16-81 / Ophthalmic Device Section of the Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel, Washington, D.C. (open), 7-23 and 7-24-81
[See also 46 FR 32507, 6-23-81]
- 31517 6-16-81 / Pulmonary-Allergy Drugs Advisory Committee, Bethesda, Md. (open), 7-20 and 7-21-81
- HISTORIC PRESERVATION ADVISORY COUNCIL**
- 34822 7-6-81 / Georgetown County, S.C. (open), 7-20 and 7-21-81

INTERIOR DEPARTMENT

- Land Management Bureau—
- 32941 6-25-81 / Anchorage District Advisory Council, Anchorage, Ala. (open), 7-21 and 7-22-81
- 34422 7-1-81 / Burns District Advisory Council, Burns, Oreg. (open), 7-21-81
- 29338 6-1-81 / Casper District Advisory Council, Casper, Wyo. (open), 7-21 and 7-22-81
- 30902 8-11-81 / Grazing Advisory Board, Las Cruces, N. Mex. (open), 7-21-81
- 31520 6-16-81 / Idaho Falls District Advisory Council, Idaho Falls, Idaho (open), 7-24-81
- 30902 6-11-81 / Las Cruces District Advisory Council, Las Cruces, N. Mex. (open), 7-22-81
- 31776 6-17-81 / Las Vegas District Grazing Advisory Board, Las Vegas, Nev. (open), 7-23-81
[See also 46 FR 32944, 6-25-81]
- 31778 6-17-81 / Shoshone District Grazing Advisory Board, Shoshone, Idaho (open), 7-22-81
- 34708 7-2-81 / Vale District Advisory Council, Jordan Valley, Oreg. (open), 7-21-81
National Park Service—
- 34709 7-2-81 / Cuyahoga Valley National Recreation Area Advisory Commission, Peninsula, Ohio (open), 7-23-81
- 34709 7-2-81 / Hampton National Historic Site, Towson, Md. (open), 7-23-81
- INTERNATIONAL DEVELOPMENT COOPERATION AGENCY**
Agency for International Development—
- 32694 6-24-81 / A. I. D. Research Advisory Committee, Washington, D.C. (open), 7-21 and 7-22-81
- INTERNATIONAL TRADE COMMISSION**
- 35394 7-8-81 / Certain steel wire nails from Japan, the Republic of Korea, and Yugoslavia, Washington, D.C., 7-23-81
- JUSTICE DEPARTMENT**
- 34732 7-2-81 / Attorney General's Task Force on Violent Crime, Key Biscayne, Fla. (open), 7-21 and 7-22-81
- NUCLEAR REGULATORY COMMISSION**
- 34876 7-6-81 / Reactor Safeguards Advisory Committee, Comanche Peak Units 1 and 2 Subcommittee, Washington, D.C. (open), 7-22-81
- 34735 7-2-81 / Safety Goal Development, Harper's Ferry, W. Va. (open), 7-23 and 7-24-81
- STATE DEPARTMENT**
Office of the Secretary—
- 35403 7-8-81 / Law of the Sea, Washington, D.C. (partially open), 7-23 and 7-24-81
- TRANSPORTATION DEPARTMENT**
National Highway Traffic Safety Administration—
- 7123 1-22-81 / Safety Standards, International Harmonization; Group of Rapporteurs on Protective Devices, Tenth Session, Geneva Switzerland; 7-20 through 7-23-81

Next Week's Public Hearings**AGRICULTURE DEPARTMENT**

- Agricultural Marketing Service—
- 30780 6-10-81 / Federal Seed Act Regulations, Washington, D.C., 7-22 and Denver, Colo., 7-30-81
- Forest Service—
- 29735 6-3-81 / Mill Creek and Mountain Lake Wilderness Study Areas, Princeton, W. Va., 7-22-81; Pearisburg, Va., 7-23-81

COMMERCE DEPARTMENT

- National Oceanic and Atmospheric Administration—
- 33350 6-29-81 / Interior Plan for the Management of Atlantic Groundfish; Management Measures; 7-20, Hyannis, Mass.; 7-21, New Bedford, Mass.; 7-22, Galilee, Rhode Island, and 7-23-81, Hauppauge, N.Y.

- 32468 6-23-81 / Tijuana River Estuarine Sanctuary, Imperial Beach, Calif., 7-23-81
- Patent and Trademark Office—
- 28467 5-27-81 / Automation Study, Arlington, Va., 7-23-81

DEFENSE DEPARTMENT

- Navy Department—
- 19969 4-2-81 / Naval Discharge Review Board, San Diego, Calif., 7-19 through 7-24-81

HOSTAGE COMPENSATION, PRESIDENT'S COMMISSION

- 35831 7-10-81 / Washington, D.C. (open), 7-23 and 7-24-81
[See also 46 FR 33690, 6-30-81]

INTERIOR DEPARTMENT

- Land Management Bureau—
- 32673 6-25-81 / Draft supplemental to the final environmental impact statement, proposed Five-Year OCS Oil and Gas Lease Sale Schedule, January 1982-December 1986, New York, N.Y., 7-21; Anchorage, Alaska, 7-22 and 7-23; Los Angeles, Calif., 7-23; Washington, D.C., 7-24 and New Orleans, La., 7-24-81

INTERNATIONAL TRADE COMMISSION

- 29794 6-3-81 / High-Carbon Ferrochromium, Washington, D.C., 7-22-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing July 14, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

APPLICATIONS DEADLINES

- 35072 7-6-81 / ED—Special Educational Programs for students whose families are engaged in migrant and other seasonal farmwork—High School Equivalency Program and College Assistance Program
- Note.—For effective date of regulations, call or write the Department of Education contact person

OTHER ITEMS OF INTEREST

- 34842 7-6-81 / HUD/FHC—Section 8 Minority Business Enterprise Demonstration; announcement of availability of FY 1981 funds
- 35227 7-7-81 / Justice/LEAA—Prison Industries Enhancement Certification Program; extension of deadline for receipt of program applications to 9-30-81
[See also 46 FR 34748, 5-1-81]