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Monday
July 27, 1981

Highlights

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Presidential Documents

Title 3—

The President

Executive Order 12314 of July 22, 1981

Federal Regional Councils

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to establish interagency coordinating groups structured to respond to opportunities for promoting Federal policies and to support interagency and intergovernmental cooperation, it is hereby ordered as follows:

Section 1. *Establishment of Federal Regional Councils.*

(a) There is hereby restructured a Federal Regional Council for each of the ten standard Federal regions (Office of Management and Budget Circular No. A–105). Each Council shall be composed of a principal policy official in the region at the Administrator, Director, Secretarial Representative, or equivalent level, from each of the following agencies:

(1) The Department of the Interior.

(2) The Department of Agriculture.

(3) The Department of Labor.

(4) The Department of Health and Human Services.

(5) The Department of Housing and Urban Development.

(6) The Department of Transportation.

(7) The Department of Energy.

(8) The Department of Education.

(9) The Environmental Protection Agency.

(b) The President shall designate a Chairman for each Council. Representatives of the Office of Management and Budget may participate in the deliberations of the Councils.

(c) Each member of each Council shall designate an alternate to serve whenever the regular member is unable to attend any meeting of the Council. The alternate shall be a principal official in the region at the Deputy or equivalent level, or the head of an operating unit of the agency.

(d) Whenever matters are to be considered by a Council which significantly affect the interests of agencies not represented on that Council, the Regional Director or other appropriate representative of the affected agency shall participate in the deliberations of the Council.

Sec. 2. *Federal Regional Council Functions.*

(a) Each Council shall, upon request, establish liaison with State, tribal, regional, and local offices, and shall inform elected officials, including State legislators, concerning Government policies and initiatives, through such mechanisms as are appropriate in individual cases.

(b) Each Council shall respond to State, tribal, regional, and local concerns or inquiries about major agency policy and budgeting decisions, in order to ensure that the total effect of those actions and related actions of other agencies are explained and understood.

(c) Each Council shall assist in explaining the following federalism initiatives

(1) Reform of the Federal aid system through block grants.

(2) Devolution of Federal programs and functions.

(3) Reduction in the number and impact of Federal regulations and administrative requirements.

(d) Each Council shall coordinate the Federal response to social and economic impacts resulting from Federal actions.

(e) Each Council shall identify significant problems with Federal regulations, policies and actions for resolution in the field or refer such problems to the appropriate agency for resolution in a timely fashion, to ensure that problems which are of interest to State and local governments are acted upon expeditiously.

Sec. 3. *Oversight.*

(a) The Office of Management and Budget will provide policy guidance to the Councils in consultation with the White House Office of Policy Development; establish policy with respect to Federal Regional Council procedural matters; respond to Council initiatives; seek to resolve policy issues referred to it by the Councils; coordinate Federal Regional Council activities relating to State and local governments with the White House Office of Intergovernmental Affairs; and, coordinate Council activities relating to specific programmatic areas with the appropriate Federal agencies.

(b) The Office of Management and Budget shall provide direction for, and oversight of, the implementation by the Councils of Federal management improvement actions and of Federal aid reforms.

Sec. 4. *General Provisions.*

(a) Each agency represented on a Council shall provide, to the extent permitted by law, appropriate staff for common or joint interagency activities as requested by the Chairman of the Council.

(b) Executive Order No. 12149 is revoked.

Ronald Reagan

THE WHITE HOUSE,
July 22, 1981.

[FR Doc. 81-21927
Filed 7-23-81; 2:17 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

Khapra Beetle Interim Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and notice of public hearing.

SUMMARY: This document establishes interim regulations on an emergency basis which impose restrictions on the importation into the United States (defined as the States, the District of Columbia, and certain Territories of the United States) of the following articles from the specified localities or countries:

(1) Brassware and wooden screens from Bombay, India;

(2) Whole chilies (*Capsicum spp.*) and whole red peppers (*Capsicum spp.*) in jute or burlap bags from Pakistan;

(3) Goatskins, lambskins, and sheepskins (excluding goatskins, lambskins, and sheepskins which are fully tanned, blue-chromed, pickled in mineral acid, or salted) from Sudan or India; and

(4) Used burlap bagging not containing cargo and used jute bagging not containing cargo from Afghanistan, Algeria, Bangladesh, Burma, Cyprus, Egypt, India, Iran, Iraq, Israel, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Senegal, Sri Lanka, Sudan, Tunisia, Turkey, or Upper Volta.

This is necessary as an emergency measure in order to prevent the introduction of khapra beetle into the United States. This document also given notice of a public hearing concerning this interim rule.

DATES: Effective date of the interim rule is July 27, 1981. Written comments concerning this interim rule must be received on or before September 25, 1981. A public hearing concerning this interim rule and final regulations to be promulgated under the Plant Quarantine Act and the Federal Plant Pest Act will be held on September 2, 1981.

ADDRESSES: Written comments concerning this interim rule should be submitted to T. J. Lanier, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holdiays. A public hearing concerning this interim rule will be held in Room 643–A (APHIS Conference Room), Federal Building, 6505 Belcrest Road, Hyattsville, MD.

FOR FURTHER INFORMATION CONTACT: T. J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291, and has been determined to be 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 approximately $275,000; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or georgraphic 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. Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this interim rule.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Due to the possibility that the khapra beetle could be introduced into the United States by the importation of certain articles, a situation exists requiring immediate action to restrict the importation of such articles into the United States.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 533, it is found upon good cause that notice and other public procedures with respect to this emergency action are impracticable and contrary to the public interest; and good cause is found for making this emergency action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Regulatory Flexibility Act

The emergency situation discussed above makes compliance with Section 603 and timely compliance with Section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, the Final Regulatory Impact Analysis, if required, will address the issues required in Section 604 of the Regulatory Flexibility Act.

Paperwork Reduction Act

The collection of information provisions contained in this interim rule have been approved by the Office of Management and Budget under the following control number: 0579–0049.

Public Hearing

The public hearing to consider this interim rule and final rules to be published under the Plant Quarantine Act and the Federal Plant Pest Act will be held at 10 a.m., in Room 643–A (APHIS Conference Room), Federal Building, 6505 Belcrest Road, Hyattsville, MD.

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. At the hearing, a representative of the Animal and Plant

Health Inspection Service will present a statement explaining the purpose and basis of the rule. Any interested person may appear and be heard in person, by attorney, or by other representative. Also, any interested person, his attorney, or other representative will be afforded an opportunity to ask relevant questions concerning the rule.

The hearing will commence at 10 a.m., and end at 5 p.m., local time, unless the presiding official otherwise specifies during the course of the hearing. Persons who wish to be heard are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 9 a.m. to 10 a.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to be heard or ask questions at the hearing will be afforded such opportunity, after the registered persons have presented their views. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may, if it becomes necessary, limit the time for each presentation in order to allow everyone wishing to present a statement the opportunity to be heard.

Background

The khapra beetle (*Trogoderma granarium* Everts) seriously damages cereal products, seed, cottonseed meal, nut meals, dried fruits, and other products. This pest causes severe damage to infested products, and total loss can be expected when infested products are left undisturbed in storage for long periods. The insect is a threat to billions of bushels of important products stored in the United States (defined in the regulations as the States, District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States).

The khapra beetle was recently found to occur in certain premises in California, Maryland, Michigan, New Jersey, New York, Pennsylvania, and Texas. It has not been found to occur anywhere else in the United States. An eradication program is currently in effect.

It appears that the khapra beetle infestations were caused by the importation of certain articles from countries or localities where khapra beetle occurs. Based on a review of articles shipped to the infested warehouses, a review of khapra beetle interception records, and a review of the scientific literature, it has been determined that the following articles from the specified countries or localities are articles that are likely to cause infestations of the khapra beetle:

(1) Brassware and wooden screens from Bombay, India;

(2) Whole chilies (*Capsicum spp.*) and whole red peppers (*Capsicum spp.*) in jute or burlap bags from Pakistan;

(3) Goatskins, lambskins, and sheepskins (excluding goatskins, lambskins, and sheepskins which are fully tanned, blue-chromed, pickled in mineral acid, or salted) from Sudan or India; and

(4) Used burlap bagging not containing cargo and used jute bagging not containing cargo from Afghanistan, Algeria, Bangladesh, Burma, Cyprus, Egypt, India, Iran, Iraq, Israel, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Senegal, Sri Lanka, Sudan, Tunisia, Turkey, or Upper Volta.

Further, based on Departmental expertise it has been determined that in order to prevent the introduction into the United States of the khapra beetle, it is necessary as an emergency measure pursuant to the Federal Plant Pest Act to restrict the importation into the United States of such articles under conditions set forth below in the khapra beetle emergency regulations (7 CFR 319.75 through 319.75–8).

Under these regulations, such articles are designated as restricted articles, and pursuant to § 319.75(a) they may not be imported into the United States unless such movement is in conformity with all of the applicable restrictions in this subpart. The regulations include provisions to allow these articles to be imported into the United States only if they are treated as specified below, or if imported by the U.S. Department of Agriculture for experimental or scientific purposes under conditions explained below. There do not appear to be other feasible methods for preventing the introduction into the United States of khapra beetle accompanying such imported articles.

It is provided in § 319.75(b) that an article refused importation for noncompliance with the requirements of the regulations shall be promptly removed from the United States or abandoned by the importer for destruction, and that pending removal or abandonment, the article shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector determines necessary to prevent the introduction into the United States of plant pests. It is also provided in § 319.75(b) that such restricted articles may be seized, destroyed, or otherwise disposed of if not promptly safeguarded, removed, or abandoned by the importer. These provisions are necessary to implement the provisions of sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff) which authorize emergency measures against restricted articles which are not in compliance with the provisions of this subpart.

Further, § 319.75(c) provides that any restricted article may be imported without complying with other restrictions under this subpart if:

(1) Imported by the United States Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville, MD 20705 or at a port of entry designated by an asterisk in § 319.37–14(b);

(3) Imported pursuant to a Departmental permit issued for such article and kept on file at the port of entry;

(4) Imported under conditions specified on the Departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of plant pests, i.e., conditions of treatment, processing, growing, shipment, and disposal; and

(5) Imported with a Departmental tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing a Departmental permit number corresponding to the number of the Departmental permit issued for such article.

It is consistent with the purposes of the Federal Plant Pest Act to allow articles to be imported by the U.S. Department of Agriculture for experimental or scientific purposes under special conditions not allowed for other importers. Further, the specified conditions are necessary to identify restricted articles imported for experimental or scientific purposes; to assure that the conditions for treatment, processing, growing, shipment, and disposal are understood; and to assure that qualified personnel would be available at the port of entry to take any necessary action in accordance with such conditions. The imposition of more specific conditions would have to be made on a case-by-case basis, since all of the specific conditions cannot be anticipated. If it appears that additional general criteria can be developed,

amendment of the regulations in this regard will be considered.

Definitions of the terms "Deputy Administrator", "from", "import", "inspector", "person", "plant pest", "Plant Protection and Quarantine", "Secretary", "United States", and "move" are set forth in § 319.75–1.

The regulations restrict the importation of listed articles "from" specified countries or localities. The term "from" as used in this context is defined to provide that an article is deemed to be "from" any country or locality in which it originated or in which it was offloaded prior to arrival in the United States. This appears to be necessary since it has been determined, based on Departmental expertise, that the listed articles could become infested with khapra beetle if they originate in or are offloaded in any of the specified countries or localities.

It is provided in § 319.75–3(a) that a restricted article may not be imported unless a written permit has been issued by Plant Protection and Quarantine, the unit within the Animal and Plant Health Inspection Service which has been delegated responsibility for enforcing provisions of the Act. It is further provided in § 319.75–3(b) that prior to the issuance of a written permit an application must be made to Plant Protection and Quarantine and shall include the following information:

(1) Name, address, and telephone number of the importer;

(2) Approximate quantity and kinds of articles intended to be imported;

(3) Country or locality of origin;

(4) Country(ies) or locality(ies) where the article is intended to be offloaded prior to arrival in the United States;

(5) Intended U.S. port of entry;

(6) Name of intended commercial fumigator at U.S. port of entry;

(7) Means of transportation; and

(8) Expected date of arrival.

It appears that this permit system is necessary for Plant Protection and Quarantine to determine whether the intended importation would be allowed under the regulations, and to prevent the arrival of restricted articles under conditions that could cause an unnecessary risk of introduction into the United states of the khapra beetle.

It is further provided in § 319.75–3(b) that an application for a written permit should be submitted to Plant Protection and Quarantine at least 60 days prior to the arrival of the article at the U.S. port of entry. This should allow sufficient time for Plant Protection and Quarantine to respond to the applicant prior to shipment, and to help prevent the arrival at a port of entry of articles which are not eligible for such importation.

Pursuant to § 319.75–3(c), a written permit indicating the applicable conditions in the regulations for importation of a restricted article would be issued for the importation of such article described in the application if such article appears to be eligible for such importation.

Section 319.75–3(c) also states that a restricted article may not be moved into the United States from the port of entry even if a permit has been issued, unless an inspector at the port of entry determines upon inspection that no emergency measures pursuant to section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) are necessary with respect to such article. This is consistent with the provisions in section 105 of the Federal Plant Pest Act which are set forth in relevant part in a footnote accompanying § 319.75–3(c).

In addition, § 319.75–3(d) provides a mechanism for the withdrawal of a permit by the Deputy Administrator if he determines that the holder of the permit has not complied with any conditions for the use of the permit. Due process requirements concerning such withdrawals are also set forth in § 319.75–3(d).

Section 319.75–4 provides treatments for restricted articles. Based on research and field use it has been determined that these treatments are adequate to destroy any life stages of the khapra beetle without damage to the restricted articles. Except for importations by the U.S. Department of Agriculture for experimental or scientific purposes under conditions set forth in § 319.75(c), it appears that such treatments are the only feasible methods for preventing the possible introduction into the United States of the khapra beetle accompanying imported restricted articles. Accordingly, pursuant to § 319.75–4 any restricted article not imported by the Department in accordance with § 319.75(c), is required prior to movement into the United States from the port of entry to be treated under the supervision of an inspector for possible infestation with khapra beetle in accordance with the specified treatment procedures. Further, such treatments are required to be conducted under the supervision of an inspector in order to assure compliance with the treatment procedures.

The provisions in § 319.75–5(a) require that at the time of importation certain marking and identification information must plainly and correctly appear on the outer container of a restricted article or directly on such article if not in a container. The following information must appear on any restricted article at the time of importation: (1) the general nature and quantity of the contents; (2) the country or locality of origin; (3) the name and address of the shipper, owner, or person shipping or forwarding the article; (4) the name and address of the consignee; (5) identifying shipper's mark and number; and (6) the number of the written permit authorizing the importation. This information would help the inspector to determine that the article is a restricted article, to contact persons for obtaining any necessary clarifications concerning the article, and to check whether a valid permit had been actually issued for the importation of the article in question. Also, the identifying shipper's mark and number would enable an inspector to locate the restricted article at the port of entry by comparing the shipper's mark and number on available entry documents (e.g., manifest, waybill) with such information on the restricted article or container thereof.

The provisions in § 319.75–5(b) also require that shipments containing restricted articles be accompanied by an invoice or packing list indicating the contents of the shipments. This appears necessary because such information on the outside of a package or on a restricted article could become illegible, or be destroyed or lost during shipment.

The provisions in § 319.75–6 require the importer, upon arrival at a port of entry of any shipment of any restricted article, to promptly notify Plant Protection and Quarantine of such shipment's arrival by such means as a manifest, Customs entry document, commercial invoice, waybill, a broker's document, or notice form provided for that purpose. The purpose of the regulations in this regard is to assure that Plant Protection and Quarantine is advised that any restricted article has arrived at a port of entry. It appears that this can be accomplished by any document which specifies what is contained in a shipment, such as those documents listed above.

The provisions in § 319.75–7 relate to costs and charges in connection with the services of inspectors and treatment of articles. It is the policy of Plant Protection and Quarantine that the services of an inspector during regularly assigned hours of duty and at the usual places of duty be furnished without cost to the importer. Provisions relating to costs for other services of an inspector are already established and are set forth in 7 CFR Part 354. The Department does not have facilities, treatment supplies, or personnel for the treatments required under § 319.75–4, other than personnel to supervise the treatments. Accordingly, it is necessary that such

treatments be performed by a nongovernmental fumigator at the importer's expense. Many ports have nongovernmental fumigators available and the importer would be allowed to use any nongovernmental fumigator at a port that would be able to meet the treatment requirements. However, it is the responsibility of the importer to arrange with the fumigator for treatment of the article.

Section 319.75–8 provides that any restricted article shall be imported only at a port of entry listed in § 319.37–14 of the "Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" regulations (7 CFR 319.37–14), and found by the Deputy Administrator and specified on the permit issued pursuant to § 319.75–3 to have a nongovernmental fumigator available at the port to treat such restricted article pursuant to § 319.75–4. The ports of entry listed in § 319.37–14(b) are the ports of entry where inspectors are stationed and authorized to take action in connection with the importation of articles subject to the khapra beetle regulations. However, importations of restricted articles are limited to ports with available fumigators in order to assure that the articles can be treated at the time of importation.

As noted above, the interim regulations are established pursuant to authority in the Federal Plant Pest Act, and whole chilies and whole red peppers in jute or burlap bags from Pakistan are designated as restricted articles under the regulations. There is authority for imposing restrictions on the importation of such whole chilies and whole red peppers under the Federal Plant Pest Act only until nonemergency regulations can be established under the Plant Quarantine Act after a public hearing. It is provided in the Plant Quarantine Act that nursery stock, plants, fruits, vegetables, roots, bulbs, seeds, or plant products from a country maintaining an official system of inspection for such articles are to be accompanied at the time of importation by a certificate of inspection from an official of the country from which the importation is made, certifying that the article has been thoroughly inspected and is believed to be free from injurious plant diseases and insect pests. Whole chilies and whole red peppers are vegetables and Pakistan maintains such an official system of inspection.

Accordingly, if such whole chilies and whole red peppers are retained as restricted articles, after a public hearing under the Plant Quarantine Act, the regulations would include a provision to require such articles to be accompanied by such a certificate of inspection.

A public hearing is scheduled to consider the provisions contained in these emergency regulations. The pertinent information concerning the public hearing is explained above under the heading "Public Hearing."

Under the circumstances referred to above, 7 CFR Part 319 is amended by adding "Subpart—Khapra Beetle Emergency Regulations" to read as follows:

PART 319—FOREIGN QUARANTINE NOTICES

* * * * *

Subpart—Khapra Beetle Emergency Regulations

Sec.

Authority: Secs. 105, 106, and 107; 71 Stat. 32–34; 7 U.S.C. 150dd, 150ee, 150ff; 37 FR 28464, 28477, as amended; 38 FR 19141.

§ 319.75 Restrictions on importation of restricted articles; disposal of articles refused importation.

(a) Pursuant to sections 105 and 106 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ee) the Secretary of Agriculture has determined that in order to prevent the entry into the United States of khapra beetle (*Trogoderma granarium* Everts) it is necessary to restrict the importation of certain articles from certain foreign countries and localities. Accordingly, no person shall import any restricted article unless in conformity with all of the applicable restrictions in this subpart.

(b) Any article refused importation for noncompliance with the requirements of this subpart shall be promptly removed from the United States or abandoned by the importer, and pending such action shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector determines necessary to prevent the introduction into the United States of plant pests. If such article is not promptly safeguarded, removed from the United States, or abandoned for destruction by the importer, it may be seized, destroyed, or otherwise disposed of in accordance with sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

(c) A restricted article may be imported without complying with other restrictions under this subpart if:

(1) Imported by the U.S. Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville, MD 20705, or at a port of entry designated by an asterisk in § 319.37–14(b);

(3) Imported pursuant to a Departmental permit issued for such article and kept on file at the port of entry;

(4) Imported under conditions specified on the Departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of plant pests, i.e., conditions of treatment, processing, growing, shipment, disposal; and

(5) Imported with a Departmental tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing a Departmental permit number corresponding to the number of the Departmental permit issued for such article.

§ 319.75–1 Definitions.

Terms used in the singular form in this subpart shall be construed as the plural, and vice-versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Deputy Administrator.* The Deputy Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture for Plant Protection and Quarantine, or any other officer or employee of the Department to whom authority to act in his/her stead has been or many hereafter be delegated.

(b) *From.* An article is considered to be "from" any country or locality in which it originated or any country(ies) or locality(ies) in which it was offloaded prior to arrival in the United States.

(c) *Inspector.* Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the regulations in this subpart.

(d) *Import.* (importation, imported). To import or move into the United States.

(e) *Person.* Any individual, corporation, company, society, association or other organized group.

(f) *Plant pest.* The egg, pupal, and larval stages as well as any other living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

(g) *Plant Protection and Quarantine.* The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Quarantine Act, the Federal Plant Pest Act, and related legislation, and regulations promulgated thereunder.

(h) *Secretary.* The Secretary of Agriculture, or any other officer or employee of the Department of Agriculture to whom authority to act in his/her stead has been or may hereafter be delegated.

(i) *United States.* The States, District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

§ 319.75-2 Restricted articles.

The following articles from the specified localities or countries are restricted articles:

(a) Brassware and wooden screens from Bombay, India;

(b) Whole chilies (*Capsicum spp.*) and whole red peppers (*Capsicum spp.*) in jute or burlap bags from Pakistan;

(c) Goatskins, lambskins, and sheepskins (excluding goatskins, lambskins, and sheepskins which are fully tanned, blue-chromed, pickled in mineral acid, or salted) from Sudan or India; and

(d) Used burlap bagging not containing cargo and used jute bagging not containing cargo if from Afghanistan, Algeria, Bangladesh, Burma, Cyprus, Egypt, India, Iran, Iraq, Israel, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Senegal, Sri Lanka, Sudan, Tunisia, Turkey, or Upper Volta.

§ 319.75-3 Permits.

(a) A restricted article may be imported only after issuance of a written permit by Plant Protection and Quarantine.

(b) An application for a written permit should be submitted to the Permit Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782, at least 60 days prior to arrival of the article at the port of entry. The completed application shall include the following information: [1]

(1) Name, address, and telephone number of the importer;

(2) Approximate quantity and kinds of articles intended to be imported;

(3) Country or locality of origin;

(4) Country(ies) or locality(ies) where it is intended to be off-loaded prior to arrival in the United States;

(5) Intended U.S. port of entry;

(6) Name of intended commercial fumigator at U.S. port of entry;

(7) Means of transportation; and

(8) Expected date of arrival.

(c) After receipt and review of the application by Plant Protection and Quarantine, a written permit indicating the applicable conditions in this subpart for importation under this subpart shall be issued for the importation of articles specified in the application if such articles described in the application appear to be eligible to be imported. Even though a written permit has been issued for the importation of an article, such article may be moved into the United States from the port of entry only if all applicable requirements of this subpart are met and only if an inspector at the port of entry determines that no emergency measures pursuant to section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) are necessary with respect to such article.[2]

(d) Any permit which has been issued may be withdrawn by an inspector or the Deputy Administrator if he/she determines that the holder thereof has not complied with any condition for the use of the document. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances permit. Any person whose permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for the decision as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

§ 319.75-4 Treatments.

A restricted article prior to movement into the United States from the port of entry shall be treated under the supervision of an inspector for possible infestation with khapra beetle as set forth below:

(a) Brassware, wooden screens, whole chilies in jute or burlap bags, whole red peppers in jute or burlap bags, goatskins, lambskins, and sheepskins.

(1) Fumigation with methyl bromide under a tarpaulin at normal atmospheric pressure in accordance with one of the following schedules:

(i) *40 g/m³ (2½ lb/1000 ft³) for 12 hrs. at 32° C (90° F) or above.*

(20 g (oz) minimum gas concentration at 2–4 hrs.).

(15 g (oz) minimum gas concentration at 12 hrs.).

(ii) *56 g/m³ (3½ lb/1000 ft³) for 12 hrs. at 26.5°–31.5° C (80°–89° F).*

(30 g (oz) minimum gas concentration at 2–4 hrs.).

(20 g (oz) minimum gas concentration at 12 hrs.).

(iii) *72 g/m³ (4½ lb/1000 ft³) for 12 hrs. at 21°–26° C (70°–79° F).*

(40 g (oz) minimum gas concentration at 2–4 hrs.).

(25 g (oz) minimum gas concentration at 12 hrs.).

(iv) *96 g/m³ (6 lb/1000 ft³) for 12 hrs. at 15.5°–20.5° C (60°–69° F).*

(50 g (oz) minimum gas concentration at 2–4 hrs.).

(30 g (oz) minimum gas concentration at 12 hrs.).

(v) *120 g/m³ (7½ lb/1000 ft³) for 12 hrs. at 10°–15° C (50°–59° F).*

(60 g (oz) minimum gas concentration at 2–4 hrs.).

(35 g (oz) minimum gas concentration at 12 hrs.).

(vi) *144 g/m³ (9 lb/1000 ft³) for 12 hrs. at 4.5°–9.5° C (40°–49° F).*

(70 g (oz) minimum gas concentration at 2–4 hrs.).

(40 g (oz) minimum gas concentration at 12 hrs.).

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[1] Application forms are available without charge from the Permit Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782, or local offices which are listed in telephone directories.

[2] Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides, among other things, that the Secretary of Agriculture may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, dispose of, in such manner as he deems appropriate, subject to provisions in section 105 (b) and (c) of the Act (7 U.S.C. 150dd (b) and (c)), any product or article, including any article subject to this subpart, which is moving into or through the United States, and which he has reason to believe was infested or infected by or contains any plant pest at the time of such movement. Sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff) also authorize emergency measures against restricted articles which are not in compliance with the provisions of this subpart.

(2) Fumigation with methyl bromide in a chamber at normal atmospheric pressure at one of the following schedules:

(i) *40 g/m³ (2½ lb/1000 ft³) for 12 hrs. at 32° C (90° F) or above.*

(ii) *56 g/m³ (3½ lb/1000 ft³) for 12 hrs. at 26.5°–31.5° C (80°–89° F).*

(iii) *72 g/m³ (4½ lb/1000 ft³) for 12 hrs. at 21°–26° C (70°–79° F).*

(iv) *96 g/m³ (6 lb/1000 ft³) for 12 hrs. at 15.5°–20.5° C (60°–69° F).*

(v) *160 g/m³ (10 lb/1000 ft³) for 12 hrs. at 10°–15° C (50°–59° F).*

(vi) *192 g/m³ (12 lb/1000 ft³) for 12 hrs. at 4.5°–9.5° C (40°–49° F).*

(3) Fumigation with methyl bromide in a chamber at 660mm (26 inch) vacuum at one of the following schedules:

(i) *128 g/m³ (2½ lb/1000 ft³) for 3 hrs. at 15.5° C (60° F) or above.*

(ii) *144 g/m³ (9 lb/1000 ft³) for 3 hrs. at 4.5°–15° C (40°–59° F).*

(iii) *160 g/m³ (10 lb/1000 ft³) for 3 hrs. at −1°–4° C (30°–39° F).*

Note.—Maximum volume of commodity being treated under subsection (3) shall not exceed 75% of total volume of chamber.

(b) Burlap bagging and jute bagging.

(1) Fumigation with methyl bromide under a tarpaulin at normal atmospheric pressure at one of the following schedules:

(i) *64 g/m³ (4 lb/1000 ft³) for 24 hrs. at 32° C (90° F) or above.*

(10 g (oz) gas concentration in commodity at 4–24 hrs.).

(35 g (oz) gas concentration in space at 4–12 hrs.).

(25 g (oz) gas concentration in space at 12–24 hrs.).

(ii) *96 g/m³ (6 lb/1000 ft³) for 24 hrs. at 26.5°–31.5° C (80°–89° F).*

(15 g (oz) gas concentration in commodity at 4–24 hrs.).

(50 g (oz) gas concentration in space at 4–12 hrs.).

(30 g (oz) gas concentration in space at 12–24 hrs.).

(iii) *128 g/m³ (8 lbs/1000 ft³) for 24 hrs. at 21°–26° C (70°–79° F).*

(20 g (oz) gas concentration in commodity at 4–24 hrs.).

(65 g (oz) gas concentration in space at 4–12 hrs.).

(35 g (oz) gas concentration in space at 12–24 hrs.).

(iv) *192 g/m³ (12 lb/1000 ft³) for 24 hrs. at 15.5°–20.5° C (60°–69° F).*

(30 g (oz) gas concentration in commodity at 4–24 hrs.).

(95 g (oz) gas concentration in space at 4–12 hrs.).

(50 g (oz) gas concentration in space at 12–24 hrs.).

(v) *192 g/m³ (12 lb/1000 ft³) for 28 hrs. at 10°–15° C (50°–59° F).*

(30 g (oz) gas concentration in commodity at 4–28 hrs.).

(95 g (oz) gas concentration in space at 4–12 hrs.).

(50 g (oz) gas concentration in space at 12–28 hrs.).

(vi) *192 g/m³ (12 lb/1000 ft³) for 32 hrs. at 4.5°–9.5° C (40°–49° F).*

(30 g (oz) gas concentration in commodity at 4–32 hrs.).

(95 g (oz) gas concentration in space at 4–12 hrs.).

(50 g (oz) gas concentration in space at 12–32 hrs.).

(2) Fumigation with methyl bromide in a chamber at normal atmospheric pressure at one of the following schedules:

(i) *64 g/m³ (4 lb/1000 ft³) for 24 hrs. at 32° C (90° F) or above.*

(ii) *96 g/m³ (6 lb/1000 ft³) for 24 hrs. at 26.5°–31.5° C (80°–89° F).*

(iii) *128 g/m³ (8 lbs/1000 ft³) for 24 hrs. at 21°–26° C (70°–79° F).*

(iv) *192 g/m³ (12 lb/1000 ft³) for 24 hrs. at 15.5°–20.5° C (60°–69° F).*

(v) *192 g/m³ (12 lb/1000 ft³) for 28 hrs. at 10°–15° C (50°–59° F).*

(vi) *192 g/m³ (12 lb/1000 ft³) for 32 hrs. at 4.5°–9.5° C (40°–49° F).*

(3) Fumigation with methyl bromide in a chamber at 660 mm (26 inch) vacuum at one of the following schedules:

(i) *128 g/m³ (8 lb/1000 ft³) for 3 hrs. at 15.5° C (60° F) or above.*

(ii) *144 g/m³ (9 lb/1000 ft³) for 3 hrs. at 4.5–15° C (40°–59° F).*

§ 319.75–5 Marking and identity.

(a) Any restricted article at the time of importation shall plainly and correctly bear on the outer container (if in a container) or on the restricted article (if not in a container) the following information:

(1) General nature and quantity of the contents,

(2) Country or locality of origin,

(3) Name and address of shipper, owner, or person shipping or forwarding the article,

(4) Name and address of consignee,

(5) Identifying shipper's mark and number, and

(6) Number of written permit authorizing the importation.

(b) Any restricted article shall be accompanied at the time of importation by an invoice or packing list indicating the contents of the shipment.

§ 319.75–6 Arrival notification.

Promptly upon arrival of any restricted article at a port of entry, the importer shall notify Plant Protection and Quarantine of the arrival by such means as a manifest, Customs entry document, commercial invoice, waybill, a broker's document, or a notice form provided for that purpose.

§ 319.75–7 Costs and charges.

The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer.[3] The importer shall be responsible for arrangements for treatments required under § 319.75–4. Any treatment required under § 319.75–4 for a restricted article shall be performed at the port of entry by a nongovernmental fumigator at the importer's expense, and shall be performed under the supervision of an inspector. Plant Protection and Quarantine will not be responsible for any costs or charges, other than those indicated in this section.

§ 319.75–8 Ports of entry.

Any restricted article shall be imported only at a port of entry listed in § 319.37–14 of this Part and found by the Deputy Administrator and specified on the permit issued pursuant to § 319.75–3 to have a nongovernmental fumigator available at the port to treat such restricted article pursuant to § 319.75–4. It is the responsibility of the importer to arrange with the nongovernmental fumigator for treatment of the article.

Done at Washington, D.C., this 22d day of July 1981.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81–21894 Filed 7–24–81; 8:45 am]

BILLING CODE 3410–34–M

Federal Grain Inspection Service

7 CFR Part 800

Grain Regulations; Revision of Rules

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Interim Final Rule.

SUMMARY: On March 11, 1980, the Federal Grain Inspection Service (FGIS) issued final regulations implementing the U.S. Grain Standards Act (Act), as amended in 1976 and 1977. Subsequent review of the regulations dealing with renewal of the designation of an offical agency to provide official services under the Act and with the suspension or revocation of such a designation indicates that a portion of the regulatory text needs to be clarified to accurately reflect applicable provisions of the Act. Accordingly, the regulations are being revised to restate and clarify the procedures to be followed where renewal of a designation of an official agency is involved and where a

[3] Provisions relating to costs for other services of an inspector are contained in 7 CFR Part 354.

designation is revoked or suspended for cause.

DATES: Effective July 27, 1981; written comments must be submitted on or before September 25, 1981.

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

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 447-3910.

SUPPLEMENTARY INFORMATION: This final action has been issued in conformance with Executive Order 12291 and has been determined to be "nonmajor," because it imposes no additional duties or obligations on persons subject to the regulations and its only purpose is to clarify existing regulations and align them with the Act. Kenneth A. Gilles, Administrator of FGIS, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164-1170), because it applies only to a limited number of private and State grain inspection and weighing agencies which are designated under the Act.

The Administrator has also determined that a situation exists which warrants publication of this action as a final rule without opportunity for a public comment period prior to publication. Pursuant to Section 7(g)(1) of the Act, certain of the designations issued to official agencies under the 1976 amendments to the Act will begin to terminate in less than 4 months, on a series of dates previously specified by the Administrator. Because of resulting time constraints, it is essential that FGIS publish notice in the **Federal Register** announcing the designations that will terminate and soliciting applications for designation from interested parties, including the affected agencies. The procedures to be used in this process require scheduling to afford the public appropriate notice and opportunity for comment. Therefore, there is an immediate need to revise the regulations so that these procedures clearly and accurately reflect the termination and renewal-of-designation provisions of Section 7(g)(1) of the Act.

Accordingly, this action is being issued as an interim final rule. Under 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 action are impracticable, unnecessary, and contrary to the public interest; and good cause is found for making this action effective upon publication of this document in the **Federal Register**. Comments are solicited for 60 days after publication of this document, and this action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

This action revises § 800.205 of the regulations, as published at 45 FR 15856 (1980) and codified as 7 CFR 800.205. An explanation of the revised regulation follows.

Sections 7(f) and 7A(c) of the Act authorize the Administrator to designate official agencies for the conduct of inspection or weighing functions under the Act at locations (other than export port locations) where the service is needed. Under Section 7(f), any State or local governmental agency, or any individual, partnership, corporation, association, or other business entity may apply for designation as an official agency. Not more than one official agency, however, is permitted to be operative at one time in any geographic area, as determined by the Administrator. To be designated as the official agency, an applicant must show to the satisfaction of the Administrator that it satisfies criteria established in Section 7(f)(1)(A) of the Act for performance of offical functions and must be determined to be better able than any other applicant to provide official services in the area being assigned, as is required by Section 7(f)(1)(B) of the Act.

Section 7(g)(1) of the Act provides that the designation of each official agency shall terminate at such time as specified by the Administrator but not later than 3 years after issuance. Designations of official agencies may be renewed in accordance with the criteria and the procedure for designation prescribed in Section 7(f), as described above. Thus, while an agency may apply for renewal of its designation, other interested parties may also apply for designation at the same time. Final selection of an official agency from among all applicants is subject to the criteria and procedure prescribed in Section 7(f). Since the designation of each official agency terminates by statutory mandate, the Administrator is not required to afford the affected agency opportunity for an administrative hearing, if its designation is not renewed.

As described above, the procedure which an official agency must follow when it requests to have its designation renewed is set out in §§ 800.196 through 800.199 of the regulations. Section 800.205 is being revised so that its provisions will be consistent with those of §§ 800.196 through 800.199 and with those of Section 7(g)(1) of the Act. Further, certain technical changes are being made in § 800.205 so that the regulatory text will be aligned with the revocation and suspension provisions of Section 7(g)(3) of the Act. These technical changes are not substantive in nature.

Accordingly, § 800.205 is revised to read as follows:

§ 800.205 Suspension or revocation of designations.

(a) *Suspension or revocation.* A designation issued to an agency is subject to suspension or revocation under Section 7(g)(3) of the Act, by the Service, whenever the Administrator determines that (1) the agency has failed to meet one or more of the criteria specified in Section 7(f) of the Act or the regulations for the performance of official functions, or otherwise has not complied with any provision of the Act or any regulations prescribed or instruction issued to such agency under the Act, or (2) has been convicted of any violation of other Federal law involving the handling or official inspection of grain.

(b) *Procedure for summary suspension.* The Service may, without first affording the agency (hereafter referred to in this section as the "respondent") an opportunity for a hearing, suspend a designation or refuse to return a designation when the period of suspension has expired, pending final determination of the proceeding whenever the Service has reason to believe there is cause for revocation of the designation and considers such action to be in the best interest of the official inspection and weighing system. A suspension or refusal to return a suspended designation shall be effective upon receipt of notice from the Service by the respondent. Within 30 calendar days following the issuance of a notice of such action, the Service shall afford the respondent an opportunity for a hearing under paragraph (c) of this section. The Service may terminate the action if it finds that alternative managerial, staffing, financial, or operational arrangements satisfactory to the Service can be and are made by the respondent.

(c) *Procedure for other than summary suspension.* Except as provided in

paragraph (b) of this section, before the Service revokes or suspends a designation, the respondent shall (1) be given notice by the Service of the proposed action and the reasons therefor and (2) be afforded opportunity for a hearing in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 CFR Part, Subpart H). Before initiating formal adjudicatory proceedings, the Service may, at its discretion, afford the respondent an opportunity to present its views on the proposed action and the reasons therefor in an informal conference. If, as a result of the informal conference, a consent agreement is reached, no formal adjudicatory proceedings shall be initiated.

(d) *Renewal.* Designations of official agencies may be renewed, upon application, in accordance with the criteria and procedure for designation prescribed in Section 7(f) of the Act and §§ 800.196 through 800.199 of the regulations. The Administrator may decline to renew a designation if: (1) the requesting agency fails to meet or comply with any of the criteria for designation set forth in the Act, regulations, and instructions thereunder, or (2) the Administrator determines that another qualified applicant is better able to provide official service in the assigned area.

(Sections 8, 18, Pub. L. 94–582, 90 Stat. 2870, 2884 (7 U.S.C. 79, 87e))

Done in Washington, DC on: July 20, 1981.

K. A. Gilles,

Administrator.

[FR Doc. 81–21814 Filed 7–24–81; 8:45 am]

BILLING CODE 3410–02–M

Agricultural Marketing Service

7 CFR Part 917

[Peach Regulation 14]

Fresh Pears, Plums, and Peaches Grown in California; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade and size requirements for shipments of specified varieties of fresh California peaches. Such action is designed to promote orderly marketing of suitable quality and sizes of fresh California peaches in the interest of producers and consumers.

DATE: Effective on and after August 16, 1981.

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

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

An interim rule was published in the **Federal Register** on June 5, 1981 (46 FR 30075) which specified grade and size requirements applicable to shipments of specified varieties of fresh California peaches through August 15, 1981. That rule provided an opportunity to file comments through July 6, 1981. No comments were received. This final rule contains the same requirements as specified in the interim rule.

This regulation is issued under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Peach Commodity Committee, established under the order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

Under the terms of the regulation the grade and size requirements would be effective on and after August 16, 1981. Although the regulation would be effective for an indefinite period, the committee would continue to meet prior to each season and consider recommendations for continuation, modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether continuation, modification, suspension, or termination of regulation of shipments of California peaches would tend to effectuate the declared policy of the act.

The committee has adopted a marketing policy for the 1981–82 season California peach crop, in which it estimates that this season fresh shipments of California peaches will total 13.1 million packages, compared with actual shipments of 12.8 million packages last season. More than adequate supplies of California peaches should be available to meet fresh market demand during the 1981–82 season.

The grade and size requirements are necessary to prevent the shipment of California peaches of a lower grade or smaller size than specified and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to postpone the effective date of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) shipment of the current crop of peaches is now underway and this regulation should be applicable to all shipments during the season; (2) an interim rule was published in the **Federal Register** (46 FR 30075) and no comments were submitted during the period provided; (3) the California peach regulation was recommended by the committee following discussion at a public meeting; (4) California peach handlers have been apprised of these requirements and the effective date; and (5) the requirements are the same as those currently in effect.

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

Therefore, a new § 917.459 is added under a new subpart heading *Grade and Size Regulation* to read as follows:

§ 917.459 Peach Regulation 14.

On and after August 16, 1981, no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the

Federal or Federal-State Inspection Service.

(2) Any package or container of Armgold, Desertgold, Royal April, Royal Gold, or Springold variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the box; or

(ii) Such peaches in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 96 peaches.

(3) Any package or container of any type of Babcock, Bonjour, Cardinal, Dixired, Early Coronet, Early Royal May, Firecrest, First Lady, Flavorcrest, JJK–1, June Lady, May Lady, Merrill Gemfree, Royal May, Springcrest, Royal Crest, May Crest, or Tizz variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 84 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (3) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 79 peaches.

(4) Any package or container of Coronet, Indian Red, Merrill Gem, Redhaven, Redtop, or Regina variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (4) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

(5) Any package or container of Angelus, Autumn Gem, Bella Rosa, Belmont, Cal Red, Carnival, Early Fairtime, Early O'Henry, Elegant Lady, Fairtime, Fay Elberta, Fayette, Fiesta, Fire Red, Flamecrest, Fortyniner, Franciscan, Gem Crest, Halloween, Jody Gaye, July Elberta (Early Elberta, Kim Elberta, and Socala), July Lady, Kearney, Mardigras, Merricle, O'Henry, Otani, Pacifica, Parade, Paradise, Preuss Suncrest, Red Cal, Redglobe, Red Lady, Regular Elberta, Rio Oso Gem, Scarlet Lady, Sparkle, Summerset, Summertime, Suncrest, Sun Lady, Toreador, Treasure, or Windsor variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (5) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 64 peaches.

(b) On and after August 16, 1981, except as otherwise noted in paragraph (c) of this section, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), or (5) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the box; or

(2) Such peaches in any container when packed other than as specified in subparagraph (1) of this paragraph (b) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 96 peaches.

(c) During July 3 through October 31, of each fiscal period, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), or (5) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(2) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(3) Such peaches in any container when packed other than as specified in subparagraphs (1) or (2) of this paragraph (c) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

(d) As used herein, "U.S. No. 1" and "standard pack" mean the same as defined in the United States Standards for Peaches (7 CFR 2851.1210–1223); and "No. 22D standard lug box" and "No. 12B standard fruit (peach) box" mean the same as defined in Section 1380.19(18) of the "Regulations of the California Department of Food and Agriculture."

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

Dated: July 22, 1981 to become effective August 16, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-21813 Filed 7-24-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 917

[Plum Regulation 19]

Fresh Pears, Plums, and Peaches Grown in California; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade and size requirements for shipments of specified varieties of fresh California plums. Such action is designed to promote orderly marketing of suitable quality and sizes of fresh California plums in the interest of producers and consumers.

DATE: Effective on and after August 16, 1981.

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

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

An interim rule was published in the Federal Register on June 5, 1981 (46 FR

30077) which specified grade and size requirements applicable to shipments of specified varieties of fresh California plums through August 15, 1981. That rule provided an opportunity to file comments through July 6, 1981. No comments were received. This final rule contains the same requirements as specified in the interim rule.

This regulation is issued under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Plum Commodity Committee, established under the order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

Under the terms of the regulation the grade and size requirements would be effective on and after August 16, 1981. Although the regulation would be effective for an indefinite period, the committee would continue to meet prior to each season and consider recommendations for continuation, modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether continuation, modification, suspension, or termination of regulation of shipments of California plums would tend to effectuate the declared policy of the act.

The committee has adopted a marketing policy for the 1981–82 season California plum crop, in which it estimates that this season fresh shipments of California plums will total 12.6 million packages, compared with actual shipments of 11.3 million packages last season. More than adequate supplies of California plums should be available to meet fresh market demand during the 1981–82 season.

The grade and size requirements are necessary to prevent the shipment of California plums of a lower grade or smaller size than specified and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to postpone the effective date of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) shipment of the current crop of plums is now underway and this regulation should be applicable to all shipments during the season; (2) an interim rule was published in the **Federal Register** (46 FR 30077) and no comments were received during the period provided; (3) the California plum regulation was recommended by the committee following discussion at a public meeting; (4) California plum handlers have been apprised of these requirements and the effective date; and (5) the requirements are the same as those currently in effect.

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

Therefore, a new § 917.460 is added under a new subpart heading *Grade and Size Regulation* to read as follows:

§ 917.460 Plum Regulation 19.

(a) On and after August 16, 1981, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(b) On and after August 16, 1981, no handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(2) Any lot of packages or containers of Autumn Queen, Casselman, Empress, Freedom (42–26), Grand Rosa, Improved Late Santa Rosa, King David, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, SW–1, and Swall Rosa plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(c) On and after August 16, 1981, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

TABLE I

Column A, variety	Column B, plums-per-sample
Ace	55
Amazon	64
Andys Pride	69
Angeleno	67
Autumn Rosa	72
Beauty	91
Bee Gee	65
Black Beaut	74
Black Knight	58
Burmosa	60
Casselman	63
Durado	74
Ebony	66
El Dorado	68
Elephant Heart	53
Empress	57
Freedom (42-26)	56
Fresno Rosa	62
Friar	56
Frontier	61
Gar-Rosa	71
Golden Glow	60
Grand Rosa	54
July Santa Rosa	69
Kelsey	47
King David	50
King's Black	58
Laroda	58
Late Santa Rosa (including Improved Late Santa Rosa and Swall Rosa)	64
Linda Rosa	63
Mariposa	61
Midsummer	63
Nubiana	56
President	57
Queen Ann	50
Queen Rosa	53
Red Beaut	74
Red Rosa	64
Redroy	58
Rosa Ann	69
Rosa Grande	63
Rose Ann	60
Royal Red	74
Roysum	74
Santa Rosa	69
Simka, Arrosa, New Yorker	50
Standard	83
Tragedy	114
Wickson	51

(d) When used herein, "U.S. No. 1" and "serious damage" shall have the

same meaning as set forth in the United States Standards for Fresh Plums and Prunes (7 CFR 2851.1520–1538).

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

Dated, July 22, 1981, to become effective August 16, 1981.

D. S. Kuryloski,

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

[FR Doc. 81–21812 Filed 7–24–81; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 958

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Onion Handling Regulation 958.326; Onion Import Regulation 980.117

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule.

SUMMARY: This interim regulation requires fresh market shipments of onions grown in certain designated counties in Idaho and Malheur County, Oregon, to be inspected and meet minimum quality and size requirements. The regulation is designed to promote orderly marketing of such onions and keep less desirable qualities and sizes from being shipped to consumers.

DATE: Interim rule effective August 1, 1981; comments which are received by August 11, 1981 will be considered.

ADDRESS: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Draft Impact Analysis relating to this rule is available on request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulate the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Idaho-Eastern Oregon Onion Committee, established under the order, is responsible for its local administration.

This action is based upon unanimous recommendations made by the committee at its public meeting in Ontario, Oregon, on June 24, 1981. It is hereby found that this action will tend to effectuate the declared policy of the act. The recommendations of the committee reflect its appraisal of the composition of the 1981 crop of Idaho-Eastern Oregon onions and the marketing prospects for this season and are consistent with the marketing policy it adopted. Harvesting of onions is expected to begin about August 1.

The grade, size, pack, maturity and inspection requirements specified herein are necessary to prevent onions of low quality or less desirable sizes from being distributed in fresh market channels. They should also provide consumers with good quality onions consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments are allowed to certain special purpose outlets without regard to the grade, size, maturity, pack and inspection requirements, provided that safeguards are met to prevent such onions from reaching unauthorized outlets.

Special purpose shipments are allowed for planting, livestock feed, charity, dehydration, extraction and pickling since such shipments do not normally enter the commercial fresh market channels and no useful purpose would be served by regulating such shipments. Onions for canning and freezing are exempt under the legislative authority for this part.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) shipment of the current crop of onions is expected to begin August 1 and this regulation should be applicable to all shipments during the season; (2) the Idaho-Malheur County, Oregon, onion regulation (45 FR 52141) expired April 30, 1981; (3) the regulation was recommended by the committee following discussion at a public meeting; (4) Idaho-Malheur County, Oregon, onion handlers have been apprised of these requirements and the effective date; and (5) the requirements are essentially the same as those in effect during past seasons; (6) the onion import requirements are mandatory under § 8e of the act, and they should become effective on the date specified; (7) the grade, size, and maturity requirements for imported onions are the same as those for Idaho-Malheur County, Oregon; and (8) at least three days notice of the import requirements is provided, the minimum prescribed by § 8e of the act.

Therefore, a new § 958.326 is added as follows: (§ 958.326 expires October 15, 1981, and will not be published in the annual Code of Federal Regulations.)

§ 958.326 Handling regulation.

During the period August 1, 1981, through October 15, 1981, no person may handle any lot of onions, except braided red onions, unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c) and (d) or (e) of this section.

(a) *Grade and size requirements.* (1) *White varieties.* Shall be either:

(i) U.S. No. 2, 1 inch minimum to 2 inches maximum diameter; or

(ii) U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, and at least 1⅛ inches minimum diameter; or

(iii) U.S. No. 1, at least 1½ inches minimum diameter. However, none of these three categories of onions may be commingled in the same bag or other container.

(2) *Red varieties.* U.S. No. 2 or better grade, at least 1½ inches minimum diameter.

(3) *All other varieties.* Shall be either:

(i) U.S. No. 2 grade, at least 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality; or

(ii) U.S. No. 1, 1½ inches minimum to 2¼ inches maximum diameter; or

(iii) U.S. No. 1, at least 2¼ inches minimum diameter. However, none of these three categories of onions may be commingled in the same bag or other container.

(b) *Inspection.* No handler may handle any onions regulated hereunder unless such onions are inspected by the

Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraphs (c) or (e) of this section.

(c) *Special Purpose shipments.* The minimum grade, size, maturity and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting; (2) livestock feed; (3) charity; (4) dehydration; (5) canning; (6) freezing; (7) extraction; and (8) pickling.

(d) *Safeguards.* Each handler making shipments of onions for dehydration, canning, freezing, extraction or pickling pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office may be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, one ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size and maturity requirements of this section. This exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(f) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning as defined in the United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types), as amended (7 CFR 2851.2830–2851.2854), or the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 2851.3195–2851.3209), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "braided red onions" means onions of red varieties with tops braided (interlaced). The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

(g) *Applicability to imports.* Pursuant to section 8e of the act and § 980.117 *"Import regulations; onions"* (43 FR 5499); onions imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in the introductory paragraph and paragraph (a) of this section.

(h) *Forms.* Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

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

Dated July 21, 1981 to become effective August 1, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-21815 Filed 7-24-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 989

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changes the weight dockage system for immature raisins to make the system more precise. The weight dockage system is authorized by the Federal marketing order which regulates the handling of California raisins.

EFFECTIVE DATE: July 27, 1981.

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been determined to be a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 19 handlers.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. The forms shall not become effective until such time as OMB clearance has been obtained.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) The 1981–82 crop year begins August 1, 1981, and this action should be effective by the time new crop deliveries from producers to handlers begin; (2) handlers have been using a dockage system for several years in acquiring raisins and need no additional preparation time to conduct their operations under it; and (3) this action imposes no restrictions on handlers.

Notice of this action was published in the **Federal Register** on June 25, 1981 (46 FR 32872). In that notice, interested persons were given the opportunity to submit written comments until July 10, 1981. None was received.

This action would change § 989.210(g) of Subpart—Supplementary Regulations (7 CFR 989.210–989.233; 45 FR 75164). This subpart is issued under the marketing agreement and Order No. 989, both as amended (7 CFR 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon a recommendation of the Raisin Administrative Committee. The Committee works with the Department in administering the order.

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

substandard (immature) raisins needed to be removed from the lot in order for the balance to meet grade requirements.

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

It should result also in more equitable returns to producers. Currently, a producer delivering an 100-ton lot of raisins under the dockage system determined to have 8.1 percent substandard (immature) raisins would obtain the same creditable weight of 99.5 tons as a producer delivering an 100-ton lot with 8.5 percent substandard (immature) raisins. Under this action, the first producer's creditable weight would be 99.9 tons while the second producer's creditable weight would be 99.5 tons. Thus, the first producer would be rewarded for delivering better quality raisins and receive a little higher return. However, the increase would not be enough to cause higher prices to the trade and consumers.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is further found that this action would tend to effectuate the declared policy of the act.

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

§ 989.210 Handling of Natural (sun-dried) Seedless, Golden Seedless, Dipped and Related Seedless raisins acquired pursuant to a weight dockage system.

* * * * *

(g) Dockage Table.

Percent substandard	Dockage factor
8.0 or less	[1]
8.1	.999
8.2	.998
8.3	.997
8.4	.996
8.5	.995
8.6	.994
8.7	.993
8.8	.992
8.9	.991
9.0	.990
9.1	.989
9.2	.988
9.3	.987
9.4	.986
9.5	.985
9.6	.984
9.7	.983
9.8	.982
9.9	.981
10.0	.980

[1] No dockage.

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

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

Dated: July 21, 1981.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 81-21818 Filed 7-24-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-38-AD; Amdt. 39-4176]

Airworthiness Directives: Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amends an existing Airworthiness Directive which requires inspection and replacement as required of the engine strut rear diagonal brace forward attach pins. This amendment reduces the visual inspection interval. It is necessary because service experience has shown that cracks may develop more quickly than was known at the time the AD was originally issued.

DATE: Effective date August 5, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mr. William M. Perrella, Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTAL INFORMATION:

Since issuance of AD 79-22-03, Amendment 39-3598, which requires inspection of the forward fuse pins, located in the rear diagonal brace of the inboard nacelle struts, at intervals of 1,200 landings, a fractured pin was found by one operator after 541 landings since the last visual inspection. The threshold and repetitive visual inspection intervals are therefore reduced by this amendment.

Since this condition is likely to exist or develop on other 747 airplanes of the same type design, this AD requires an improved inspection program. Further, since a situation exists for the 747 that requires immediate adoption of this regulation, it is found that notice and public procedure for that portion of the regulation are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 79-22-03 (Amendment 39-3598; 44 FR 61935 dated October 29, 1979) as amended by Amendment 39-3634 (44 FR 70712 dated November 28, 1979) as amended by Amendment 39-4001 (46 FR 15 dated January 2, 1981) as follows:

A. Revise Compliance required to read as follows:

"Compliance required as indicated unless already accomplished. To prevent failure of the inboard pylon diagonal brace forward fuse pins, accomplish the following."

B. Revise paragraph A to read as follows:

"A. Inspect the forward fuse pins located in the rear diagonal brace of the inboard nacelle struts in accordance with either method 1 or 2 below:

1. Within 100 landings after the effective date of this AD unless already accomplished within the last 250 landings, (do not exceed 1200 landings from the previous inspection as permitted by Amendment 39-3598), remove the retainer bolt and end caps from the fuse pins Part Numbers 65B94182-3, 69B90410-1, -3, -4, -600, and 69B89612-3. Visually inspect the fuse pins for cracks in the machined shear section in accordance with Boeing Service Bulletin /4/-54-2066, initial release, or later FAA approved revision.

2. Within 100 landings after the effective date of this AD unless already accomplished within the last 1100 landings, (do not exceed 1200 landings from the previous inspection) remove the retainer bolt and end caps from the fuse pins Part Numbers 65B94182-3, 69B904010-1, -3, -4, -600, and 69B89612-3. Ultrasonically inspect fuse pins for cracks in the machined shear section in accordance with Boeing Service Bulletin 747-54-2066, initial release or later FAA approved revision."

C. Revise paragraph D to read as follows:

"D. Repeat the above inspection at intervals not to exceed 350 landings if the previous inspection was visual per paragraph

A.1., or at intervals not to exceed 1200 landings if the previous inspection was ultrasonic per paragraph A.2."

D. Add a new paragraph G to read as follows:

"G. Alternate inspection methods may be used if approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 E. Marginal Way South, Seattle, Washington 98108.

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

This Amendment becomes effective August 5, 1981.

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

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

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

Issued in Seattle, Washington, on July 16, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-21808 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-GL-9-AD; Amdt. 39-4173]

Airworthiness Directives; Slick Electro, Inc., Magneto Models 4201, 4230, 4251, 4252, 4281, 4250, 4216, 6210, and 6214 (Includes all Model R Versions)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection of Slick Electro, Inc., magneto coils for cracks and replacement if necessary. The AD is needed to prevent failure of magneto coils (shorting) which could result in loss of engine power, if both magnetos became inoperative. The AD is prompted by service reports indicating the possibility of other cracked coils in service.

DATES: Effective July 30, 1981.

Compliance required within the next 25 hours time in service after the effective date of this AD.

Comments related to this amendment must be received on or before July 30, 1981. Depending on comments received, the requirements of this amendment may be modified.

ADDRESSES: Send comments in duplicate to Office of Regional Counsel, Federal Aviation Administration, Attention: Rules Docket (AGL-7), Docket No. 81-GL-9-AD, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The applicable Service Bulletin may be obtained from: Slick Electro, Inc., 530 Blackhawk Park Avenue, Rockford, Illinois 61101, Phone 815/965-7704.

A copy of the service information is contained in the Rules Docket, Room 415, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Mr. Norm Martenson, Engineering and Manufacturing Branch, AGL-210, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, phone 312/694-7426.

SUPPLEMENTARY INFORMATION: The FAA Service Difficulty Program data shows an increasing trend of reported problems with Slick Electro, Inc. magneto coils. The manufacturer has also indicated that a situation exists in a certain group of coils, which includes those reported to the FAA as failed, that could facilitate cracking of the coil potting compound and subsequent shorting failure. The manufacturer has issued Service Bulletin 1-81 revised June 29, 1981, outlining affected coils and inspections necessary to locate cracked magneto coils. Since the consequences of failed magneto coils may include engine failure and subsequent forced landing an AD is being issued to require inspection of magneto coils and replacement if necessary.

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

Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus, was not preceded by notice and public comment, comments are now invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule.

Adoption of Amendment

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

SLICK ELECTRO, INC.

Applies to the following Slick Magneto models and serial numbers:

Magneto Model Numbers [1]

4250, 4250R	4281, 4281R
4230, 4230R	4216, 4216R
4201, 4201R	6210, 6210R
4251, 4251R	6214, 6214R
4252, 4252R	

[1] All 4200 series magnetos use Slick Coil part number M-3114; all 6200 series magnetos use Slick Coil part number M-3009

Serial Numbers [2]

8100000-8109999	9080000-9089999
8110000-8119999	9090000-9099999
8120000-8129999	9100000-9109999
9010000-9019999	9110000-9119999
9020000-9029999	9120000-9129999
9030000-9039999	0010000-0019999
9040000-9049999	0020000-0029999
9050000-9059999	0030000-0039999
9060000-9069999	0040000-0049999
9070000-9079999	

[2] Year and month of manufacture is given by first three numbers of serial number; for example 9032576 was manufactured March 1979.

The above magneto models are installed on, but not limited to, the following engines:

Teledyne-Continental

A-65	IO-360
A-75	TSIO-360
C-75	O-470
C-85	IO-470
C-90	IO-520
O-200	TSIO-520

Lycoming

O-235-C2C	O-320-D2G
O-235-H2C	O-320-D2J
O-235-K2C	O-320-D3G
O-235-L2C	O-320-E1J
O-320-A2D	O-320-E2D
O-320-D1D	O-320-E2G

O-320-E3D	O-360-C1F
AEIO-320-E1B	O-360-C2E
AEIO-320-E2B	O-360-F1A6
O-360-A4K	AEIO-360-B1G6
O-360-A4M	AEIO-360-H1A
O-360-C1E	

To prevent magneto failure due to cracked coil, accomplish the following within the next 25 hours time in service after the effective date of this AD unless already accomplished:

A. Remove magneto and visually inspect coil for cracks in accordance with Slick Electro, Inc. Service Bulletin No. 1–81 revised June 29, 1981.

B. Replace cracked coils and coils with less than 250 hours time in service with serviceable coils manufactured prior to October 1, 1978, or subsequent to April 30, 1980. The date of manufacture is stamped on each coil.

C. Accomplishment of this AD should be indicated by stamping the letter "C" into the metal name plate following the last digit of the magneto serial number, as well as the appropriate logbook entry.

Alternate methods of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA Great Lakes Region.

This amendment becomes effective July 30, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1364(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact". In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have a significant impact on a substantial number of small entities. This determination is based on the minimal costs associated with the required inspections. This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Illinois on July 16, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-21805 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-7]

Revocation of VOR Alternate Airways and Designation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes a segment of VOR Federal Airways V–12N and V–12S between Tucumcari, N. Mex., and Gage, Okla., and designates new VOR Federal Airways V–390 and V–402 between Tucumcari and Gage. This action responds to our commitment to eliminte alternate airway designations.

EFFECTIVE DATE: October 1, 1981.

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

SUPPLEMENTARY INFORMATION:

History

On April 23, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke a segment of VOR Federal Airways V–12N and V–12S between Tucumcari, N. Mex., and Gage, Okla., and designate new VOR Federal Airways V–390 and V–402 between Tucumcari and Gage (46 FR 23068). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) revokes segments of V–12N and V–12S in the vicinity of Tucumcari, N. Mex., and designates new VOR Federal Airways V–390 and V–402 between Tucumcari, N. Mex., and Gage, Okla. This supports the policy of eliminating alternate airways, aids flight planning, and reduces chart clutter.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) and amended (46 FR 11951), is further amended, effective 0901 GMT, October 1, 1981, as follows:

§ 71.123 [Amended]

1. By amending the description of V–12 by deleting the words—

Tucumcari, N. Mex.; Amarillo, Tex., including a south alternate and also a north alternate via INT Tucumcari 071° and Amarillo 286° radials; Gage, Okla., including a north alternate from Amarillo to Gage via Borger, Tex., and INT Borger 061° and Gage 249° radials, and also a south alternate via INT Amarillo 072° and Gage 215° radials; Anthony, Kans.;

and substituting for them the words—

Tucumcari, N. Mex.; Amarillo, Tex.; Gage, Okla.; Anthony, Kans.;

2. By adding two new airways V–390 and V–402 to read as follows:

V–390 From Tucumcari, N. Mex., via Borger, Tex.; INT Borger 061° and Gage, Okla., 249° radials to Gage.

V–402 From Tucumcari, N. Mex., via INT Tucumcari 101° and Amarillo 252° radials; Amarillo; INT Amarillo 072° and Gage, Okla., 214° radials; to Gage.

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

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

Issued in Washington, D.C., on July 16, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-21810 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 81-AWA-8]

Recision of Prohibited Area P-65, Pacific Palisades, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment rescinds the prohibited area at Pacific Palisades, Calif. The U.S. Secret Service has

determined that the area is no longer required. This action restores previously restricted airspace to public use.

EFFECTIVE DATE: July 27, 1981.

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

The Rule

This amendment to Part 73, Subpart C, of the Federal Aviation Regulations (14 CFR Part 73) cancels the prohibited area at Pacific Palisades, Calif. Because this action restores previously restricted airspace to public use, I find that notice and public procedure are unnecessary and good cause exists for making this amendment effective in less than 30 days after publication. Part 73, Subpart C, was republished on January 2, 1981 (46 FR 832). Section 73.93 was added on January 20, 1981 (46 FR 3499).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.93 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 3499), is amended, effective 0901 G.m.t., July 27, 1981, by deleting the title and text of P-65 Pacific Palisades, Calif.

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

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

Issued in Washington, D.C., on July 21, 1981.

B. Keith Potts,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-21839 Filed 7-24-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 21983; Amdt. No. 1195]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:
1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

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

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

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

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

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

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated

at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

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

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

** * * Effective October 1, 1981*

Utica, NY—Oneida County, VOR/DME Rwy 33, Amdt. 3
Mt. Gilead, OH—Morrow County, VOR-A, Original
Norwalk, OH—Huron County-City of Norwalk, VOR-A, Original

** * * Effective September 17, 1981*

Danville, IL—Vermilion County, VOR Rwy 21, Amdt. 9
Danville, IL—Vermilion County, VOR/DME Rwy 3, Amdt. 7
Dayton, OH—Dayton General Arpt South, VOR Rwy 20, Amdt. 5
Dayton, OH—Dayton General Arpt South, VOR-A, Amdt. 9

** * * Effective September 3, 1981*

San Diego, CA—Montgomery Field, VOR/DME-C, Amdt. 3
Venice, FL—Venice Muni., VOR/DME-A, Amdt. 2
Bainbridge, GA—Decatur County Industrial Airpark, VOR-A, Original
La Grange, GA—Callaway, VOR Rwy 13, Amdt. 12
Monmouth, IL—Monmouth Municipal, VOR-A, Amdt. 1
Alpena, MI—Phelps-Collins, VOR Rwy 18, Amdt. 11
Lansing, MI—Capital City, VOR Rwy 6, Amdt. 18
Lansing, MI—Capital City, VOR Rwy 24, Amdt. 4
Havre, MT—Havre City-County, VOR Rwy 25, Amdt. 6
Fulton, NY—Oswego County, VOR Rwy 33, Amdt. 3
Toughkenamon, PA—New Garden Flying Field, VOR Rwy 24, Amdt. 3
Charleston, SC—Charleston AFB/International, VOR/DME or TACAN Rwy 33, Amdt. 9
Dallas, TX—Addison, VOR-A, Amdt. 1
San Angelo, TX—Mathis Field, VOR Rwy 21, Amdt. 12
Ravenswood, WV—Jackson County, VOR/DME Rwy, 3, Original
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 13, Amdt. 15
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 18, Amdt. 14
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 31, Amdt. 15

** * * Effective July 12, 1981*

Los Angeles, CA—Los Angeles Intl, VOR or TACAN Rwy 7R, Amdt. 15
Los Angeles, CA—Los Angeles Intl, VOR or TACAN Rwy 25L, Amdt. 11

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

** * * Effective October 1, 1981*

Milwaukee, WI—General Mitchell Field, LOC Rwy 25L, Amdt. 5

** * * Effective September 3, 1981*

Atlanta, GA—The William B. Hartsfield Atlanta Intl, LOC BC Rwy 9R, Amdt. 6
Gainesville, GA—Lee Gilmer Memorial LOC Rwy 4, Original
San Angelo, TX—Mathis Field, LOC BC Rwy 21, Amdt. 9

** * * Effective August 6, 1981*

Newport, RI—Newport State, LOC Rwy 22, Original

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

** * * Effective October 1, 1981 **

Utica, NY—Oneida County, NDB Rwy 15, Amdt. 9
Utica, NY—Oneida County, NDB Rwy 33, Amdt. 11
Sioux Falls, SD—Joe Foss Field, NDB Rwy 3, Amdt. 19
Milwaukee, WI—General Mitchell Field, NDB Rwy 1L, Amdt. 2, cancelled
Milwaukee, WI—General Mitchell Field, NDB Rwy 1L/R, Original
Milwaukee, WI—General Mitchell Field, NDB Rwy 7R, Amdt. 7

** * * Effective September 17, 1981*

Renton, WA—Renton Muni, NDB Rwy 15, Original

** * * Effective September 3, 1981*

San Diego, CA—Montgomery Field, NDB Rwy 28R, Original
Americus, GA—Souther Field, NDB Rwy 22, Amdt. 5
Atlanta, GA—The William B. Hartsfield Atlanta Intl, NDB Rwy 27R, Amdt. 4
Gainesville, GA—Lee Gilmer Memorial, NDB Rwy 4, Original
Gainesville, GA—Lee Gilmer Memorial, NDB Rwy 4, Amdt. 4 cancelled
Decorah, IA—Decorah Muni, NDB Rwy 29, Amdt. 6
Lansing, MI—Capital City, NDB Rwy 27L, Amdt. 19
Tulsa, OK—Tulsa Intl, NDB Rwy 17L, Amdt. 6
Tulsa, OK—Tulsa Intl, NDB Rwy 35L, Amdt. 17
Alpine, TX—Alpine Muni, NDB Rwy 19, Amdt. 2
Dallas, TX—Addison, NDB Rwy 15, Amdt. 1
San Angelo, TX—Mathis Field, NDB Rwy 3, Amdt. 11
Madison, WI—Dane County Regional/Truax Field, NDB Rwy 36, Amdt. 23

** * * Effective July 14, 1981*

Yap, Caroline IS—Yap, NDB Rwy 7, Amdt. 2

** * * Effective July 7, 1981*

Lake Jackson, TX—Brazoria County, NDB Rwy 17, Amdt. 2

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

** * * Effective October 1, 1981*

Utica, NY—Oneida County, ILS Rwy 15, Amdt. 3
Utica, NY—Oneida County, ILS Rwy 33, Amdt. 13
Sioux Falls, SD—Jos Foss Field, ILS Rwy 3, Amdt. 22
Sioux Falls, SD—Jos Foss Field, ILS Rwy 21, Amdt. 3
Milwaukee, WI—General Mitchell Field, ILS Rwy 1L, Amdt. 3
Milwaukee, WI—General Mitchell Field, ILS Rwy 7R, Amdt. 10
Milwaukee, WI—General Mitchell Field, ILS Rwy 19R, Amdt. 5

** * * Effective September 17, 1981*

Danville, IL—Vermilion County, ILS Rwy 21, Amdt. 1

** * * Effective September 3, 1981*

San Diego, CA—Montgomery Field, ILS Rwy 28R, Amdt. 1
Atlanta, GA—The William B. Hartsfield Atlanta Intl, ILS Rwy 27L, Amdt. 9
Alpena, MI—Phelps-Collins, ILS Rwy 36, Amdt. 5
Lansing, MI—Capital City, ILS Rwy 27L, Amdt. 20
Dayton, OH—James M. Cox Dayton International, ILS Rwy 24R, Amdt. 2
Tulsa, OK—Tulsa Intl, ILS Rwy 17L, Amdt. 7
Tulsa, OK—Tulsa Intl, ILS Rwy 35R, Amdt. 26
Erie, PA—Erie Intl, ILS Rwy 24, Amdt. 3
Charleston, SC—Charleston AFB/International, ILS Rwy 33, Amdt. 2
Pierre, SD—Pierre Muni, ILS Rwy 31, Amdt. 5
Dallas, TX—Addison, ILS Rwy 15, Amdt. 4
San Angelo, TX—Mathis Field, ILS Rwy 3, Amdt. 16
Madison, WI—Dane County Regional/Truax Field, ILS Rwy 18, Amdt. 2
Madison, WI—Dane County Regional/Truax Field, ILS Rwy 36, Amdt. 24

** * * Effective August 6, 1981*

Newburgh, NY—Stewart, ILS Rwy 9, Amdt. 3

** * * Effective July 14, 1981*

Pittsburgh, PA—Greater Pittsburgh Intl, ILS Rwy 32, Amdt. 3

** * * Effective July 12, 1981*

Los Angeles, CA—Los Angeles Intl, ILS Rwy 6L, Amdt. 3
Los Angeles, CA—Los Angeles Intl, ILS Rwy 6R, Amdt. 9
Los Angeles, CA—Los Angeles Intl, ILS Rwy 7L, Amdt. 15, cancelled
Los Angeles, CA—Los Angeles Intl, ILS Rwy 7R, Amdt. 2
Los Angeles, CA—Los Angeles Intl, ILS Rwy 24L, Amdt. 14

Los Angeles, CA—Los Angeles Intl, ILS Rwy 24R, Amdt. 15
Los Angeles, CA—Los Angeles Intl, ILS Rwy 25L, Amdt. 15
Los Angeles, CA—Los Angeles Intl, ILS Rwy 25R, Amdt. 14, cancelled

** * * Effective July 9, 1981*

Bluefield, WV—Mercer County, ILS Rwy 23, Amdt. 5

** * * Effective July 7, 1981*

Lake Jackson, TX—Brazoria County, ILS Rwy 17, Amdt. 2

** * * Effective July 1, 1981*

Charlotte Amalie, St. Thomas, VI—Harry S. Truman, ILS Rwy 9, Amdt. 5

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

** * * Effective September 17, 1981*

Renton, WA—Renton Muni, RADAR-1, Amdt. 3

** * * Effective September 3, 1981*

Denver, CO—Stapleton Intl, RADAR-1, Amdt. 16
Tulsa, OK—Tulsa Intl, RADAR-1, Amdt. 14

** * * Effective July 14, 1981*

Pittsburgh, PA—Greater Pittsburgh Intl, RADAR-1, Amdt. 20

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

** * * Effective September 17, 1981*

Danville, IL—Vermilion County, RNAV Rwy 34, Original
Renton, WA—Renton Muni, RNAV Rwy 33, Amdt. 4

** * * Effective September 3, 1981*

Columbus, IN—Columbus Bakalar Muni, RNAV Rwy 22, Amdt. 5
Decorah, IA—Decorah Muni, RNAV Rwy 29, Original
St. Mary's, PA—St. Mary's Muni, RNAV Rwy 10, Amdt. 2
St. Mary's, PA—St. Mary's Muni, RNAV Rwy 28, Amdt. 2
Dallas, TX—Addison, RNAV Rwy 33, Amdt. 1
San Angelo, TX—Mathis Field, RNAV Rwy 18, Amdt. 2
San Angelo, TX—Mathis Field, RNAV Rwy 36, Amdt. 2

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

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Issued in Washington, D.C. on July 17, 1981.

John S. Kern,

Chief, Aircraft Programs Division.

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

[FR Doc. 81-21808 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 377

Petroleum Product Short Supply Export Control Regulations; Amendments to Supplements 2 and 3 of Part 377; Correction

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

ACTION: Final rule.

SUMMARY: This rule corrects errors contained in the revision of petroleum product short supply export control regulations, which was published on June 23, 1981 (46 FR 32431-32435). The revision of Group Q commodities in Supplement No. 2 to Part 377 omitted certain entries; this rule includes all entries in Group Q, and also deletes outdated information in a footnote. In addition, outdated information in a footnote and in a column heading in Supplement 3 to Part 377 is deleted.

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

Dated: July 21, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

Accordingly, the Office of Export Adminstration is correcting 15 CFR Part 377 as follows:

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

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

* * * * * * *

Schedule B No.[1]	Commodity description [2]	Unit of quantity [3]
	Petroleum Products Subject to Provisions of Either § 371.16 or § 377.6(d)(6)	
	GROUP Q:	
401.0110	Benzene	Gallon.
401.0120	Toluene	Do.
401.0132	Ortho-xylene	Do.
401.0134	Para-xylene	Do.
401.0139	Other xylene	Do.
415.2400	Helium	1,100 ft [3].
415.2900	Hydrogen	X.
417.2000	Ammonia, aqueous	Cnt. ton.
423.1010	Carbon dioxide and carbon monoxide	X.
431.0210	Butadiene	Pound.
431.0220	Butylene	Do.
431.0230	Ethylene	Do.
431.0240	Isoprene	Do.
431.0250	Propylene	Do.
431.0260	Tetrapropylene	Do.
431.0290	Acetylene	Do.
431.0290, 475.2520, 475.2560.	High purity hydrocarbons and blends of hydrocarbons used for engine calibration, fuel certification and other laboratory applications in quantities of 10,000 gallons or less. [4].	Do.
475.1515	Ethane with a minimum purity of 95 liquid volume percent	Barrel.
475.3500	Specialty naphthas, mineral spirits, solvents and other finished light petroleum products, n.s.p.f., which are packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container.	Do.
475.4000	Mineral oil of medicinal grade derived from petroleum, shale oil or both	Do.
475.4100	Hydraulic fluids, including automatic transmission fluids	Do.
475.4510	Aviation engine lubricating oil, except jet engine lubricating oil	Do.
475.4515	Jet engine lubricating oil	Do.
475.4520	Automotive, diesel and marine engine lubricating oil	Do.
475.4525	Turbine lubricating oil, including marine	Do.
475.4530	Automotive gear oils	Do.
475.4550	Steam cylinder oils	Do.
475.4555	Insulating or transformer oils	Do.
475.4560	Quenching or cutting oils	Do.
475.4565	Other petroleum lubricating oils, including red and pale oils, bright stock, black oils, white mineral oils, and lubricants, n.s.p.f.	Do.
475.4580	Lubricating oils, n.s.p.f., except white mineral oil	Do.
475.5700	Greases	Pound.
475.6740	Petroleum jelly and petrolatum, all grades	Do.
475.6750	White mineral oil, except medicinal grade	Barrel.
475.6781	Other non-lubricating and non-fuel petroleum oils	X.
480.6540	Ammonia, anhydrous	Short ton.

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

Schedule B No.[1]	Commodity description [2]	Unit of quantity [3]
492.5210	Paraffin wax, crystalline, fully refined	Pound.
492.5220	Paraffin wax, crystalline, except fully refined	Do.
492.5240	Paraffin wax, all others (including micro-crystalline wax)	Do.
517.5120	Petroleum coke, calcined	Short ton.
521.3150	Petroleum coke, except calcined	Do.

[1] Schedule B Numbers are provided only as a guide to proper completion of the shipper's Export Declaration, Form No. 7525V.
[2] Commodity description determines the product under control.
[3] Report commodities in units of quantity indicated.
[4] Such as for reference standards, certified iso-octane, certified normal heptane, or certified fuels used for emission control standards tests, and for comparative laboratory testing.

2. Supplement No. 3 to Part 377 is amended as follows:

(a) The column heading "Old Schedule B Number" is deleted, and the numbered entries of that column are deleted.

(b) The last sentence of footnote 2 is revised to read as follows:

[2] * * * Commodity description, rather than Schedule B Number, determines the commodity included in the definition of "Petroleum" under the Naval Petroleum Reserves Production Act.

[FR Doc. 81-21835 Filed 7-24-81; 8:45 am]

BILLING CODE 3510-25-M

15 CFR Parts 368, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 385, and 399

Commodity Control List and Commodity Interpretations; Technical Amendments

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

ACTION: Final rule.

SUMMARY: The Commodity Control List (CCL) of the *Export Administration Regulations* includes all commodities subject to export controls except those specifically controlled by another department or agency of the U.S. Government. The Commodity Interpretations of the Regulations are used by exporters to determine the proper commodity classification and export license requirements.

Starting with the 1981 Code of Federal Regulations, the CCL and the Commodity Interpretations are printed in full; previously, they had been incorporated by reference. In the 1981 Code of Federal Regulations, the CCL has been designated as § 399.1. However, the format of the CCL differs significantly from that of the introductory text of § 399.1. Now that they are to be printed in full in the Code of Federal Regulations, the CCL is redesignated as Supplement No. 1 to § 399.1. The Commodity Interpretations have already been designated as Supplement No. 1 to § 399.2, but the references to them have not yet been changed. This document makes the appropriate reference changes. The introductory text of the CCL remains designated as § 399.1.

EFFECTIVE DATE: July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

1. In § 399.1, the Commodity Control List is redesignated as Supplement No. 1 to § 399.1.

2. The phrase "§ 399.1" is removed and, in its place, the phrase "Supplement No. 1 to § 399.1" is inserted in the following places:

(i) Section 368.1(a)(2)(i)(*a*) and footnote 1 to § 368.2(a)(9)(i);

(ii) The definition in § 370.2 of *Export Control Commodity Numbers*, § 370.6(a)(2)(i) and § 370.7(c)(2);

(iii) Section 371.3(b), § 371.4(a)(3), § 371.5(a)(1), § 371.6(a), § 371.15(c)(3), § 371.18(b)(1)(i) and § 371.22(c)(1);

(iv) Section 372.4(d), § 372.9(c) and *Item 7(a)* of Supplement No. 1 to Part 372;

(v) Section 373.2(c)(2)(iv)(*b*), § 373.3(d)(3)(ii)(*d*), § 373.3(i)(4) and § 373.7(d)(1)(iv)(*b*)(*4*);

(vi) *Item 8(a)* of Supplement No. 1 to Part 374;

(vii) Section 375.2(e)(2) and § 375.3(i)(1)(i);

(viii) Section 376.2(d)(3) and § 376.9(c)(4)(ii)(*c*);

(ix) Section 377.6(e)(6);

(x) Section 378.2(a);

(xi) Section 379.4(b)(2)(i) and § 379.5(e)(2)(iv); and

(xii) Section 385.6(c).

3. The phrase "§ 399.2" is removed and, in its place, the phrase "Supplement No. 1 to § 399.2" is inserted in the following places:

(i) Footnote 2 to the introductory paragraph of Supplement No. 2 to Part 370;

(ii) Footnote 1 to the title "Machinery, Equipment, and Parts" of § 376.7; and

(iii) The following entries on the Commodity Control List (Supplement No. 1 to § 399.1): 6191F, 6391F, 5399D, 6399G, 2406A, 1460A, 4460B, 6460F, footnote 3 to 1565A, 6598F, 6794F, 5799D, 6799G and 4998B.

(Sections 13 and 15 of the Export Administration Act of 1979, 93 Stat. 503, 50 U.S.C. app. § 2401, *et seq.* (Supp. III 1979); Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980))

Dated: July 21, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-21803 Filed 7-24-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 81-199]

Special Tonnage Tax and Light Money

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This rule amends the Customs Regulations by adding Papua New Guinea to the list of nations whose vessels are exempted from the payment of higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. Satisfactory evidence has been furnished by the Department of State that no discriminating duties of tonnage or import are imposed in ports of Papua New Guinea upon vessels belonging to citizens of the United States or on their cargoes.

EFFECTIVE DATE: The exemption became effective April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Harold Singer, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels which enter United States ports (46 U.S.C. 121, 128). However, vessels of a foreign nation may be exempted from the payment of special tonnage taxes and light money upon presentation of proof satisfactory to the President that no discriminatory duties of tonnage or imposts are imposed by that foreign nation on United States vessels or their cargoes (46 U.S.C. 141). The President has delegated the authority to grant this exemption to the Secretary of the Treasury. Section 4.22, Customs Regulations (19 CFR 4.22), lists those nations whose vessels have been exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

On April 3, 1981, the Department of State advised the Department of the Treasury that satisfactory evidence had been obtained from the Government of Papua New Guinea that no discriminating duties of tonnage or impost are imposed or levied in ports of that country upon vessels wholly belonging to citizens of the United States, or upon the produce, manufacturers, or merchandise imported into that country on United States vessels.

In its communication, the Department of State advised that no discriminating duties of tonnage or impost were imposed or levied upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into ports of the Papua New Guinea from April 3, 1981.

Declaration

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR, 1959-1963 Comp., Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 101-5 (46 FR 9336), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, in respect to vessels of Papua New Guinea, and the produce, manufactures, or merchandise imported into the United States in such vessels from Papua New Guinea or from any other foreign country.

This suspension and discontinuance shall take effect from April 3, 1981, in respect to vessels of Papua New Guinea, and shall continue only for so long as the reciprocal exemptions of vessels wholly belonging to citizens of the United States and their cargoes shall be continued.

Amendment to the Regulations

To reflect the reciprocal privileges granted to vessels registered in Papua New Guinea, the list in § 4.22, Customs Regulations (19 CFR 4.22), of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money, is amended by adding Papua New Guinea in appropriate alphabetical sequence.

(R.S. 251, as amended, 4219, as amended, 4255, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 5, 121, 128, 141))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely implements a statutory requirement and involves a matter in which the public is not particularly interested, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary. Further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d).

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of State and Treasury participated in its development.

Dated: June 8, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-21879 Filed 7-24-81; 8:45 am]

BILLING CODE 4810-22-M

19 CFR Part 10

[T.D. 81-198]

Supplies and Equipment for Aircraft

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to add Cuba to the list of countries whose aircraft are exempt from the payment of customs duties and internal-revenue taxes on supplies and equipment withdrawn from Customs or Internal Revenue custody for use by the aircraft in certain circumstances. It has been determined

that the Government of Cuba allows substantially reciprocal privileges to United States-registered aircraft engaged in foreign trade. Based on this determination, a reciprocal exemption from duties and taxes has been granted to aircraft registered in Cuba.

EFFECTIVE DATE: This exemption became effective on January 19, 1981.

FOR FURTHER INFORMATION CONTACT: Benjamin H. Mahoney, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5778).

SUPPLEMENTARY INFORMATION:

Background

Sections 309 and 317, Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317), provide that foreign-registered aircraft engaged in foreign trade may withdraw articles of foreign or domestic origin from Customs or Internal Revenue custody without the payment of customs duties and/or internal-revenue taxes, for use as supplies (including equipment), ground equipment, maintenance, or repair of the aircraft. This privilege is granted if the Secretary of Commerce finds, and advises the Secretary of the Treasury, that the country in which the foreign aircraft is registered allows substantially reciprocal privileges to United States-registered aircraft. Section 10.59(f), Customs Regulations (19 CFR 10.59(f)), lists those countries whose aircraft have been found to be entitled to these privileges.

In accordance with 19 U.S.C. 1309(d), the Assistant Secretary of Commerce for International Economic Policy, to whom the authority was delegated by the Secretary of Commerce (45 FR 11862, February 22, 1980), has found and by letter dated January 19, 1981, has advised the Secretary of the Treasury, that the Government of Cuba allows privileges substantially reciprocal for aircraft supplies to those provided in 19 U.S.C. 1309 and 1317 to United States-registered aircraft engaged in foreign trade. Corresponding privileges accordingly are extended to aircraft registered in Cuba and engaged in foreign trade, effective as of January 19, 1981.

Amendment to the Regulations

To reflect the granting of reciprocal privileges to aircraft of Cuba, § 10.59 (F), Customs Regulations (19 CFR 10.59(f)), is amended by inserting "Cuba" in appropriate alphabetical order in the column headed "Country," the number of this Treasury Decision in the opposite column headed "Treasury Decision(s)," and in the opposite column headed "Exemptions, if any, as noted-" add the words "Applicable only as to aircraft supplies."

(Secs. 309, 317, 624, 46 Stat. 690, as amended 696, as amended, 759 (19 U.S.C. 1309, 1317, 1624))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because the subject matter of this document does not constitute a departure from established policy or procedures but merely announces the granting of an exemption for which there is a statutory basis, pursuant to 5 U.S.C. 553 (b)(B)), notice and public procedures thereon are found to be unnecessary and pursuant to 5 U.S.C. 553 (d)(1), a delayed effective date is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a "major" regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Department of Commerce participated in its development.

Dated: June 22, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-21880 Filed 7-24-81; 10:35 am]

BILLING CODE 4810-22-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 52

Tribal Reorganization Under a Federal Statute

July 17, 1981.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Effective date for final rule.

SUMMARY: At the request of the Office of Management and Budget, the Bureau of Indian Affairs delayed the effective date of a revision of 25 CFR Part 52, Tribal Reorganization Under a Federal Statute. The information collection requirement contained in § 52.11 of the final rule has been approved by the Office of Management and Budget and the rule is now being amended to include the clearance number and statement required by the Paperwork Reduction Act. The effective date of the rule is also being changed.

DATE: The revision of 25 CFR Part 52 as published in the **Federal Register** on January 7, 1981, as amended herein at § 52.11(a) shall become effective on July 27, 1981.

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

SUPPLEMENTARY INFORMATION: On January 7, 1981, 25 CFR Part 52 was published in the **Federal Register** as a final rule to become effective on February 5, 1981, (46 FR 1668). In accordance with the President's January 29, 1981, memorandum, a notice published in the February 4, 1981, issue of the **Federal Register** (46 FR 10707), extended the effective date until March 30, 1981. In order to permit reconsideration of the rule under Executive Order 12291, a notice appeared in the March 30, 1981, issue of the **Federal Register** (46 FR 19233) further extending the effective date until April 30, 1981.

The Office of Management and Budget reviewed 25 CFR Part 52 and determined that the information collection requirements contained in revised §§ 52.8, 52.10, 52.11, 52.12, 52.19 and 52.23 must be approved by the office as required by the Paperwork Reduction Act of 1980. In order to comply with the Act, the effective date of 25 CFR Part 52 was extended to June 15, 1981, by a notice in the April 30, 1981, issue of the **Federal Register** (46 FR 24177).

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

provision for collecting information from "persons" contained in Part 52.

In that the Office of Management and Budget had not completed its review of the information collection requirement of the rule by the June 15 effective date cited above, the effective date was further extended until September 1, 1981, by a notice in the June 18, 1981, issue of the **Federal Register.**

The Office of Management and Budget has now agreed that the information collection requirement of the rule is limited to the voter registration form required by 52.11(a) and has approved that feature of the revised regulations.

PART 52—TRIBES ORGANIZED UNDER SECTION 16 OF THE INDIAN REORGANIZATION ACT

Accordingly, § 52.11(a) of 25 CFR Part 52 shall be amended in its entirety to read as stated below and 25 CFR Part 52, as amended, shall become effective upon the date this notice is published in the **Federal Register.**

§ 52.11 Registration.

(a) Only registered voters will be entitled to vote, and all determinations of the sufficiency of the number of ballots cast will be based upon the number of registered voters. The election board, upon receipt of authorization to conduct an election, shall notify by regular mail all adult members of the tribe, who to its knowledge are eligible to vote pursuant to § 52.6 of the need to register if they intend to vote. Any tribal member who, to the election board's knowledge, will become 18 years of age within 150 days (180 days for Alaska tribes) from the date of authorization and who is otherwise eligible to vote shall also be notified and shall be eligible to register, provided that such a person shall not be entitled to vote if election day falls before the individual's 18th birthday. This notice shall be sent to an individual's last known address as it appears on the records of the local unit of the Bureau of Indian Affairs having jurisdiction. Each notice addressed to a tribal member not residing on the reservation shall be accompanied by a preaddressed registration form (BIA Form 8302) which shall set forth the following information in the upper right corner: (1) OMB Clearance Number 1076–003, Expires June 30, 1983; (2) the name and address of the person desiring to register; (3) a statement with a signature line attesting that the individual is a tribal member and is at least 18 years of age, or will be within 150 days, (180 days for Alaska tribes) from the date of authorization; and (4) the three following statements: "Completion of and return of this registration form is necessary if you desire to become qualified to vote in the forthcoming constitutional or charter election." "This form, upon completion and return to the election board, shall be the basis for determining whether you qualify to have your name placed upon the list of registered voters and receive a ballot" and "completion and return of this form is voluntary." Members who qualify as absentee voters and wish to cast an absentee ballot must complete and return the above registration form before, or in conjunction with, requesting an absentee ballot in sufficient time to permit compliance with § 52.12.

* * * * *

July 17, 1981.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 81-21901 Filed 7-24-81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 1, 114, 115, and 116

[CGD 80-099]

Issuance of Bridge Permits; Delegation of Authority

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard presently issues all permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States through the Office of the Commandant. Some of these matters are routine in nature and of purely local concern and can therefore be processed more easily at the district level. These rules delegate authority to issue bridge permits of this type to each Coast Guard District Commander. Authority to issue permits that present greater complexities has been retained within Coast Guard Headquarters. A number of editorial changes to reflect these and other delegations of authority have also been made throughout these rules. In addition, these rules provide for appeals from the decision of a district commander in actions involving bridge permits and drawbridge operation regulations.

EFFECTIVE DATE: This amendment is effective on August 26, 1981.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Project Manager, or Nick Mpras, Chief, Bridge Permits Branch, Bridge Administration Division (G–NBR/14), Office of Navigation, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202–426–0942).

SUPPLEMENTARY INFORMATION: The Secretary of Transportation has been granted authority under 33 U.S.C. 401, 491, and 525 to approve the location, plans, and specifications for bridges that cross navigable waters of the United States. This authority has been delegated to the Commandant of the Coast Guard under 49 CFR 1.46(c). The Commandant is empowered to redelegate this authority within the Coast Guard under 49 CFR 1.45(b).

In the past, permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States have been issued through the Office of the Commandant on the basis of information submitted by the staff of the cognizant Coast Guard District. These amendments are principally intended to delegate authority for the issuance of these permits to each Coast Guard District Commander. Because many of these permits relate to matters of purely local concern, it is felt that they should be issued by officials who are in a better position to accommodate the needs of the public in the areas they serve.

Despite this delegation of authority, not every permit will be issued at the district level. The Commandant has reserved the authority to issue permits that: (a) require detailed analysis or Departmental concurrence under environmental laws; (b) involve amendments to permits previously issued by the U.S. Army Corps of Engineers; or (c) involve international bridges between the United States and Mexico or Canada. In the past, these matters have frequently required the Coast Guard to coordinate its actions with other government agencies. It is also desirable for a uniform approach to be taken nationwide when these considerations arise. This authority will be exercised on behalf of the Commandant by the Chief of the Office of Navigation, within Coast Guard Headquarters.

The Chief of the Office of Navigation will also issue permits which raise controversy involving the public or government agencies that cannot be satisfactorily resolved by a district commander. This will allow the necessary decisions to be made at a point suitably removed from the source of controversy.

Under these amendments, a district commander's decision to deny an

application for a bridge permit or drawbridge operation regulations may be appealed to the Commandant. This will provide aggrieved parties with an administrative remedy before having to seek judicial relief in a U.S. District Court. After considering an appeal, if the Commandant authorizes the issuance of a permit, it will be processed by the Headquarters staff. Some procedural requirements are specified for both the submission and consideration of appeals.

A number of provisions in Parts 114 and 115 that concern the processing of bridge permit applications have been revised to reflect the District Commanders' authority to issue these permits. Other provisions in Parts 114, 115 and 116 have been revised to reflect the transfer of the bridge administration function within Coast Guard Headquarters from the Office of Marine Environment and Systems to the Office of Navigation. In addition, provisions have been added to Part 1 specifying delegations of authority within Coast Guard Headquarters for the issuance of nonsignificant drawbridge and anchorage regulations which are not issued by district commanders. A corresponding change has been made to the provision reserving authority to the Commandant. These changes reflect internal delegations that have already been made within the Coast Guard.

Two provisions in Part 114 that merely restated the freedom of information and rulemaking requirements of the Administrative Procedure Act have been deleted. Addtional revisions have been made to §§ 115.50 and 115.60 to eliminate provisions that are either redundant, outmoded, or concerned solely with internal Coast Guard procedures. Other revisions have been made to these sections to simplify their language, and organize them in a more logical fashion.

These amendments are only concerned with agency organization. Substantive standards for issuing bridge permits and the requirements for submitting applications have not been changed. Therefore, the notice and comment requirements of 5 U.S.C. 553 do not apply. They have no discernbile economic impact upon the public or private sectors, and therefore do not require the preparation of a final evaluation under the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Reivew of Regulations (DOT Order 2100.5). In addition, this rulemaking is not subject to the Regulatory Flexibility Act (94 Stat. 1164), and is exempt from Executive Order 12291.

The principal persons involved in the drafting of these amendments are Frank L. Teuton, Jr., Project Manager, Office of Navigation, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Parts 1, 114, 115, and 116 of Title 33, Code of Federal Regulations, are amended as set forth below:

GENERAL PROVISIONS

1. By adding a new § 1.01–50 to read as follows:

§ 1.01–50 Delegations for issuance of bridge permits.

(a) The Commandant delegates to the Chief, Office of Navigation, the authority to issue the following permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States:

(1) Those that require:

(i) An environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969, as amended, (42 U.S.C. 4321 et seq.) and all implementing regulations, orders, and instructions.

(ii) A determination under section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 1653).

(iii) Concurrence of the Department of Transportation under DOT Order 5610.1C (Procedures for Considering Environmental Impacts).

(2) Those that require a Presidential permit and approval under the International Bridge Act of 1972 (33 U.S.C. 535).

(3) Those that require the amendment of an existing permit issued by the U.S. Army Corps of Engineers.

(4) Those that raise substantial unresolved controversy involving the public, or are objected to by Federal, State, or local government agencies.

(5) Those authorized by the Commandant upon the appeal of a district commander's decision denying a permit.

(b) The Commandant delegates to each Coast Guard District Commander, with the reservation that this authority shall not be further redelegated, the authority to issue all permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States other than those specified in paragraph (a) of this section.

2. By revising paragraphs (g) and (h) and by adding paragraphs (i) and (j) in 1.05–1 to read as follows:

§ 1.05–1 General.

* * * * *

(g) Except for those matters specified in paragraphs (h), (i), and (j) of this section, the Commandant redelegates to each Coast Guard District Commander, with the reservation that this authority shall not be further redelegated, the authority to issue rules and regulations pertaining to the following:

(1) Anchorage grounds and special anchorage areas.

(2) (Reserved)

(3) The operation of drawbridges.

(h) The Commandant reserves authority to issue any rules and regulations specified in paragraph (g) of this section which are determined to be significant in accordance with the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5).

(i) The Commandant redelegates to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, with the reservation that this authority should not be further redelegated, the authority to issue rules and regulations pertaining to anchorage grounds and special anchorage areas which:

(1) Have been shown to raise substantial issues concerning the reasonable needs of navigation; or

(2) Have been shown to generate controversy on an issue of importance to a particular locality.

(j) The Commandant redelegates to the Chief, Office of Navigation, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to issue rules and regulations pertaining to the operation of drawbridges which:

(1) Have been shown to raise substantial issues concerning the reasonable needs of navigation; or

(2) Have been shown to generate controversy on an issue of importance to a particular locality.

PART 114—GENERAL

3. By revising paragraph (d) of § 114.01 to read as follows:

§ 114.01 Purpose.

* * * * *

(d) The Commandant has delegated within the Coast Guard authority for the issuance of drawbridge operation regulations and permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States. These delegations may be found in §§ 1.05–1 and 1.01–50 of this Chapter.

4. By adding a new paragraph (l) to § 114.05 to read as follows:

§ 114.05 Definitions.

* * * * *

(l) *Chief, Office of Navigation.* The term "Chief, Office of Navigation" means the officer of the Coast Guard designated by the Commandant as the

staff officer in charge of the Office of Navigation, U.S. Coast Guard Headquarters.

5. By revising § 114.25 to read as follows:

§ 114.25 Work constructed without prior authority.

The Commandant or District Commander will approve plans and issue permits authorizing bridges across navigable waters, in cases where the application therefor is submitted after the commencement or completion of the bridges subject to the following rules: Approval will be limited to those cases where the necessary primary authority, State or Federal as the case may be, validly existed, when the work was innocently constructed, and where the work will not unreasonably interfere with navigation. Upon issuance of the permit, applicant will be informed that the law contemplates prior approval and that in the future plans must be submitted in ample time for their consideration by the Commandant or District Commander before construction is begun.

6. By revising paragraph (a) of § 114.30 to read as follows:

§ 114.30 Revocation and relinquishment of permits.

(a) Permits may be revoked by the issuing official for failure on the part of the permittee to comply with any of the conditions therein, or where the structures or other work constitute an unreasonable obstruction to navigation or to operations of the United States in the interests of navigation or flood control.

* * * * *

7. By revising § 114.50 to read as follows:

§ 114.50 Right of Appeal.

A District Commander's decision to deny a bridge permit application or an application for drawbridge operation regulations may be appealed to the Commandant, U.S. Coast Guard. The appeal must be submitted in writing to Commandant (G–N), U.S. Coast Guard Headquarters, Washington, D.C. 20593, within 60 days of the District Commander's decision. The Commandant will take action on the appeal within 90 days of its receipt.

§ 114.60 [Removed]

8. By removing § 114.60.

PART 115—BRIDGE LOCATIONS AND CLEARANCES: ADMINISTRATIVE PROCEDURES

§ 115.10 [Amended]

9. By removing paragraph (c) of § 115.10.

10. By revising paragraphs (a), (b) and (h) of § 115.50 to read as follows:

§ 115.50 Applications for bridge permits.

(a) *Approval of plans.* An application for authorization to construct a bridge across navigable waters of the United States must show the name and address of the applicant; the waterway and location of the bridge; citation to the act of Congress or the State legislature authorizing the bridge; be accompanied by a map of the location and plans of the bridge showing the features which affect navigation; and papers to establish the identity of the applicant.

(b) *Prior authority necessary.* A bridge cannot lawfully be constructed across any navigable waterway of the United States until legislative authority has been obtained and the plans have been approved by the Coast Guard. (See section 9, River and Harbor Act of Mar. 3, 1899 (30 Stat. 1151; 33 U.S.C. 401), General Bridge Act of Mar. 23, 1906 (34 Stat. 84; 33 U.S.C. 491), and General Bridge Act of 1946 (60 Stat. 847; 33 U.S.C. 525 et seq.).)

* * * * *

(h) *Size of sheets.* The drawings will be on letter size sheets. As few sheets will be used as necessary to show clearly what is proposed.

* * * * *

§ 115.50 [Amended]

11. By removing paragraph (1) of § 115.50.

12. By revising § 115.60 to read as follows:

§ 115.60 Procedures for handling applications for bridge construction permits.

The following procedures will be observed in the handling of applications for permits to construct, modify, or replace bridges over navigable waters.

(a) *District Commander's review of application and plans.* When an application is received, the District Commander verifies the authority for construction of the bridge, reviews the application and plans for sufficiency, ascertains the views of local authorities and other interested parties, and ensures that the application complies with relevant environmental laws, regulations, and orders. If the application contains any defects that would prevent issuance of a permit (as, for example, if the proposed bridge provided insufficient clearance), the applicant is notified that the permit cannot be granted and given reasons for this determination. The applicant may then request that the application be considered by the Commandant. If the applicant makes such a request, or if the application is not found defective, the District Commander notifies the public that it has been received and continues its processing.

(b) *Public hearing.* (1) Public hearings will be held when there are substantial issues concerning the effect that the proposed bridge will have on the reasonable needs of navigation.

(2) Notice of the public hearing will be published in the **Federal Register**. Notice of the hearing is also mailed to State, county, and municipal authorities and all other known interested parties. It is also posted at the post office nearest the site and public places in the vicinity.

(3) Hearings are public and conducted in an informal manner. A member of the District staff presides. The submission of written statements is invited and encouraged. Anyone desiring to do so may speak. Statements, written or oral, are not under oath, and cross-examination is not permitted. No fixed order has been established for the presentation of evidence or argument although proponents are generally heard first, followed by opponents with full opportunity afforded for rebuttals.

(c) *Report and recommendations.* After the close of the comment period and any public hearings, a detailed statement of findings, conclusions, and recommendations based on all available information (including Coast Guard records and experience) is prepared. The following factors may be discussed in this report:

(1) Comparison of proposed bridge with existing bridges over the waterway; attitude of local authorities; summary of objections raised by the public, and District Commander's comments or responses; probable effect on navigation, present and prospective.

(2) Description of the navigation on the waterway past the site of the proposed bridge, the number and type of vessels, the number of vessel trips, and the principal method of handling traffic, whether in single vessels or in tows.

(3) Whether the District Commander approves, or recommends approval of the plans. If they are found objectionable, the reasons for this finding will be stated. If there are objectionable features in the plans which may be corrected, the applicant is given an opportunity to revise them. If approval is given or recommended, all conditions to which the permit should be subject will be stated.

(d) *Action on permit application.*

(1) The District Commander may issue the permit if authorized under § 1.01–50(b) of this Chapter; otherwise, a report with the application shall be submitted to the Commandant for final action.

(2) When an application is approved, the issuing official signs the permit and transmits it to the applicant.

(3) When an application is not approved, the applicant is notified and provided with reasons for the disapproval, and suggestions for modifications that would justify reconsideration, if appropriate.

(4) If an application is disapproved by the District Commander, the applicant may appeal this decision to the Commandant under § 114.50 of this chapter. The Commandant's determination shall constitute final agency action.

(e) *Permit amendments.* Applications for amendments to permits will be processed in the same manner as permit applications. The District Commander may approve amendments to any permits which that official is authorized to issue under § 1.01–50(b) of this chapter. All other amendments must be approved by the Commandant.

PART 116—ALTERATIONS OF OBSTRUCTIVE BRIDGES

§§ 116.15 and 116.20 [Amended]

13. By removing the words "Marine Environment and Systems," and inserting the word "Navigation" in their place in §§ 116.15(a) and (b), and 116.20(a) and (c).

(5 U.S.C. 559, 14 U.S.C. 633, 33 U.S.C. 401, 491, 499, and 525, 49 U.S.C. 1655(g), and 49 CFR 1.46(c) and (q))

Dated: July 9, 1981.

J. B. Hayes,

Admiral, U.S. Coost Guard Commandant.

[FR Doc. 81-21856 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[WH-FRL 1890-8]

State and Local Assistance; Grants for Construction of Wastewater Treatment Works

AGENCY: Environmental Protection Agency.

ACTION: Deviation to rule.

SUMMARY: Under the authority of 40 CFR 30.1000, the Environmental Protection Agency (EPA) has issued a class deviation from three provisions of EPA's construction grant regulations. These provisions restrict award of Step 2, Step 3 and Step 2+3 grants and payment of more than 90 percent of some Step 3 grants until grantees complete certain pretreatment program development and implementation activities.

On January 28, 1981, EPA published in the **Federal Register** (46 FR 9404) revised final pretreatment program regulations which were to be effective on March 30, 1981. On March 27, 1981, Walter C. Barber, Acting Administrator, deferred the effective date of those regulations. Also, EPA's development of categorical standards for industries is behind schedule. Those standards are necessary for pretreatment program implementation. As a result, municipalities are uncertain about how to develop and implement pretreatment programs. It is inappropriate to restrict grant awards and payments to grantees which are delaying pretreatment program development because of the uncertainty of the fate of the pretreatment program. Consequently, the class deviation suspends the pretreatment program requirements of the construction grants programs.

The deviation is published as part of this document.

DATE: This suspension is effective July 16, 1981.

FOR FURTHER INFORMATION CONTACT:

Harold P. Cahill, Jr., (202) 426–8986.

SUPPLEMENTARY INFORMATION:

Date: July 16, 1981.

Subject: Class Deviation from 40 CFR 35.920–3(b)(9), 40 CFR 35.920–3(c)(4), and 40 CFR 35.935–19 of EPA's Construction Grant Regulations.

From: Harvey Pippen, Jr., Director, Grants Administration Division (PM–216).

To: Regional Administrators.

On January 18, 1981, EPA published revised final pretreatment program regulations (40 CFR Part 403) at 46 FR 9404 which were to be effective on March 30, 1981. On March 27, 1981, Walter C. Barber, Acting Administrator, deferred the effective date of those regulations for an indefinite period (46 FR 19936, April 2, 1981). Also, EPA development of categorical standards for industries is behind schedule. Those standards are necessary for pretreatment program implementation. As a result, municipalities are uncertain about how to develop and implement pretreatment programs. However, the construction grant regulations restrict award of Step 2, Step 3 and Step 2+3 grants and delays some payments until grantees carry out several specific pretreatment program development activities.

First, 40 CFR 35.920–3(b)(9) prohibits award of Step 2 grants after December 31, 1979, until grantees submit the information required under 40 CFR 35.907 (d)(1), (d)(2), and (d)(4). On June 20, 1980, I approved a class deviation which extended the effective date of this provision until December 31, 1980.

Second, 40 CFR 35.920–3(c)(4) prohibits award of Step 3 grants after December 31, 1980, until grantees complete development of their pretreatment programs under 40 CFR 35.907(d). My June 20, 1980, class deviation extended the effective date of this provision until December 31, 1981.

Finally, 40 CFR 35.935–19 restricts payment for Step 3 grants awarded after October 1, 1978, to 90% of the Federal share until the Regional Administrator approves grantees' pretreatment programs. However, for grant assistance awarded before December 31, 1980, the Regional Administrator could waive the requirement if the grantee were making significant progress toward the development of a pretreatment program. My June 20, 1980, class deviation gave Regional Administrators the discretion to continue to make payments for grants awarded after December 31, 1980.

Due to the uncertainties of the pretreatment program, I have concluded that I should again extend the effective date of the pretreatment program construction grant provisions—this time for an indefinite period until EPA makes a final decision on pretreatment program requirements. Consequently, I am approving the following class deviations:

§ 35.920–3 [Amended]

1. I am approving a deviation suspending the effective date of 40 CFR 35.920–3(b)(9) until further notice.

§ 35.920–3 [Amended]

2. I am approving a deviation suspending the effective date of 40 CFR 35.920(c)(4) until further notice.

§ 35.935–19 [Amended]

3. I am approving a deviation suspending the grant payment condition of 40 CFR 35.935–19 until further notice. Regional Administrators should not withhold payments to grantees which received Step 3 or Step 2+3 grant assistance before the effective date of this deviation.

Dated: July 15, 1981.

Edward Hanley,

Acting Assistant Administrator for Administration (PM–208).

Dated: July 16, 1981.

James N. Smith,

Assistant Administrator for Water (WH–556).

[FR Doc. 81-21804 Filed 7-24-81; 8:45 am]

BILLINGE CODE 6560-29-M

40 CFR Part 180

[PP 1F2435/R334; PH-FRL-1893-3]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for the combined residues of the biological insecticide KONTROL HV, containing the active ingredients: Z-11-Hexadecenal; Z-9-Tetradecenal; Z-11-Hexadecen-1-ol; Z-7-Hexadecenal; Z-9-Hexadecenal; Hexadecanal; and Tetradecanal, when used on cotton to control the tobacco worm. This regulation eliminates the need to establish a maximum permissible level for residues of the biological insecticide.

EFFECTIVE DATE: Effective on July 27, 1981.

ADDRESS: Written objections may be filed with the: Hearing Clerk, Environmental Protection Agency, Room M-3708 (A-110), 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Room 401, CM#2, 1921 Jefferson Highway, Arlington, VA 22202, (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of May 7, 1981 (46 FR 25542) that Conrel, an Albany International Co., 110 A St., Needham Heights, MA 02194, had filed a pesticide petition (1F2435) with EPA. This petition proposed that an exemption from a tolerance be established for residues of the biological insecticide (pheromone) KONTROL HV, containing the active ingredients: Z-11-Hexadecenal; Z-9-Tetradecenal; Z-11-Hexadecen-1-ol; Z-7-Hexadecenal; Z-9-Hexadecenal; Hexadecanal; and Tetradecanal, when applied to cotton. No comments were received in response to this notice of filing.

The combination of active ingredients: Z-11-Hexadecenal; Z-9-Tetradecenal; Z-11-Hexadecen-1-ol; Z-7-Hexadecenal; Z-9-Hexadecenal-1-ol; Hexadecanal; and Tetradecanal; in this product is a sex-attractant pheromone which disrupts mating of *Heliothis virescens* (tobacco budworm). The recommended ground or air product application rates result in approximately 31,500 fibers per acre, which contains about 10 grams of active and 90 grams of inert materials. Thus, approximately 2 to 3 fibers per square meter are deposited; each fiber containing 0.3 mg active material.

The principal behind the control of tobacco budworm is that this pheromone acts as a mating disruptant between the sexes of adult moths, thus interfering with the communication of the natural mating process. Fertile egg laying and subsequent larval infestations can be suppressed, thereby reducing tobacco budworm damage to cotton. Due to the small quantity of product being used, and its rather rapid dissipation into the environment, the acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevant to this petition.

The data submitted or referenced in the petition and other relevant material have been evaluated. The toxicological data considered in support of the exemption from the requirement of tolerance included:

1. an Ames Salmonella/Microsome Plate Test for Mutagenicity;
2. an Acute Oral Toxicity—LD_{50} study;
3. an Acute Dermal Toxicity study;
4. an Acute Inhalation Toxicity study;
5. a Primary Eye Irritation study; and
6. a Primary Dermal Irritation.

No apparent adverse effects were observed in any of these studies.

The agency is currently in the process of promulgating proposed guidelines for the registration of biorational pesticides (i.e., Biochemical and Microbial Pest Control Agents). These guidelines would establish the standards for testing and the requirements for data submission to support the registration of biorational pesticides. The agency expects that the proposed guidelines will be published in the **Federal Register** in the late summer of 1981.

The toxicity data reviewed support the exemption of Kontrol H.V. from the requirement of a tolerance (1F2435). Therefore, it is concluded that the exemption from a requirement of a tolerance will protect the public health, and 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before August 26, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities.

A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: July 27, 1981.

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

Dated: July 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR Part 180 is amended by adding § 180.1063 to read as follows:

§ 180.1063 Kontrol H. V.; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance for the combined residues of the biological insecticide Kontrol HV when used on cotton to control the tobacco budworm.

[FR Doc. 81-21818 Filed 7-24-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5978

[A-7598]

Arizona; Withdrawal for Phoenix Mountain Preserve and the City of Phoenix

Correction

In FR Doc. 81-20821, appearing at page 36849, in the issue of Thursday, July 16, 1981, make the following change:

On page 36849, in the heading change the line now reading "43 CFR Public Land Order" to read "43 CFR Public Land Order 5978".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

Radio Frequency Devices; Interpretations of Rules for Computing Devices.

AGENCY: Federal Communications Commission.

ACTION: Public notice; Interpretations of FCC Rules.

SUMMARY: This document announces the availability of a bulletin that is a compilation of questions and answers culled from letters received by the FCC. The answers set out in the bulletin consist of a book of interpretations of the computer rules contained in Part 15 Subpart J which had been adopted in 1979 and were revised in 1980 and 1981. The questions and answers are issued as a bulletin to make these interpretations available to the general public.

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

FOR FURTHER INFORMATION CONTACT: Mr. Art Wall, Office of Science and Technology, RF Devices Branch, Room 8302, Washington, D.C. 20554 (202) 653-8247.

Office of Science and Technology Issues Bulletin on Interpretations of Rules for Computing Devices

The Commission's Office of Science and Technology has issued Bulletin OST 52 "Interpretations of FCC Rules for Computing Devices (Part 15 Subpart J)."

In September of 1979, in Docket 20780, the Commission adopted regulations designed to control the interference potential to radio and TV reception caused by computing devices. The regulations were revised on reconsideration in April of 1980. The rules for computing devices are set forth in Part 15 Subpart J.

In May 1980, a panel was established to answer inquiries requesting interpretation of the rules for computing devices. The panel has received and responded to numerous such inquiries.

Bulletin OST 52 summarizes, in representative question and answer form, the interpretations made by the computing device panel. The questions and answers are grouped into four categories for easy reference: classification, compliance, measurements and labelling.

OST 52 is available from the Commission's Office of Public Affairs, Consumer Assistance and Information Division at 1991 M St., NW, Washington, DC 20554, telephone (202) 632-7260.

Additional questions concerning OST 52 or the computing device regulations should be directed to the Chairman of the Computing Device Panel, Office of Science and Technology, Federal Communications Commission, Washington, DC 20554, telephone (202) 653-8247.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-21881 Filed 7-24-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Amdt. 195-22; Docket PS-70]

Transportation of Liquids by Pipeline

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Final rule.

SUMMARY: This final rule amends the liquid pipeline safety regulations in Part 195 to conform with and reflect its issuance under the authority of the Hazardous Liquid Pipeline Safety Act of 1979 (Title II of Pub. L. 96-129, November 30, 1979) (HLPSA) and incorporates a number of HLPSA provisions into Part 195. Briefly, this document:

1. Cites the HLPSA as the statutory authority for Part 195;
2. Incorporates HLPSA terminology and definitions into Part 195;
3. Restricts the application of Part 195 to pipelines used for moving petroleum, petroleum products, or anhydrous ammonia in interstate or foreign commerce.
4. Distinguishes interstate and intrastate pipeline facilities;
5. Increases from $1,000 to $5,000 the dollar amount of property damage that triggers operator accident reporting;
6. Provides for the preparation, maintenance, and carrying out of inspection and maintenance plans as required by the HLPSA; and
7. Incorporates current DOT organizational designation.

DATES: The effective date is July 27, 1981. Comments received by October 23, 1981, will be considered. Late filed comments will be considered to the extent practicable.

ADDRESS: Comments should identify the docket number and be submitted in triplicate to Dockets Branch, Room 8426, Department of Transportation, Materials Transportation Bureau, 400 7th Street SW., Washington, D.C. 20590. Comments will be available to the public for review at the Dockets Branch location between 8:30 a.m. and 5:00 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: Frank Robinson, (202) 426-2392.

SUPPLEMENTARY INFORMATION: Because this document sets forth policy decisions and interpretations and does not impose any new requirements, it is being made effective in less than 30 days after publication.

Although the amendments to Part 195 made by this document are final as published, any interested person may submit written views and comments with respect to matters which are affected by the document. Such comments will be carefully considered and may provide the basis for further amendments to Part 195.

The HLPSA established a new statutory basis for MTB's liquid pipeline safety regulatory program. The Transportation of Explosives Act (18 U.S.C. 831-835) (TOEA), which previously authorized the program, was repealed by § 216(b) of the HLPSA.

Although § 218(a) of the HLPSA permits the Part 195 liquid pipeline regulations to continue in effect as though issued under the authority of the HLPSA, this document is necessary for Part 195 to expressly reflect the new terminology and program direction embodied in the HLPSA.

Scope and Applicability. Before this amendment, the Scope section (§ 195.1) stated that Part 195 applied to the pipeline transportation in interstate or foreign commerce of all hazardous materials subject to 49 CFR Parts 172 and 173 and petroleum or petroleum products except for pipelines carrying water or gas, gravity flow pipelines, certain low stress level pipelines, rural onshore gathering lines (although accident reports have been required for these lines), and certain offshore pipelines located on the Outer Continental Shelf (OCS) that are regulated by the Department of the Interior. The regulated pipeline systems included different types of storage facilities named in the regulations that were part of the overall system.

As described in detail below under item 1, the Scope section of Part 195 has been divided and restated as new § 195.0—Scope—and § 195.1—Applicability—to conform to HLPSA terminology and to more clearly spell out jurisdictional exclusions. In addition, as discussed under item 2, the jurisdiction of Part 195 in terms of

liquids being transported, is limited to three categories of commodities. Storage subject to regulations is covered under item 3.

1. *Transportation Subject to Regulation.* Section 203(a) of the HLPSA authorizes the regulation of the "transportation of hazardous liquids" and "pipeline facilities".

"Transportation of hazardous liquids" is defined in Section 202(3) of the HLPSA to mean * * *

> The movement of hazardous liquids by pipeline or their storage incidental to such movement, in or affecting interstate or foreign commerce; except that it shall not include any such movement through gathering lines in rural locations or onshore production, refining, or manufacturing facilities or storage or inplant piping systems associated with any such facilities.

The extent to which reissued Part 195 is an exercise of this regulatory authority is set forth in restated § 195.1. Paragraph (a) of § 195.1 lists the pipeline facilities and associated transportation to which Part 195 applies. That list is limited to pipeline facilities used in transporting hazardous liquids in interstate or foreign commerce and facilities on the OCS. The reasons for this limitation, an explanation of the terms employed to describe interstate pipeline facilities and MTB's plans for extending application of Part 195 to intrastate facilities, are discussed later in this preamble.

Paragraph (b) of restated § 195.1 lists specific activities and facilities which by statute or administrative decision are excluded from the application of Part 195. This list includes the HLPSA Section 202(3) exception clause. The exception for rural gathering lines is stated in § 195.1(b)(4) and the exception for onshore production, refining, and manufacturing facilities, and storage and inplant piping associated with such facilities is stated in § 195.1(b)(6).

2. *Regulated Liquids.* Section 202 of the HLPSA defines a "hazardous liquid" to mean—

(a) petroleum or any petroleum product, and

(b) any substance or material which is in a liquid state (excluding liquefied natural gas) when transported by pipeline facilities, and which as determined by the Secretary, may pose an unreasonable risk to life or property when transported by pipeline facilities.

Under this definition, petroleum and petroleum products are required to be subject to Part 195 regulations, and the Secretary is vested with discretionary authority to apply the regulations to other substances and materials. By this amendment, the MTB is, for the immediate future, limiting the application of Part 195 to petroleum, petroleum products and anhydrous ammonia.

The MTB takes this action because the hazards associated with anhydrous ammonia are well known and because it is the principal hazardous liquid in addition to petroleum and petroleum products transported by interstate pipeline facilities. The extent and nature of the risks of pipeline movements of other liquid materials need to be examined and an affirmative determination made concerning which, if any, pose the kind of risk that would justify classifying them as "hazardous liquids" for purposes of pipeline safety regulation. As MTB makes determinations to extend the coverage of Part 195 to other hazardous liquids, such determinations will be made through future public rulemaking proceedings.

The MTB's decision to limit the coverage of Part 195 to petroleum, petroleum products, and anhydrous ammonia is reflected in the new definition of "hazardous liquid" added to § 195.2—Definitions, and incorporation of that term in appropriate provisions throughout Part 195.

Consistent with MTB's reasons for limiting the number of materials classed as "hazardous liquids" in Part 195, this amendment revokes the requirements of § 195.6 relating to notification of intent to transport materials other than petroleum or petroleum products and Secretarial review of such transport.

3. *Storage Subject to Regulation.* MTB's authority to establish minimum Federal hazardous liquid pipeline safety standards under the HLPSA extends to "the movement of hazardous liquids by pipeline, or *their storage incidental to such movement*" (§ 202(3) of the HLPSA) (italic added). In referring to this provision, the Senate report that accompanied the HLPSA states that, "It is not intended that authority over storage facilities extend to storage in marine vessels or storage other than those which are incidental to pipeline transportation." (Sen. Rpt. 96–182, 1st Sess., 96th Cong. (1979), p. 18.) Earlier laws had vested the Department of Transportation with extensive authority to prescribe safety standards governing the movement of hazardous liquids in seagoing vessels, barges, rail cars, trucks or aircraft and storage incidental to those forms of transportation. From the words of the new HLPSA and the related Senate report language, it is clear that the Congress did not want to duplicate or overlap any of those earlier laws. Thus, HLPSA regulatory authority over storage does not extend to any form of transportation other than pipeline or to any storage or terminal facilities that are used exclusively for transfer of hazardous liquids in or between any of the other forms of transportation unless that storage or terminal facility is also "incidental" to a pipeline which is subject to the HLPSA. These storage and terminal facilities are expressly excluded from the coverage of Part 195 by a new § 195.1(b)(7).

It is equally clear to the MTB that its HLPSA authority to prescribe and enforce safety standards with respect to storage "incidental" to the movement of hazardous liquids by pipeline is far broader than it is currently exercising in Part 195. For example, although the MTB does not have any immediate plans for such application, the HLPSA would authorize minimum Federal design, construction, testing, operating and maintenance standards for hazardous liquid pipeline terminal tank farms and the various forms of underground storage.

Since its issuance in 1969, Part 195 has applied to storage called "breakout tankage" by virtue of the inclusion of that term in the definition of "pipeline system" or "pipeline." A number of specific provisions in Part 195 have imposed limited substantive requirements on storage called "above ground storage tanks," "storage vessels" and "tank farms." At some future date, the MTB anticipates raising with the newly established advisory committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, questions as to the adequacy of the storage provisions in Part 195 and the possible need for changes in substance or coverage of those provisions.

Meanwhile, the MTB believes that it should try to make Part 195 more precise regarding the kinds of storage to which that Part applies and at the same time not extend its application to any storage not previously covered. It is the MTB's intention that current applicability of Part 195 to storage be limited to tanks used for the following two kinds of storage functions. First, tanks used to relieve surges in a hazardous liquid pipeline. This is sometimes called working tankage or a form of operating tankage. Second, tanks used to receive hazardous liquid from a pipeline and store it temporarily for reinjection into a pipeline for continued transportation. This type of storage aids in the dispatching of different types and grades of hazardous liquids through a pipeline system. A new definition of "breakout tank," which includes both of these functional categories of storage tanks, has been added to § 195.2 and the substantive provisions in §§ 195.132,

195.260(b), 195.264, 195.414 (a) and (c), 195.428(b), 195.430, 195.432, 195.434, 195.436 and 195.438 have been adjusted to reflect this new term.

Definitions. A number of other changes have been made in the list of definitions in § 195.2 to comport with the provisions of the HLPSA. A definition of "person" has been taken verbatim from the HLPSA. A definition of "pipeline facility" has been added which tracks the HLPSA definition of "pipeline facilities" but omits phrases that are not necessary for the purposes of Part 195.

The term "carrier" has been replaced with the term "operator" throughout Part 195 and the definition of "carrier" in § 195.2 deleted and replaced with a definition of "operator." These changes reflect the jurisdictional shift from the TOEA (pipeline carriers engaged in interstate commerce) to the HLPSA (persons who engage in transporting hazardous liquids by pipeline in or affecting interstate or foreign commerce).

Distinction Between Interstate and Intrastate Pipeline Facilities. The scope of the new regulatory authority under the HLPSA is broader than that authorized by the TOEA. TOEA coverage was limited to interstate hazardous liquid pipeline *carriers.* Under the TOEA, only those intrastate hazardous liquid pipeline activities carried out by interstate pipeline *carriers* were subject to regulation. The HLPSA authorizes the regulation of interstate and intrastate hazardous liquid *pipelines* and pipeline *facilities.*

Section 205 of the HLPSA provides for State agencies to assume a major role in the regulation of intrastate hazardous liquid pipelines, paralleling the role for State agencies regarding natural gas pipelines under the Natural Gas Pipeline Safety Act of 1968. The § 205 program is to be a cooperative effort, with State agencies adopting and enforcing applicable Federal regulations under State laws.

For this intended Federal-State cooperative program to function properly, it is necessary that there be a clear delineation between what is interstate (subject to exclusive Federal jurisdiction) and what is intrastate (eligible for continuation or assumption of State jurisdiction). To this end, the MTB reviewed examples of what it believes are the most frequent and likely configurations of liquid pipelines and pipeline facilities and considered various ways of cataloging or classifying them as either interstate or intrastate. As a result, the MTB has concluded that the inventory of liquid pipelines that have been identified as being subject to the economic regulatory jurisdiction of the Federal Energy Regulatory Commission (FERC) (and its predecessor the Interstate Commerce Commission) closely equates to the HLPSA category of pipelines used for the movement of hazardous liquids in interstate or foreign commerce.

The MTB has been advised by the FERC that it does not exercise fully this jurisdiction, having administratively exempted some interstate pipelines (e.g. private carrier pipelines) from some or all of its economic regulatory requirements. These exempted pipelines are nevertheless interstate and *subject* to FERC jurisdiction. They are also regarded by MTB as subject to Federal safety regulation as interstate pipelines.

This administrative reliance on the interstate-intrastate distinctions established under preexisting Federal economic regulatory statutes for applying Federal safety standards is consistent with what is required by law in the case of natural gas pipelines. The NGPSA expressly defines interstate natural gas pipelines for safety regulatory purposes as being those that are subject to the economic regulation of the FERC under the Natural Gas Act. This consistency of definition between Federal agencies and between economic and safety regulatory programs serves to avoid or minimize confusion for the private sector and government alike.

All of the hazardous liquid pipeline facilities and their associated transportation of hazardous liquids that are subject to FERC jurisdiction under the Interstate Commerce Act are also subject to MTB safety regulation as interstate pipeline facilities and interstate transportation of hazardous liquids under the HLPSA. There are, however, additional crude oil pipelines located on the OCS which do not fall within the FERC's economic regulatory jurisdiction. The MTB's safety responsibility for oil pipelines on the OCS is not so limited. Under § 21(a) of the Deepwater Port Act of 1974, the MTB is required to "establish and enforce such standards and regulations as may be necessary to assure the safe construction and operation of oil pipelines on the Outer Continental Shelf."

Accordingly, revised § 195.1(a) provides that Part 195 applies to pipelines which are subject to FERC jurisdiction and pipelines which originate on the OCS.

Regulation of Intrastate Pipelines. Section 203 of the HLPSA reserves to the Federal government full and exclusive safety regulatory responsibility for interstate hazardous liquid pipeline facilities. Part 195 now sets forth the safety standards for that category of pipeline facilities.

Section 205 of the HLPSA, on the other hand, invites the States to assume responsibility for enforcement of the Federal safety standards to intrastate hazardous liquid pipeline facilities. State participation in enforcement can occur in either of two ways. A State agency may submit to the MTB an annual certification that it has adopted the Federal standards under Sate law and is conducting enforcement activities, or in situations where a State agency does not submit such certification, it may, through a written agreement with the MTB, carry out an inspection program to determine compliance with the Federal standards.

In the case of an agreement entered into under § 205(b), the substitution of State enforcement for Federal enforcement is not total. Under an agreement, a State agency carries out certain record maintenance, reporting, inspection, and approval functions with respect to intrastate facilities, and is required to notify the MTB of any violation or probable violation of a Federal safety standard which it discovers. Upon receiving such notification, the responsibility for subsequent enforcement action for those intrastate facilities rests with the Secretary.

On the other hand, the substitution of State enforcement for Federal enforcement under § 205(a) certification is nearly complete. In part, § 205(a) reads, "Except for section 215 and except as otherwise provided in this section, the authority of the Secretary [MTB] * * * to prescribe safety standards and enforce compliance with such standards shall not apply to intrastate pipeline facilities or the transportation of hazardous liquids associated with such facilities, when the safety standards and practices applicable to same are regulated by a State agency which submits to the Secretary [MTB] an annual certification * * *."

Fifteen States currently have some form of State authority to conduct hazardous liquid pipeline safety regulatory programs. In many cases, adjustments in a State's program or the supporting State law will be necessary to qualify it for full § 205(a) certification. In addition to these 15 States, 27 other States have indicated that they do not now have regulatory authority over hazardous liquid pipelines but either (1) expressed interest in participating in a Federal-State program, or (2) intend to seek State laws to assert safety regulatory authority over hazardous

liquid pipelines, or (3) are undecided. Ten States have indicated that they do not assert safety jurisdiction over hazardous liquid pipelines, do not plan to seek any such authority and are not interested in any related Federal-State program. Many States have very limited intrastate pipeline mileage within their boundaries and do not see a need to assume the safety regulatory task. MTB's analysis of the intrastate liquid pipeline activity in the various States suggests that the Federal-State safety program for intrastate pipelines would involve the direct participation of 19 to 32 States.

Nevertheless, the MTB believes that all of the States should be allowed the opportunity to consider the offer presented by the HLPSA and, if they find it in their interest, to assume the noted regulatory responsibilities in an orderly fashion.

From its experience with a similar Federal-State cooperative program for intrastate natural gas pipelines, the MTB recognizes that a period of at least two years is required for the States to amend or adopt the necessary authorizing statutes. Therefore, it is the intention of the MTB to withhold Federal application of Part 195 to intrastate pipelines for a two-year period. This will allow time for States with existing liquid pipeline laws and inspection programs to make necessary adjustments without the threat of Federal preemption. It will also allow those States which do not have programs the time to consider whether they should assume the responsibility or leave it to the Federal government.

MTB encourages each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico during the next two years to undertake the responsibility for inspection and enforcement of safety standards for the intrastate hazardous liquid pipelines within their boundaries. During this period, the MTB is prepared to assist any interested State in working toward qualifying it for participation under § 205.

Accident Reporting. While the HLPSA does not specifically address operators' obligations to report accidents, it sets out certain accident reporting requirements to be followed by State agencies certified under § 205(a). Section 205(a) requires in part that a State's annual certification include a report showing all accidents or incidents reported during the preceding 12 months involving property damage exceeding $5,000, whether or not sustained by the pipeline operator subject to the State's jurisdiction.

The $5,000 that triggers the State agency report under § 205 was consistent with the State agency reporting requirements under § 5(a) of the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1674). By the Pipeline Safety Act of 1979 (Pub. L. 96–129: November 30, 1979), the level of property damage required to trigger State reporting under § 5(a) of the NGPSA was increased from $1,000 to $5,000.

Subpart B of Part 195 currently requires operators to submit a written report (DOT Form 7000–1) to the Department on a failure in a liquid pipeline system in which there is a release of the liquid transported resulting in property damage of at least $1,000 to other than the operator's facilities, based on actual cost or reliable estimates.

MTB is amending § 195.50 by changing that threshold to $5,000 whether or not sustained by an operator so that the Federal reporting requirements will be consistent with those prescribed under § 205(a) of the HLPSA for State agency reporting. This amendment to the § 195.50 reporting requirement has been approved by the OMB in accord with the Paperwork Reduction Act of 1980.

Inspection and Maintenance Plans. Section 210 of the HLPSA requires operators of hazardous liquid pipeline facilities to prepare, maintain, and carry out written plans for inspection and maintenance of such facilities. The plan must be in accordance with regulations prescribed by DOT or, where a certification or agreement pursuant to § 205 of the HLPSA is in effect, by the appropriate State agency.

The section also sets out a procedure to be used by DOT or the appropriate State agency in requiring an operator's plan to be revised to achieve safe operation of the affected pipeline facilities, when its plan is found to be inadequate.

Existing § 195.402, Procedural manual for operations, maintenance, and emergencies, is considered by MTB to satisfy the requirement for Federal regulations made by § 210 of the HLPSA. Section 195.402 also describes the procedure that will be followed by MTB in requiring the facility operator to revise an inadequate procedural manual. For these reasons, MTB gives notice by this reissuance that—

1. Operator compliance with existing § 195.402 will constitute compliance with the HLPSA requirements for the preparation, maintenance, and carrying out of inspection and maintenance plans for hazardous liquid facilities.

2. MTB will follow the procedures established by § 195.402(b) for requiring revisions to operator plans established under § 195.402.

Organizational Designations. In subpart B of Part 195, Accident Reporting, §§ 195.54, 195.58, and 195.62, make reference to the "Director, Office of Pipeline Safety" as a mailing address for sending operator accident reports to DOT. To comport with current DOT organizational responsibilities, that reference in each of those sections is amended by this document to read, "Chief, Information Systems Division, Transportation Programs Bureau."

An analysis of the impacts of this amendment, including costs and benefits, is in the docket file. I have determined from this analysis that this amendment is not a "major rule" as that term is defined in E. O. 12291 because there should be negligible cost increases or other adverse effects from the amendment.

In consideration of the foregoing, Part 195 of Title 49, Code of Federal Regulations, is revised with amendments as set forth below.

(Sec. 203, Pub. L. 96–129, 93 Stat. 1004, 49 U.S.C. 2002, 49 CFR 1.53 and Appendix A to Part 1)

Issued in Washington, D.C., on July 20, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

Subpart A—General

Sec.

Subpart B—Accident Reporting

Subpart C—Design Requirements

Authority: Sec. 203, Pub. L. 96-129, 93 Stat. 1004, 49 U.S.C. 2002; 49 CFR 1.53 and Appendix A to Part 1.

Subpart A—General

§ 195.0 Scope.

This part prescribes safety standards and accident reporting requirements for pipeline facilities used in the transportation of hazardous liquids.

§ 195.1 Applicability.

(a) Except as provided in paragraph (b) of this section, this part applies to the following pipeline facilities and the transportation of hazardous liquids associated with those facilities—

(1) Those which are subject to the jurisdiction of the Federal Energy Regulatory Commission under the authority vested in the Commission by section 402(b) of the Department of Energy Organization Act (91 Stat. 584, 42 U.S.C. 7172(b)), and

(2) Those which are on the Outer Continental Shelf.

(b) This part does not apply to—

(1) Transportation of a hazardous liquid that is transported in a gaseous state;

(2) Transportation of a hazardous liquid through a pipeline by gravity;

(3) Transportation of a hazardous liquid through pipelines that operate at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe;

(4) Transportation of a hazardous liquid in onshore pipelines in rural areas between a production facility and an operator trunkline reception point;

(5) Transportation of a hazardous liquid in offshore pipelines which are located upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed whichever facility is farther downstream;

(6) Transportation of a hazardous liquid through onshore production, refining, or manufacturing facilities or storage or in-plant piping systems associated with such facilities;

(7) Transportation of a hazardous liquid by vessel, aircraft, tank truck, tank car, or other vehicle or terminal facilities used exclusively to transfer hazardous liquids between such modes of transportation.

§ 195.2 Definitions.

As used in this part—

"Barrel" means a unit of measurement equal to 42 U.S. standard gallons.

"Breakout tank" means a tank used to (a) relieve surges in a hazardous liquid pipeline system or (b) receive and store hazardous liquid transported by a pipeline for reinjection and continued transportation by pipeline.

"Component" means any part of a pipeline which may be subjected to pump pressure including, but not limited to, pipe, valves, elbows, tees, flanges, and closures.

"Hazardous liquid" means petroleum, petroleum products, and anhydrous ammonia.

"Highly volatile liquid" or "HVL" means a hazardous liquid which will form a vapor cloud when released to the atmosphere and which has a vapor pressure exceeding 276 kPa (40 psia) at 37.8° C (100° F).

"Line section" means a continuous run of pipe between adjacent pressure pump stations, between a pressure pump station and terminal or breakout tanks, between a pressure pump station and a block valve, or between adjacent block valves.

"Nominal wall thickness" means the wall thickness listed in the pipe specifications.

"Offshore" means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters.

"Operator" means a person who owns or operates pipeline facilities.

"Person" means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"Pipe" or "line pipe" means a tube, usually cylindrical, through which a hazardous liquid flows from one point to another.

"Pipeline" or "pipeline system" means all parts of a pipeline facility through which a hazardous liquid moves in transportation, including, but not limited to, line pipe, valves and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

"Pipeline facility" means new and existing pipe, rights-of-way, and any

equipment, facility, or building used in the transportation of hazardous liquids.

"Secretary" means the Secretary of Transportation or any person to whom he has delegated authority in the matter concerned.

"Specified minimum yield strength" means the minimum yield strength, expressed in pounds per square inch, prescribed by the specification under which the material is purchased from the manufacturer.

"Stress level" means the level of tangential or hoop stress, usually expressed as a percentage of specified minimum yield strength.

"Surge pressure" means pressure produced by a change in velocity of the moving stream that results from shutting down a pump station or pumping unit, closure of a valve, or any other blockage of the moving stream.

§ 195.3 Matter incorporated by reference.

(a) There are incorporated by reference in this part all materials referred to in this part. Those materials are hereby made a part of this regulation. Applicable editions are listed in paragraph (c) of this section in parentheses following the title of the referenced material. Earlier editions listed in previous editions of this section may be used for components manufactured, designed, or installed in accordance with those earlier editions at the time they were listed. The user must refer to the appropriate previous edition of 49 CFR for a listing of the earlier listed editions.

(b) All incorporated materials are available for inspection in the Materials Transportation Bureau, Washington, D.C., and at the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C. These materials have been approved for incorporation by reference by the Director of the Federal Register. In addition, materials incorporated by reference are available as follows:

(1) American Petroleum Institute (API), 2101 L Street, N.W., Washington, D.C. 20037, or 211 North Avery, Suite 1700, Dallas, Texas 75201.

(2) The American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

(3) Manufacturers Standardization Society of the Valve and Fittings Industry (MSS), 5203 Leesburg Pike, Suite 502, Falls Church, Va. 22041.

(4) American National Standards Institute (ANSI), 1430 Broadway, New York, N.Y. 10018.

(5) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pa. 19103.

(c) The full title for the publications incorporated by reference in this part are as follows:

(1) American Petroleum Institute:

(i) API Specification 6D "API Specification for Pipeline Valves," which may be obtained from the Dallas office (1977).

(ii) API Specification 1104 "Standard for Welding Pipe Lines and Related Facilities" (1980).

(iii) API Specification 5L "API Specification for Line Pipe" (1980).

(iv) API Specification 5LS "API Specification for Spiral-Weld Line Pipe" (1980).

(v) API Specification 5LX "API Specification for High-Test Line Pipe" (1980).

(2) ASME Code is the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, "Pressure Vessels, Division 1" (1977).

(3) Manufacturers Standardization Society of the Valve and Fitting Industry:

MSS SP-75, Specification for High-Test Wrought Weldings Fittings (1976).

(4) American National Standards Institute:

(i) ANSI B16.9 "Factory Made Wrought Steel Butt-Welding Fittings" (1978).

(ii) ANSI B31.4 "Liquid Petroleum Transportation Piping Systems" (1979).

(5) American Society for Testing and Materials:

(i) ASTM Specification A53 "Standard Specification for Welded and Seamless Steel Pipe" (1979).

(ii) ASTM Specification A106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (1979b).

(iii) ASTM Specification A134 "Standard Specification for Electric-Fusion (Arc)-Welded Steel Plate Pipe, Size 16 in. and Over" (1974).

(iv) ASTM Specification A135 "Standard Specification for Electric-Resistance Welded Steel Pipe" (1979).

(v) ASTM Specification A139 "Standard Specification for Electric-Fusion (Arc)-Welded Steel Pipe, Sizes 4 inch and over" (1974).

(vi) ASTM Specification A671 "Electric-Fusion-Welded Steel Pipe For Atmospheric and Lower Temperatures" (1977).

(vii) ASTM Specification A672 "Electric-Fusion-Welded Steel Pipe For High Pressure Service At Moderate Temperatures" (1979).

(viii) ASTM Specification A691 "Carbon and Alloy Steel Pipe Electric-Fusion-Welded For High Pressure Service At High Temperatures" (1979).

(ix) ASTM Specification A211 "Standard Specification for Spiral-Welded Steel or Iron Pipe" (1975).

(x) ASTM Specification A333 "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (1979).

(xi) ASTM Specification A381 "Standard Specification for Metal-Arc-Welded Steel Pipe for High Pressure Transmission Systems" (1979).

§ 195.4 Compatibility necessary for transportation of hazardous liquids.

No person may transport any hazardous liquid unless the hazardous liquid is chemically compatible with both the pipeline, including all components, and any other commodity that it may come into contact with while in the pipeline.

§ 195.5 Conversion to service subject to this part.

(a) A steel pipeline previously used in service not subject to this part qualifies for use under this part if the operator prepares and follows a written procedure to accomplish the following:

(1) The design, construction, operation, and maintenance history of the pipeline must be reviewed and, where sufficient historical records are not available, appropriate tests must be performed to determine if the pipeline is in a satisfactory condition for safe operation.

(2) The pipeline right-of-way, all aboveground segments of the pipeline, and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline.

(3) All known unsafe defects and conditions must be corrected in accordance with this part.

(4) The pipeline must be tested in accordance with the Subpart E of this part to substantiate the maximum allowable operating pressure permitted by § 195.406.

(b) A pipeline which qualifies for use under this section need not comply with the corrosion control requirements of this part until 12 months after it is placed in service, notwithstanding any earlier deadlines for compliance. In addition to the requirements of Subpart F of this part, the corrosion control requirements of Subpart D apply to each pipeline which substantially meets those requirements before it is placed in service or which is a segment that is replaced, relocated, or substantially altered.

(c) Each operator must keep for the life of the pipeline a record of the investigations, tests, repairs, replacements, and alterations made under the requirements of paragraph (a) of this section.

§ 195.6 [Reserved]

§ 195.8 Transportation of hazardous liquids in pipelines constructed with other than steel pipe.

No person may transport any hazardous liquid through a pipe that is constructed after October 1, 1970, of material other than steel unless the person has notified the Secretary in writing at least 90 days before the transportation is to begin. The notice must state the chemical name, common name, properties, and characteristics of the hazardous liquid to be transported and the material used in construction of the pipeline. If the Secretary determines that the transportation of the hazardous liquid in the manner proposed would be unduly hazardous, he will, within 90 days after receipt of the notice order the person that gave the notice, in writing, not to transport the hazardous liquid in the proposed manner until further notice.

§ 195.10 Responsibility of operator for compliance with this Part.

An operator may make arrangements with another person for the performance of any action required by this part. However, the operator is not thereby relieved from the responsibility for compliance with any requirement of this part.

Subpart B—Accident Reporting

§ 195.50 Scope.

This subpart prescribes rules governing the reporting of any failure in a pipeline system subject to this part in which there is a release of the hazardous liquid transported resulting in any of the following:

(a) Explosion or fire not intentionally set by the operator.

(b) Loss of 50 or more barrels of liquid.

(c) Escape to the atmosphere of more than five barrels a day of highly volatile liquids.

(d) Death of any person.

(e) Bodily harm to any person resulting in one or more of the following:

(1) Loss of consciousness.

(2) Necessity to carry the person from the scene.

(3) Necessity for medical treatment.

(4) Disability which prevents the discharge of normal duties or the pursuit of normal activities beyond the day of the accident.

(f) Estimated property damage to the property of the operator or others, or both, exceeding $5,000.

§ 195.52 Telephonic notice of certain accidents.

(a) At the earliest practicable moment following discovery of a release of the hazardous liquid transported resulting in an event described in § 195.50, the operator of the system shall give notice, in accordance with paragraph (b) of this section, of any failure that—

(1) Caused a death or a personal injury requiring hospitalization;

(2) Resulted in either a fire or explosion not intentionally set by the operator;

(3) Caused estimated damage to the property of the operator or others, or both, exceeding $5,000;

(4) Resulted in pollution of any stream, river, lake, reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines; or

(5) In the judgment of the operator was significant even though it did not meet the criteria of any other paragraph of this section.

(b) Reports made under paragraph (a) of this section are made by telephone to area code 202, 426-0700 and must include the following information:

(1) Name and address of the operator.

(2) Name and telephone number of the reporter.

(3) The location of the failure.

(4) The time of the failure.

(5) The fatalities and personal injuries, if any.

(6) All other significant facts known by the operator that are relevant to the cause of the failure or extent of the damages.

§ 195.54 Accident reporting.

Each carrier that experiences an accident that is required to be reported under this subpart shall, as soon as practicable but not later than 15 days after discovery of the accident, prepare and file an accident report, on DOT Form 7000-1 or a facsimile, with the Chief, Information Systems Division, Transportation Programs Bureau, Department of Transportation, Washington, D.C. 20590. The operator shall file two copies of each report and shall retain one copy at its principal place of business.

§ 195.56 Instructions for preparing DOT Form 7000-1.

(a) Each operator shall prepare each report of an accident on DOT Form 7000-1 or a facsimile, in accordance with the following instructions:

(1) *General.* Each applicable item must be marked or filled in as fully and as accurately as information accessible to the operator at the time of filing the report will permit.

(2) *Part A.* Enter name as it is filed with the Federal Energy Regulatory Commission. If the operator's name is not filed with the Commission, enter the complete corporate name of the operator. Enter the address of the operator's principal place of business including zip code.

(3) *Part B, Item 1.* Enter the date the accident occurred or was discovered. If the accident was not discovered on the date it occurred, state this fact on the back of the form.

(4) *Part B, Item 2.* Enter the exact time in hours and minutes (i.e., 10:15) if known or a time range (i.e., 10:11) if exact time is not known. If the accident was not discovered on the date it occurred, enter the time it was discovered and state this fact, on the back of the form as in Part B, Item 1.

(5) *Part B, Item 3.* Enter all three names, State, county, city, or town, in or near which accident occurred.

(6) *Part B, Item 4.* Mark the appropriate box. If "other" is marked, state clearly on form what part of the pipeline system.

(7) *Part B, Item 5.* If the accident occurred in an uninhabited area, such as woods, cultivated field, swamp, etc., so state clearly on the form under Item 5. If not, attach a sketch to the form showing the part of the pipeline system where the accident occurred, and the location of the accident as related to significant landmarks. Each item shown on the sketch must be clearly and distinctly marked to identify it. Approximate distances from accident location to all landmarks shown on the sketch must be indicated.

(8) *Part C.* Mark the appropriate box or boxes. If applicable, mark more than one box. If "other" is marked, state clearly on form the exact origin of the release of the hazardous liquid.

(9) *Part D.* Mark the appropriate box. If "other" is marked, clearly state the cause of the accident.

(10) *Part E.* Indicate a number under each heading including "0" if none. Report deaths, even if previously reported in accordance with § 195.52.

(11) *Part F, Items 1 and 2.* Report only material in the pipeline system that was actually damaged such as pipe, valves, or fittings. Do not include cost of hazardous liquid which was lost due to the accident or fittings used during repair which became permanently

attached to the system. The dollar value of damage should be based on replacement at present day costs.

(12) *Part F, Items 3 and 4.* This is damage to property of operator or others. Dollar value must be actual or the best estimate available.

(13) *Part G, Item 1.* State the commonly used name of the hazardous liquid, such as fuel oil, regular gasoline, liquefied petroleum gas. If the hazardous liquid name is one not commonly used, state the name here and give a brief description of it under "Account of Accident by Responsible Official of Carrier."

(14) *Part G, Item 3.* State the year facility was installed or the best estimate possible. Pipe is excluded as the year of installation is required in Item 4 of Part H.

(15) *Part H.* Mark appropriate boxes and state information required in all items of this part only if the accident occurred in line pipe. If the accident occurred in any other part of the pipeline system, omit this part.

(16) *Part I.* Mark appropriate boxes and state information required in all items of this part if the accident was caused by corrosion in any component of the pipeline system. In Item 4, state the length of time between the type of tests, such as pipe-to-soil potential, stated in Item 5.

(17) *Part J.* Complete all three items only if the accident was caused by equipment rupturing the pipeline. In Item 2, all the information stated on the closest line marker must be shown.

(b) In addition to the requirements of paragraph (a) of this section, in the space provided after Part J, the operator shall enter an account of the accident containing the most reliable information to which the operator has access at the time of reporting, sufficiently detailed and complete to convey an understanding of the accident. This account may be continued on an extra sheet of paper if more space is needed.

(c) At the bottom of the back of DOT Form 7000–1, the operator shall state the name and title of the pipeline official responsible for compiling and filing the report along with the telephone number at which this official can be reached, and the date the report was completed.

§ 195.58 Changes in or additions to accident report.

Whenever an operator receives any changes in the information reported or additions to the original report on DOT Form 7000–1 it shall immediately file a supplemental report with the Chief, Information Systems Division, Transportation Programs Bureau, Department of Transportation, Washington, D.C. 20590.

§ 195.60 Operator assistance in investigation.

If the Department of Transportation investigates an accident, the operator involved shall make available to the representative of the Department all records and information that in any way pertain to the accident, and shall afford all reasonable assistance in the investigation of the accident.

§ 195.62 Supplies of accident report DOT Form 7000–1.

Each operator shall maintain an adequate supply of forms that are a facsimile of DOT Form 7000–1 to enable it to promptly report accidents. The Department will, upon request, furnish specimen copies of the form. Requests should be addressed to the Chief, Information Systems Division, Transportation Programs Bureau, Department of Transportation, Washington, D.C. 20590.

Subpart C—Design Requirements

§ 195.100 Scope.

This subpart prescribes minimum design requirements for new pipeline systems constructed with steel pipe and for relocating, replacing, or otherwise changing existing systems constructed with steel pipe. However, it does not apply to the movement of line pipe covered by § 195.424.

§ 195.102 Design temperature.

Material for components of the system must be chosen for the temperature environment in which the components will be used so that the pipeline will maintain its structural integrity.

§ 195.104 Variations in pressure.

If, within a pipeline system, two or more components are to be connected at a place where one will operate at a higher pressure than another, the system must be designed so that any component operating at the lower pressure will not be overstressed.

§ 195.106 Internal design pressure.

(a) Internal design pressure for the pipe in a pipeline is determined in accordance with the following formula:

$$P = (2St/D) \times E \times F$$

P = Internal design pressure in pounds per square inch gauge.

S = Yield strength in pounds per square inch determined in accordance with paragraph (b) of this section.

t = Nominal wall thickness of the pipe in inches. If this is unknown, it is determined in accordance with paragraph (c) of this section.

D = Nominal outside diameter of the pipe in inches.

E = Seam joint factor determined in accordance with paragraph (e) of this section.

F = A design factor of 0.72, except that a design factor of 0.60 is used for pipe, including risers, on a platform located offshore or on a platform in inland navigable waters, and 0.54 is used for pipe that has been cold worked to meet the specified minimum yield strength and is subsequently heated, other than by welding to 600° F. or more.

(b) The yield strength to be used in determining internal design pressure under paragraph (a) of this section is the specified minimum yield strength. If the specified minimum yield strength is not known, the yield strength is determined by performing all of the tensile tests of either API Standard 5L, 5LS, or 5LX on randomly selected test specimens with the following number of tests:

Pipe size	Number of tests
Less than 6 inches in outside diameter.	One test for each 200 lengths.
6 inches through 12¾ inches in outside diameter.	One test for each 100 lengths.
Larger than 12¾ inches in outside diameter.	One test for each 50 lengths.

If the average yield-tensile ratio exceeds 0.85, the yield strength of the pipe is taken as 24,000 p.s.i. If the average yield-tensile ratio is 0.85 or less, the yield strength of the pipe is taken as the lower of the following:

(1) Eighty percent of the average yield strength determined by the tensile tests.

(2) The lowest yield strength determined by the tensile tests.

(c) If the nominal wall thickness to be used in determining internal design pressure under paragraph (a) of this section is not known, it is determined by measuring the thickness of each piece of pipe at quarter points on one end. However, if the pipe is of uniform grade, size, and thickness, only 10 individual lengths or 5 percent of all lengths, whichever is greater, need be measured. The thickness of the lengths that are not measured must be verified by applying a gage set to the minimum thickness found by the measurement. The nominal wall thickness to be used is the next wall thickness found in commerical specifications that is below the average of all the measurements taken. However, the nominal wall thickness may not be more than 1.14 times the smallest measurement taken on pipe that is less than 20 inches in outside diameter, nor more than 1.11 times the smallest measurement taken on pipe

that is 20 inches or more in outside diameter.

(d) The minimum wall thickness of the pipe may not be less than 87.5 percent of the value used for nominal wall thickness in determining the internal design pressure under paragraph (a) of this section. In addition, the anticipated external loads and external pressures that are concurrent with internal pressure must be considered in accordance with §§ 195.108 and 195.110 and, after determining the internal design pressure, the nominal wall thickness must be increased as necessary to compensate for these concurrent loads and pressures.

(e) The seam joint factor used in paragraph (a) of this section is determined in accordance with the following table:

Specification	Pipe class	Seam joint factor
ASTM A53	Seamless	1.00
	Electric resistance welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60
ASTM A106	Seamless	1.00
ASTM A134	Electric fusion arc welded	0.80
ASTM A135	Electric resistance welded	1.00
ASTM A139	Electric fusion welded	0.80
ASTM A211	Spiral welded pipe	0.80
ASTM A333	Seamless	1.00
	Welded	1.00
ASTM A381	Double submerged arc welded	1.00
ASTM A671	Electric-fusion-welded	1.00
ASTM A672	Electric-fusion-welded	1.00
ASTM A691	Electric-fusion-welded	1.00
APL 5L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60
API 5LX	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
API 5LS	Electric resistance welded	1.00
	Submerged arc welded	1.00

The seam joint factor for pipe which is not covered by this paragraph must be approved by the Secretary

§ 195.108 External pressure.

Any external pressure that will be exerted on the pipe must be provided for in designing a pipeline system.

§ 195.110 External loads.

(a) Anticipated external loads (e.g., earthquakes, vibration, thermal expansion, and contraction must be provided for in designing a pipeline system. In providing for expansion and flexibility, section 419 of ANSI B31.4 must be followed.

(b) The pipe and other components must be supported in such a way that the support does not cause excess localized stresses. In designing attachments to pipe, the added stress to the wall of the pipe must be computed and compensated for.

§ 195.112 New pipe.

Any new pipe installed in a pipeline system must comply with the following:

(a) The pipe must be made of steel of the carbon, low alloy-high strength, or alloy type that is able to withstand the internal pressures and external loads and pressures anticipated for the pipeline system.

(b) The pipe must be made in accordance with a written pipe specification that sets forth the chemical requirements for the pipe steel and mechanical tests for the pipe to provide pipe suitable for the use intended.

(c) Each length of pipe with an outside diameter of 4 inches or more must be marked on the pipe or pipe coating with the specification to which it was made, the specified minimum yield strength or grade, and the pipe size. The marking must be applied in a manner that does not damage the pipe or pipe coating and must remain visible until the pipe is installed.

§ 195.114 Used pipe.

Any used pipe installed in a pipeline system must comply with § 195.112 (a) and (b) and the following:

(a) The pipe must be of a known specification and the seam joint factor must be determined in accordance with § 195.106(e). If the specified minimum yield strength or the wall thickness is not known, it is determined in accordance with § 195.106 (b) or (c) as appropriate.

(b) There may not be any—

(1) Buckles;

(2) Cracks, grooves, gouges, dents, or other surface defects that exceed the maximum depth of such a defect permitted by the specification to which the pipe was manufactured; or

(3) Corroded areas where the remaining wall thickness is less than the minimum thickness required by the tolerances in the specification to which the pipe was manufactured.

However, pipe that does not meet the requirements of paragraph (a)(3) of this section may be used if the operating pressure is reduced to be commensurate with the remaining wall thickness.

§ 195.116 Valves.

Each valve installed in a pipeline system must comply with the following:

(a) The valve must be of a sound engineering design.

(b) Materials subject to the internal pressure of the pipeline system, including welded and flanged ends, must be compatible with the pipe or fittings to which the valve is attached.

(c) Each part of the valve that will be in contact with the hazardous liquid stream must be made of materials that are compatible with each hazardous liquid that it is anticipated will flow through the pipeline system.

(d) Each valve must be both hydrostatically shell tested and hydrostatically seat tested without leakage to at least the requirements set forth in section 5 of API Standard 6D.

(e) Each valve other than a check valve must be equipped with a means for clearly indicating the position of the valve (open, closed, etc.).

(f) Each valve must be marked on the body or the nameplate, with at least the following:

(1) Manufacturer's name or trademark.

(2) Class designation or the maximum working pressure to which the valve may be subjected.

(3) Body material designation (the end connection material, if more than one type is used).

(4) Nominal valve size.

§ 195.118 Fittings.

(a) Butt-welding type fittings must meet the marking end preparation and the bursting strength requirements of ANSI B16.9 or MSS Standard Practice SP–75.

(b) There may not be any buckles, dents, cracks, gouges, or other defects in the fitting that might reduce the strength of the fitting.

(c) The fitting must be suitable for the intended service and be at least as strong as the pipe and other fittings in the pipeline system to which it is attached.

§ 195.120 Changes in direction: Provision for internal passage.

Each component of a main line system, other than manifolds, that change direction within the pipeline system must have a radius of turn that readily allows the passage of pipeline scrapers, spheres, and internal inspection equipment.

§ 195.122 Fabricated branch connections.

Each pipeline system must be designed so that the addition of any fabricated branch connections will not reduce the strength of the pipeline system.

§ 195.124 Closures.

Each closure to be installed in a pipeline system must comply with the ASME Boiler and Pressure Vessel Code, Section VIII, Pressure Vessels, Division 1, and must have pressure and temperature ratings at least equal to

those of the pipe to which the closure is attached.

§ 195.126 Flange connection.

Each component of a flange connection must be compatible with each other component and the connection as a unit must be suitable for the service in which it is to be used.

§ 195.128 Station piping.

Any pipe to be installed in a station that is subject to system pressure must meet the applicable requirements of this subpart.

§ 195.130 Fabricated assemblies.

Each fabricated assembly to be installed in a pipeline system must meet the applicable requirements of this subpart.

§ 195.132 Above ground breakout tanks.

Each above ground breakout tank must be designed to withstand the internal pressure produced by the hazardous liquid to be stored therein and any anticipated external loads.

Subpart D—Construction

§ 195.200 Scope.

This subpart prescribes minimum requirements for constructing new pipeline systems with steel pipe, and for relocating, replacing, or otherwise changing existing pipeline systems that are constructed with steel pipe. However, this subpart does not apply to the movement of pipe covered by § 195.424.

§ 195.202 Compliance with specifications or standards.

Each pipeline system must be constructed in accordance with comprehensive written specifications or standards that are consistent with the requirements of this part.

§ 195.204 Inspection—general.

Inspection must be provided to ensure the installation of pipe or pipeline systems in accordance with the requirements of this subpart. No person may be used to perform inspections unless that person has been trained and is qualified in the phase of construction he is to inspect.

§ 195.206 Material inspection.

No pipe or other component may be installed in a pipeline system unless it has been visually inspected at the site of installation to ensure that it is not damaged in a manner that could impair its strength or reduce its serviceability.

§ 195.208 Welding of supports and braces.

Supports or braces may not be welded directly to pipe that will be operated at a pressure of more than 100 p.s.i.g.

§ 195.210 Pipeline location.

(a) Pipeline right-of-way must be selected to avoid, as far as practicable, areas containing private dwellings, industrial buildings, and places of public assembly.

(b) No pipeline may be located within 50 feet of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches of cover in addition to that prescribed in § 195.248.

§ 195.212 Bending of pipe.

(a) Pipe must not have a wrinkle bend.

(b) Each field bend must comply with the following:

(1) A bend must not impair the serviceability of the pipe.

(2) Each bend must have a smooth contour and be free from buckling, cracks, or any other mechanical damage.

(3) On pipe containing a longitudinal weld, the longitudinal weld must be as near as practicable to the neutral axis of the bend unless–

(i) The bend is made with an internal bending mandrel; or

(ii) The pipe is 12 inches or less in outside diameter or has a diameter to wall thickness ratio less than 70.

(c) Each circumferential weld which is located where the stress during bending causes a permanent deformation in the pipe must be nondestructively tested either before or after the bending process.

§ 195.214 Welding: General.

(a) Welding must be performed in compliance with this section and §§ 195.218 through 195.234.

(b) Welding must be performed in accordance with established written welding procedures that have been tested to assure that they will produce sound, ductile welds that comply with requirements of this subpart. Detailed records of these tests must be kept by the operator involved.

§ 195.216 Welding: Miter joints.

A miter joint is not permitted (not including deflections up to 3 degrees that are caused by misalignment).

§ 195.220 Welds: Filler metal.

Filler metal must be at least equal in strength to the highest specified minimum yield strength of the pieces being welded and must fuse the pieces together.

§ 195.222 Welders: Testing.

Each welder must be qualified in accordance with section 3 of API Standard 1104, except that a welder qualified under an earlier edition of API 1104 previously listed in § 195.3 may weld but may not requalify under that earlier edition.

§ 195.224 Welding: Weather.

Welding must be protected from weather conditions that would impair the quality of the completed weld.

§ 195.226 Welding: Arc burns.

(a) Each arc burn must be repaired.

(b) An arc burn may be repaired by completely removing the notch by grinding, if the grinding does not reduce the remaining wall thickness to less than the minimum thickness required by the tolerances in the specification to which the pipe is manufactured.

If a notch is not repairable by grinding, a cylinder of the pipe containing the entire notch must be removed.

(c) A ground may not be welded to the pipe or fitting that is being welded.

§ 195.228 Welds and welding inspection: Standards of acceptability.

(a) Each weld and welding must be inspected to insure compliance with the requirements of this subpart. Visual inspection must be supplemented by nondestructive testing.

(b) The acceptability of a weld is determined according to the standards in section 6 of API Standard 1104.

§ 195.230 Welds: Repair of defects.

(a) Except as provided in paragraph (b) of this section, a weld that is found unacceptable under § 195.228 may not be repaired unless—

(1) There are no cracks in the weld;

(2) The segment of the weld to be repaired was not previously repaired; and

(3) The weld is inspected after repair to assure its acceptability.

(b) In the case of offshore pipelines, a weld on a pipeline being installed from a pipelay vessel may be repaired if the repair is made in accordance with established written welding procedures that have been tested under § 195.214 to assure that they will produce sound ductile welds.

§ 195.232 Welds: Removal of defects.

Except for offshore pipelines being installed from a pipelay vessel, a cylinder of the pipe containing the weld must be removed and the ends rebeveled whenever—

(a) The weld contains one or more cracks;

(b) The weld is not acceptable under § 195.228 and is not repaired; or

(c) The weld was repaired and the repair did not meet the requirements of § 195.228.

§ 195.234 Welds: Nondestructive testing and retention of testing records.

(a) A weld may be nondestructively tested by any process that will clearly indicate any defects that may affect the integrity of the weld.

(b) Any nondestructive testing of welds must be performed—

(1) In accordance with a written set of procedures for nondestructive testing; and

(2) With personnel that have been trained in the established procedures and in the use of the equipment employed in the testing.

(c) Procedures for the proper interpretation of each weld inspection must be established to ensure the acceptability of the weld under § 195.228.

(d) During construction, at least 10 percent of the girth welds made by each welder during each welding day must be nondestructively tested over the entire circumference of the weld.

(e) In the following locations, 100 percent of the girth welds must be nondestructively tested:

(1) At any onshore location where a loss of hazardous liquid could reasonably be expected to pollute any stream, river, lake, reservoir, or other body of water, and any offshore area unless impracticable, in which case only 90 percent of each day's welds need be tested.

(2) Within railroad or public road rights-of-way.

(3) At overhead road crossings and within tunnels.

(4) At pipeline tie-ins.

(5) Within the limits of any incorporated subdivision of a State government.

(6) Within populated areas, including but not limited to, residential subdivisions, shopping centers, schools, designated commercial areas, industrial facilities, public institutions, and places of public assembly.

(f) When installing used pipe, 100 percent of the old girth welds must be nondestructively tested.

(g) A record of the nondestructive testing must be retained by the operator who is involved, including (if radiography is used) the developed film with, so far as practicable, the location of the weld. This record must be retained for 3 years after the line is placed in operation.

§ 195.236 External corrosion protection.

Each component in the pipeline system must be provided with protection against external corrosion.

§ 195.238 External coating.

(a) No pipeline system component may be buried or submerged unless that component has an external protective coating that—

(1) Is designed to mitigate corrosion of the buried or submerged component;

(2) Has sufficient adhesion to the metal surface to prevent underfilm migration of moisture;

(3) Is sufficiently ductile to resist cracking;

(4) Has enough strength to resist damage due to handling and soil stress; and

(5) Supports any supplemental cathodic protection.

In addition, if an insulating-type coating is used it must have low moisture absorption and provide high electrical resistance.

(b) All pipe coating must be inspected just prior to lowering the pipe into the ditch or submerging the pipe, and any damage discovered must be repaired.

§ 195.242 Cathodic protection system.

(a) A cathodic protection system must be installed for all buried or submerged facilities to mitigate corrosion that might result in structural failure. A test procedure must be developed to determine whether adequate cathodic protection has been achieved.

(b) A cathodic protection system must be installed not later than 1 year after completing the construction.

§ 195.244 Test leads.

(a) Except for offshore pipelines, electrical test leads used for corrosion control or electrolysis testing must be installed at intervals frequent enough to obtain electrical measurements indicating the adequacy of the cathodic protection.

(b) Test leads must be installed as follows:

(1) Enough looping or slack must be provided to prevent test leads from being unduly stressed or broken during backfilling.

(2) Each lead must be attached to the pipe so as to prevent stress concentration on the pipe.

(3) Each lead installed in a conduit must be suitably insulated from the conduit.

§ 195.246 Installation of pipe in a ditch.

(a) All pipe installed in a ditch must be installed in a manner that minimizes the introduction of secondary stresses and the possibility of damage to the pipe.

(b) All offshore pipe in water at least 12 feet deep but not more than 200 feet deep, as measured from the mean low tide, must be installed so that the top of the pipe is below the natural bottom unless the pipeline is supported by stanchions, held in place by anchors or heavy concrete coating, or an equivalent level of protection is provided.

§ 195.248 Cover over buried pipeline.

(a) Unless specifically exempted in this subpart, all pipe must be buried so that is it below the level of cultivation. Except as provided in paragraph (b) of this section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or sea bottom, as applicable, complies with the following table:

Location	Cover (inches)	
	For normal excavation	For rock excavation [1]
Industrial, commercial, and residential areas	36	30
Crossings of inland bodies of water with a width of at least 100 ft from high water mark to high water mark	48	18
Drainage ditches at public roads and railroads	36	36
Deepwater port safety zone	48	24
Other offshore areas under water less than 12 ft deep as measured from the mean low tide	36	18
Any other area	30	18

[1] Rock excavation is any excavation that requires blasting or removal by equivalent means.

(b) Less cover than the minimum required by paragraph (a) of this section and § 195.210 may be used if—

(1) It is impracticable to comply with the minimum cover requirements; and

(2) Additional protection is provided that is equivalent to the minimum required cover.

§ 195.250 Clearance between pipe and underground structures.

Any pipe installed underground must have at least 12 inches of clearance between the outside of the pipe and the extremity of any other underground structure, except that for drainage tile the minimum clearance may be less than 12 inches but not less than 2 inches. However, where 12 inches of clearance is impracticable, the clearance may be reduced if adequate provisions are made for corrosion control.

§ 195.252 Backfilling.

Backfilling must be performed in a manner that protects any pipe coating and provides firm support for the pipe.

§ 195.254 Above ground components.

(a) Any component may be installed above ground in the following situations, if the other applicable requirements of this part are complied with:

(1) Overhead crossings of highways, railroads, or a body of water.

(2) Spans over ditches and gullies.

(3) Scraper traps or block valves.

(4) Areas under the direct control of the operator.

(5) In any area inaccessible to the public.

(b) Each component covered by this section must be protected from the forces exerted by the anticipated loads.

§ 195.256 Crossing of railroads and highways.

The pipe at each railroad or highway crossing must be installed so as to adequately withstand the dynamic forces exerted by anticipated traffic loads.

§ 195.258 Valves: General.

(a) Each valve must be installed in a location that is accessible to authorized employees and that is protected from damage or tampering.

(b) Each submerged valve located offshore or in inland navigable waters must be marked, or located by conventional survey techniques, to facilitate quick location when operation of the valve is required.

§ 195.260 Valves: Location.

A valve must be installed at each of the following locations:

(a) On the suction end and the discharge end of a pump station in a manner that perimts isolation of the pump station equipment in the event of an emergency.

(b) On each line entering or leaving a breakout storage tank area in a manner that permits isolation of the tank area from other facilities.

(c) On each mainline at locations along the pipeline system that will minimize damage or pollution from accidental hazardous liquid discharge, as appropriate for the terrain in open country, for offshore areas, or for populated areas.

(d) On each lateral takeoff from a trunk line in a manner that permits shutting off the lateral without interrupting the flow in the trunk line.

(e) On each side of a water crossing that is more than 100 feet wide from high-water mark to high-water mark unless the Secretary finds in a particular case that valves are not justified.

(f) On each side of a reservoir holding water for human consumption.

§ 195.262 Pumping equipment.

(a) Adequate ventilation must be provided in pump station buildings to prevent the accumulation of hazardous vapors. Warning devices must be installed to warn of the presence of hazardous vapors in the pumping station building.

(b) The following must be provided in each pump station:

(1) Safety devices that prevent overpressuring of pumping equipment, including the auxiliary pumping equipment within the pumping station.

(2) A device for the emergency shutdown of each pumping station.

(3) If power is necessary to actuate the safety devices, an auxiliary power supply.

(c) Each safety device must be tested under conditions approximating actual operations and found to function properly before the pumping station may be used.

(d) Except for offshore pipelines pumping equipment may not be installed—

(1) On any property that will not be under the control of the operator; or

(2) Less than 50 feet from the boundary of the station.

(e) Adequate fire protection must be installed at each pump station. If the fire protection system installed requires the use of pumps, motive power must be provided for those pumps that is separate from the power that operates the station.

§ 195.264 Above ground breakout tanks.

For above ground breakout tanks—

(a) A means must be provided for containing hazardous liquids in the event of spillage or tank failure.

(b) Tank areas must be adequately protected against unauthorized entry.

(c) Normal and emergency relief venting must be provided for each tank.

§ 195.266 Construction records.

A complete record that shows the following must be maintained by the operator involved for the life of each pipeline facility:

(a) The total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected weld.

(b) The amount, location, and cover of each size of pipe installed.

(c) The location of each crossing of another pipeline.

(d) The location of each buried utility crossing.

(e) The location of each overhead crossing.

(f) The location of each valve, weighted pipe, corrosion test station, or other item connected to the pipe.

Subpart E—Hydrostatic Testing

§ 195.300 Scope.

This subpart prescribes minimum requirements for hydrostatic testing of newly constructed steel pipeline systems; existing steel pipeline systems that are relocated, replaced, or otherwise changed; and onshore steel pipeline systems constructed before January 8, 1971, that transport highly volatile liquids. However, this subpart does not apply to movement of pipe covered by § 195.424.

§ 195.302 General requirements.

(a) Each new pipeline system, each pipeline system in which pipe has been relocated or replaced, or that part of a pipeline system that has been relocated or replaced, must be hydrostatically tested in accordance with this subpart without leakage.

(b) No person may transport a highly volatile liquid in an onshore steel pipeline constructed before January 8, 1971, unless the pipeline has been hydrostatically tested in accordance with this subpart or, except for pipelines subject to § 195.5, its maximum operating pressure is established under § 195.406(a)(5). Pipelines that were in highly volatile liquid service before September 8, 1980 must meet this requirement according to the following schedule:

(1) Planning and scheduling of hydrostatic testing or actual reduction in maximum operating pressure to meet § 195.406(a)(5) must be completed before Sept. 15, 1981; and

(2) Hydrostatic testing must be completed before Sept. 15, 1985, with at least 50 percent of the testing completed before Sept. 15, 1983.

(c) The test pressure for each hydrostatic test conducted under this section must be maintained throughout the part of the system being tested for at least 4 continuous hours at a pressure equal to 125 percent, or more, of the maximum operating pressure and, in the case of a pipeline that is not visually inspected for leakage during test, for at least an additional 4 continuous hours at a pressure equal to 110 percent, or more, of the maximum operating pressure.

§ 195.304 Testing of components.

(a) Each hydrostatic test under § 195.302 must test all pipe and attached fittings, including components, unless otherwise permitted by paragraph (b) of this section.

(b) A component that is the only item being replaced or added to the pipeline system need not be hydrostatically tested under paragraph (a) of this

section if the manufacturer certifies that either—

(1) The component was hydrostatically tested at the factory; or

(2) The component was manufactured under a quality control system that ensures each component is at least equal in strength to a prototype that was hydrostatically tested at the factory.

§ 195.306 Test medium.

(a) Except as provided in paragraph (b) of this section, water must be used as the test medium.

(b) Except for offshore pipelines, liquid petroleum that does not vaporize rapidly may be used as the test medium if—

(1) The entire pipeline section under test is outside of cities and other populated areas;

(2) Each building within 300 feet of the test section is unoccupied while the test pressure is equal to or greater than a pressure which produces a hoop stress of 50 percent of specified minimum yield strength;

(3) The test section is kept under surveillance by regular patrols during the test; and

(4) Continuous communication is maintained along entire test section.

§ 195.308 Testing of tie-ins.

Pipe associated with tie-ins must be hydrostatically tested, either with the section to be tied in or separately.

§ 195.310 Records.

(a) A record must be made of each hydrostatic test and that record must be retained as long as the facility tested is in use.

(b) The record required by paragraph (a) of this section must include the recording gauge charts, dead weight tester data, and the reasons for any failure during a test. Where elevation differences in the section under test exceed 100 feet, a profile of the pipeline that shows the elevation and test sites over the entire length of the test section must be included. Each recording gauge chart must also contain—

(1) The operator's name, the name of the person responsible for making the test, and the name of the test company used, if any;

(2) The date and time of the test;

(3) The minimum test pressure;

(4) The test medium;

(5) A description of the facility tested; and

(6) An explanation of any pressure discontinuities that appear on any chart.

Subpart F—Operation and Maintenance

§ 195.400 Scope.

This subpart prescribes minimum requirements for operating and maintaining pipeline systems constructed with steel pipe.

§ 195.401 General requirements.

(a) No operator may operate or maintain its pipeline systems at a level of safety lower than that required by this subpart and the procedures it is required to establish under § 195.402(a) of this subpart.

(b) Whenever an operator discovers any condition that could adversely affect the safe operation of its pipeline system, it shall correct it within a reasonable time. However, if the condition is of such a nature that it presents an immediate hazard to persons or property, the operator may not operate the affected part of the system until it has corrected the unsafe condition.

(c) Except as provided in § 195.5, no operator may operate any part of a pipeline system upon which construction was begun after March 31, 1970, or in the case of offshore pipelines located between a production facility and an operator's trunkline reception point, after July 31, 1977, unless it was designed and constructed as required by this part.

§ 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) *General.* Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. This manual shall be reviewed annually and appropriate changes made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.

(b) *Amendments.* If the Secretary finds that an operator's procedures are inadequate to assure safe operation of the system or to minimize hazards in an emergency, the Secretary may, after issuing a notice of amendment and providing an opportunity for an informal hearing, require the operator to amend the procedures. In determining the adequacy of the procedures, the Secretary considers pipeline safety data, the feasibility of the procedures, and whether the procedures are appropriate for the pipeline system involved. Each notice of amendment shall allow the operator at least 15 days after receipt of such notice to submit written comments or request an informal hearing. After considering all material presented, the Secretary shall notify the operator of the required amendment or withdraw the notice proposing the amendment.

(c) *Maintenance and Normal Operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1) Making construction records, maps, and operating history available as necessary for safe operation and maintenance.

(2) Gathering of data needed for reporting accidents under Subpart B of this part in a timely and effective manner.

(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart.

(4) Determining which pipeline facilities are located in areas that would require an immediate response by the operator to prevent hazards to the public if the facilities failed or malfunctioned.

(5) Analyzing pipeline accidents to determine their causes.

(6) Minimizing the potential for hazards identified under paragraph (c)(4) of this section and the possibility of recurrence of accidents analyzed under paragraph (c)(5) of this section.

(7) Starting up and shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by § 195.406, consider the hazardous liquid in transportation, variations in altitude along the pipeline, and pressure monitoring and control devices.

(8) In the case of a pipeline that is not equipped to fail safe, monitoring from an attended location pipeline pressure during startup until steady state pressure and flow conditions are reached and during shut-in to assure operation within limits prescribed by § 195.406.

(9) In the case of facilities not equipped to fail safe that are identified under § 195.402(c)(4) or that control receipt and delivery of the hazardous liquid, detecting abnormal operating conditions by monitoring pressure, temperature, flow or other appropriate operational data and transmitting this data to an attended location.

(10) Abandoning pipeline facilities, including safe disconnection from an operating pipeline system, purging of combustibles, and sealing abandoned

facilities left in place to minimize safety and environmental hazards.

(11) Minimizing the likelihood of accidental ignition of vapors in areas near facilities identified under paragraph (c)(4) of this section where the potential exists for the presence of flammable liquids or gases.

(12) Establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a hazardous liquid pipeline emergency and acquaint the officials with the operator's ability in responding to a hazardous liquid pipeline emergency and means of communication.

(13) Periodically reviewing the work done by operator personnel to determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found.

(d) *Abnormal Operation.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded:

(1) Responding to, investigating, and correcting the cause of:

(i) Unintended closure of valves or shutdowns;

(ii) Increase or decrease in pressure or flow rate outside normal operating limits;

(iii) Loss of communications;

(iv) Operation of any safety device;

(v) Any other malfunction of a component, deviation from normal operation, or personnel error which could cause a hazard to persons or property.

(2) Checking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation.

(3) Correcting variations from normal operation of pressure and flow equipment and controls.

(4) Notifying responsible operator personnel when notice of an abnormal operation is received.

(5) Periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found.

(e) *Emergencies.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when an emergency condition occurs:

(1) Receiving, identifying, and classifying notices of events which need immediate response by the operator or notice to fire, police, or other appropriate public officials and communciating this information to appropriate operator personnel for corrective action.

(2) Prompt and effective response to a notice of each type emergency, including fire or explosion occurring near or directly involving a pipeline facility accidental release of hazardous liquid from a pipeline facility, operational failure causing a hazardous condition, and natural disaster affecting pipeline facilities.

(3) Having personnel, equipment, instruments, tools, and material available as needed at the scene of an emergency.

(4) Taking necessary action, such as emergency shutdown, or pressure reduction, to minimize the volume of hazardous liquid that is released from any section of a pipeline system in the event of a failure.

(5) Control of released hazardous liquid at an accident scene to minimize the hazard, including possible intentional ignition in the cases of flammable highly volatile liquid.

(6) Minimization of public exposure to injury and probability of accidental ignition by assisting with evacuation of residents and assisting with halting traffic on roads and railroads in the affected area, or taking other appropriate action.

(7) Notifying fire, police, and other appropriate public officials of hazardous liquid pipeline emergencies and coordinating with them preplanned and actual responses during an emergency, including additional precautions necessary for an emergency involving a pipeline system transporting a highly volatile liquid.

(8) In the case of failure of a pipeline system transporting a highly volatile liquid, use of appropriate instruments to assess the extent and coverage of the vapor cloud and determine the hazardous areas.

(9) Providing for a post accident review of employee activities to determine whether the procedures were effective in each emergency and taking corrective action where deficiencies are found.

§ 195.403 Training.

(a) Each operator shall establish and conduct a continuing training program to instruct operating and maintenance personnel to:

(1) Carry out the operating and maintenance, and emergency procedures established under § 195.402 that relate to their assignments;

(2) Know the characteristics and hazards of the hazardous liquids transported, including, in the case of flammable HVL, flammability of mixtures with air, orderless vapors, and water reactions;

(3) Recognize conditions that are likely to cause emergencies, predict the consequences of facility malfunctions or failures and hazardous liquid spills, and to take appropriate corrective action;

(4) Take steps necessary to control any accidental release of hazardous liquid and to minimize the potential for fire, explosion, toxicity, or environmental damage;

(5) Learn the proper use of firefighting procedures and equipment, fire suits, and breathing apparatus by utilizing, where feasible, a simulated pipeline emergency condition; and

(6) In the case of maintenance personnel, to safely repair facilities using appropriate special precautions, such as isolation and purging, when highly volatile liquids are involved.

(b) At intervals of not more than 1 year each operator shall:

(1) Review with personnel their performance in meeting the objectives of the training program set forth in paragraph (a) of this section; and

(2) Make appropriate changes to the training program as necessary to insure that it is effective.

(c) Each operator shall require and verify that its supervisors maintain a thorough knowledge of that portion of the procedures established under § 195.402 for which they are responsible to insure compliance.

§ 195.404 Maps and records.

(a) Each operator shall maintain current maps and records of its pipeline systems that include at least the following information:

(1) Location and identification of all major facilities.

(2) All crossings of public roads, railroads, rivers, buried utilities, and foreign pipelines.

(3) The maximum operating pressure of each pipeline.

(4) The diameter, grade, type, and nominal wall thickness of all pipe.

(b) Each operator shall maintain daily operating records that indicate the discharge pressures at each pump station and any unusual operations of a facility. The operator shall retain these records for at least 3 years.

(c) Each operator shall maintain for the useful life of that part of the pipeline system to which they relate, records that include the following:

(1) The date, location, and description of each repair made to its pipeline systems.

(2) A record of each inspection and each test required by this subpart.

§ 195.406 Maximum operating pressure.

(a) Except for surge pressures and other variations from normal operations, no operator may operate a pipeline at a pressure that exceeds any of the following:

(1) The internal design pressure of the pipe determined in accordance with § 195.106.

(2) The design pressure of any other component of the pipeline.

(3) Eighty percent of the test pressure for any part of the pipeline which has been hydrostatically tested under Subpart E of this part.

(4) Eighty percent of the factory test pressure or of the prototype test pressure for any individually installed component which is excepted from testing under § 195.304.

(5) In the case of onshore HVL pipelines constructed before January 8, 1971, that have not been tested under Subpart E of this part, 80 percent of the lost pressure or highest operating pressure to which the pipeline was subjected for four or more continuous hours that can be demonstrated by recording charts or logs made at the time the test or operations were conducted. (See § 195.302(b) for a compliance schedule for pipelines in HVL service before September 8, 1980.)

(b) No operator may pemit the pressure in a pipeline during surges or other variations from normal operations to exceed 110 percent of the operating pressure limit established under paragraph (a) of this section. Each operator must provide adequate controls and protective equipment to control the pressure within this limit.

§ 195.408 Communications.

(a) Each operator must have a communication system to provide for the transmission of information needed for the safe operation of its pipeline system.

(b) The communication system required by paragraph (a) of this section must, as a minimum, include means for:

(1) Monitoring operational data as required by § 195.402(c)(9);

(2) Receiving notices from operator personnel, the public, and public authorities of abnormal or emergency conditions and sending this information to appropriate personnel or government agencies for corrective action;

(3) Conducting two-way vocal communication between a control center and the scene of abnormal operations and emergencies; and

(4) Providing communication with fire, police, and other appropriate public officials during emergency conditions, including a natural disaster.

§ 195.410 Line markers.

(a) Except as provided in paragraphs (b) and (c) of this section, each operator shall place and maintain line markers over each buried line in accordance with the following:

(1) Markers must be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that its location is accurately known.

(2) The marker must state at least the following: "Warning" followed by the words "Petroleum (or the name of the hazardous liquid transported) Pipeline" (in lettering at least 1 inch high with an approximate stroke of one-quarter inch on a background of sharply contrasting color), the name of the operator and a telephone number (including area code) where the operator can be reached at all times. Markers at navigable waterway crossings must also contain the words "Do Not Anchor or Dredge" with lettering not less than 12 inches high with an approximate stroke of 1¾ inches on a background of sharply contrasting color.

(b) Line markers are not required in heavily developed urban areas such as downtown business centers where—

(1) The placement of markers is impracticable and would not serve the purpose for which markers are intended; and

(2) The local government maintains current substructure records.

(c) Line markers that have been installed before April 1, 1970, may be used until April 1, 1975.

(d) Each operator shall provide line marking at locations where the line is above ground in areas that are accessible to the public.

§ 195.412 Inspection of rights-of-way and crossings under navigable waters.

(a) Each operator shall, at intervals not exceeding 2 weeks, inspect the surface conditions on or adjacent to each pipeline right-of-way.

(b) Except for offshore pipelines, each operator shall, at intervals not exceeding 5 years, inspect each crossing under a navigable waterway to determine the condition of the crossing.

§ 195.414 Cathodic protection.

(a) After March 31, 1973, no operator may operate a pipeline that has an external surface coating material, unless that pipeline is cathodically protected. This paragraph does not apply to breakout tank areas and buried pumping station piping.

(b) Each operator shall electrically inspect each bare pipeline before April 1, 1975, to determine any areas in which active corrosion is taking place. The operator may not increase its established operating pressure on a section of bare pipeline until the section has been so electrically inspected. In any areas where active corrosion is found, the operator shall provide cathodic protection. Section 195.416 (f) and (g) applies to all corroded pipe that is found.

(c) Each operator shall electrically inspect all breakout tank areas and buried pumping station piping before April 1, 1973, as to the need for cathodic protection, and cathodic protection shall be provided where necessary.

(d) Notwithstanding the deadlines for compliance in paragraphs (a), (b), and (c) of this section, this section does not apply to offshore pipelines located between a production facility and an operator's trunkline reception point until August 1, 1977.

§ 195.416 External corrosion control.

(a) Each operator shall, at intervals not exceeding 12 months, conduct tests on each underground facility in its pipeline systems that is under cathodic protection to determine whether the protection is adequate.

(b) Each operator shall maintain the test leads required for cathodic protection in such a condition that electrical measurements can be obtained to ensure adequate protection.

(c) Each operator shall, at intervals not exceeding 2 months, inspect each of its cathodic protection rectifiers.

(d) Each operator shall, at intervals not exceeding 5 years, electrically inspect the bare pipe in its pipeline system that is not cathodically protected and must study leak records for that pipe to determine if additional protection is needed.

(e) Whenever any buried pipe is exposed for any reason, the operator shall examine the pipe for evidence of external corrosion. If the operator finds that there is active corrosion, that the surface of the pipe is generally pitted, or that corrosion has caused a leak, it shall investigate further to determine the extent of the corrosion.

(f) Any pipe that is found to be generally corroded so that the remaining wall thickness is less than the minimum thickness required by the pipe specification tolerances must either be replaced with coated pipe that meets the requirements of this part or, if the area

is small, must be repaired. However, the operator need not replace generally corroded pipe if the operating pressure is reduced to be commensurate with the limits on operating pressure specified in this subpart, based on the actual remaining wall thickness.

(g) If isolated corrosion pitting is found, the operator shall repair or replace the pipe unless—

(1) The diameter of the corrosion pits is less than the nominal wall thickness as measured at the surface of the pipe; and

(2) The remaining wall thickness at the bottom of the pits is at least 70 percent of the nominal wall thickness.

(h) Each operator shall clean, coat with material suitable for the prevention of atmospheric corrosion, and, maintain this protection for, each component in its pipeline system that is exposed to the atmosphere.

§ 195.418 Internal corrosion control.

(a) No operator may transport any hazardous liquid that would corrode the pipe or other components of its pipeline system, unless it has investigated the corrosive effect of the hazardous liquid on the system and has taken adequate steps to mitigate corrosion.

(b) If corrosion inhibitors are used to mitigate internal corrosion the operator shall use inhibitors in sufficient quantity to protect the entire part of the system that the inhibitors are designed to protect and shall also use coupons or other monitoring equipment to determine their effectiveness.

(c) The operator shall, at intervals not exceeding 6 months, examine coupons or other types of monitoring equipment to determine the effectiveness of the inhibitors or the extent of any corrosion.

(d) Whenever any pipe is removed from the pipeline for any reason, the operator must inspect the internal surface for evidence of corrosion. If the pipe is generally corroded such that the remaining wall thickness is less than the minimum thickness required by the pipe specification tolerances, the operator shall investigate adjacent pipe to determine the extent of the corrosion. The corroded pipe must be replaced with pipe that meets the requirements of this part or, based on the actual remaining wall thickness, the operating pressure must be reduced to be commensurate with the limits on operating pressure specified in this subpart.

§ 195.420 Value maintenance.

(a) Each operator shall maintain each value that is necessary for the safe operation of its pipeline systems in good working order at all times.

(b) Each operator shall, at intervals not exceeding 6 months, inspect each main line valve to determine that it is functioning properly.

(c) Each operator shall provide protection for each valve from unauthorized operation and from vandalism.

§ 195.422 Pipeline repairs.

(a) Each operator shall, in repairing its pipeline systems, insure that the repairs are made in a safe manner and are made so as to prevent damage to persons or property.

(b) No operator may use any pipe, valve, of fitting, for replacement in repairing pipeline facilities, unless it is designed and constructed as required by this part.

§ 195.424 Pipe movement.

(a) No operator may move any line pipe, unless the pressure in the line section involved is reduced to not more than 50 percent of the maximum operating pressure.

(b) No operator may more any pipeline containing highly volatile liquids where materials in the line section involved are joined by welding unless—

(1) Movement when the pipeline does not contain highly volatile liquids is impractical;

(2) The procedures of the operator under § 195.402 contain precautions to protect the public against the hazard in moving pipelines containing highly volatile liquids, including the use of warnings, where necessary, to evacuate the area close to the pipeline; and

(3) The pressure in that line section is reduced to the lower of the following:

(i) Fifty percent or less of the maximum operating pressure; or

(ii) The lowest practical level that will maintain the highly volatile liquid in a liquid state with continuous flow, but not less than 50 p.s.i.g. above the vapor pressure of the commodity.

(c) No operator may move any pipeline containing highly volatile liquids where materials in the line section involved are not joined by welding unless—

(1) The operator complies with paragraphs (b) (1) and (2) of this section; and

(2) That line section is isolated to prevent the flow of highly volatile liquid.

§ 195.426 Scraper and sphere facilities.

No operator may use a launcher or receiver that is not equipped with a relief device capable of safely relieving pressure in the barrel before insertion or removal or scrapers or spheres. The operator must use a suitable device to indicate that pressure has been relieved in the barrel or must provide a means to prevent insertion or removal of scrapers or spheres if pressure has not been relieved in the barrel.

§ 195.428 Overpressure safety devices.

(a) Except as provided in paragraph (b) of this section, each operator shall, at intervals not exceeding 12 months, or 6 months in the case of pipelines used to carry highly volatile liquids, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.

(b) In the case of relief valves on pressure breakout tanks containing highly volatile liquids, each operator shall test each valve at intervals not exceeding 5 years.

§ 195.430 Firefighting equipment.

Each operator shall maintain adequate firefighting equipment at each pump station and breakout tank area. The equipment must be—

(a) In proper operating condition at all times;

(b) Plainly marked so that its identity as firefighting equipment is clear; and

(c) Located so that it is easily accessible during a fire.

§ 195.432 Breakout tanks.

Each operator shall, at intervals not exceeding 12 months, inspect each breakout tank (including atmospheric and pressure tanks).

§ 195.434 Signs.

Each operator shall maintain signs visible to the public around each pumping station and breakout tank area. Each sign must contain the name of the operator and an emergency telephone number to contact.

§ 195.436 Security of facilities.

Each operator shall provide protection for each pumping station and breakout tank area and other exposed facility (such as scraper traps) from vandalism and unauthorized entry.

§ 195.438 Smoking or open flames.

Each operator shall prohibit smoking and open flames in each pump station area and each breakout tank area where there is a possibility of the leakage of a flammable hazardous liquid or of the presence of flammable vapors.

§ 195.440 Public education.

Each operator shall establish a continuing educational program to enable the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a hazardous liquid pipeline emergency and to report it to the operator or the fire, police, or other appropriate public officials. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of non-English speaking population in the operator's operating areas.

[FR Doc. 81-21782 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-60-M

Proposed Rules

Federal Register
Vol. 46, No. 143
Monday, July 27, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 967

Celery Grown in Florida; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would establish the quantity of Florida celery to be marketed fresh during the 1981–82 season, with the objective of assuring adequate supplies and orderly marketing.

DATE: Comments due August 11, 1981.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is avilable on request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 149 and Order No. 967, both as amended, regulate the handling of celery grown in Florida. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Celery Committee, established under the order, is responsible for local administration.

This notice is based upon the unanimous recommendations made by the committee at its public meeting in Orlando on June 10.

The committee recommended a Marketable Quantity of approximately 8.2 million crates of fresh celery for the 1981–82 season. This recommendation is based on the appraisal of the expected supply and prospective market demand.

The recommended Marketable Quantity is 40 percent more than the approximately 5.8 million crates expected to be marketed fresh during the current season ending July 31, 1981. Each producer registered pursuant to § 967.37(f) would have an allotment equal to 100 percent of his historical marketings. This recommendation provides the industry an opportunity to (1) produce to its fullest capacity for the benefit of the consumer, and (2) determine its actual or potential maximum production capacity.

As required by § 967.37(d)(1) a reserve of six percent of the 1980–81 total Base Quantities is authorized for new producers and for increases by existing producers, with the only application, for a 50,000 crate increase, being approved.

To maximize the benefits of orderly marketing the proposed regulation should become effective as early as possible in August, when the marketing year begins. Interested persons were given an opportunity to comment on the proposal at an open public meeting on June 10, where it was unanimously recommended by the committee. This proposal is similar to regulations in effect for past seasons. It is hereby determined that the period allowed for comments should be sufficient under these circumstances and will effectuate the declared policy of the act.

On the basis of all considerations it is further determined that this proposed regulation would tend to effectuate the declared policy of the act.

PART 967—CELERY GROWN IN FLORIDA

It is proposed that § 967.316 (45 FR 52143, August 6, 1980) be removed and a new § 967.317 be added as follows:

§ 967.317 Handling Regulation; Marketable Quantity; and Uniform Percentage for the 1981–82 Season beginning August 1, 1981.

(a) The Marketable Quantity established under § 967.36(a) is 8,238,685 crates of celery.

(b) As provided in § 967.38(a), the Uniform Percentage shall be 100 percent.

(c) Pursuant to § 967.36(b), no handler shall handle any harvested celery unless it is within the Marketable Allotment of a producer who has a Base Quantity and such producer authorizes the first handler thereof to handle it.

(d) As required by § 967.37(d)(1) a reserve of six percent of the total Base Quantities is hereby authorized for (1) new producers and (2) increases for existing Base Quantity holders.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

(f) *Forms.* Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Dated: July 22, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-21892 Filed 7-24-81; 8:45 am]
BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Codes and Standards for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amending its regulations to incorporate by reference new addenda of the ASME Boiler and Pressure Vessel Code. The ASME Code provides rules for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. Adoption of these amendments would permit the use of improved methods for

construction and inservice inspection of nuclear power plants.

DATES: Comment period expires September 10, 1981. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Written comments or suggestions may be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. E. Baker, Division of Engineering Technology, Structural Engineering Section, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Phone 301–443–5860.

SUPPLEMENTARY INFORMATION: On April 3, 1981, the Nuclear Regulatory Commission published in the **Federal Register** (46 FR 20153) amendments to its regulation, 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," which incorporated by reference a new addenda to the ASME Boiler and Pressure Vessel Code. The amendment revised § 50.55a to incorporate by reference Addenda through the Summer 1979 Addenda to Section III, Division 1, "Rules for the Construction of Nuclear Power Plant Components," and Section XI, "Inservice Inspection of Nuclear Power Plant Components," of the ASME boiler and Pressure Vessel Code. Since that time the Winter 1979 Addenda, 1980 Edition, Summer 1980 Addenda, and the Winter 1980 Addenda have been issued. The Commission proposes to amend § 50.55a to incorporate by reference the Winter 1979 Addenda, 1980 Edition, Summer 1980 Addenda, and the Winter 1980 Addenda of Section III and the Winter 1979 Addenda, the 1980 Edition, and the Winter 1980 Addenda to Section XI of the ASME Boiler and Pressure Vessel Code.

Some to the technical ramifications of incorporating the edition and amendments are:

1. Section XI requires that a system hydrostatic test be performd after all inservice repairs and replacements to Class 1 systems and components.

2. Section III requires pressure relief devices be checked after the system is placed in operation and there must be some method of remotely monitoring the valve's position.

3. Both Section III and XI allow the practical exam, required for Nondestructive Examination (NDE) qualification, to be given by the American Society for Nondestructive Testing (ASNT) rather than the employer.

4. Section III requires that licensees meet the requirements of the national standard, ANSI/ASME N626.3–1979 "Qualification and Duties of Personnel Engaged in ASME Boiler and Pressure Vessel Code, Section III, Division 1 and 2, Certifying Activities."

Paperwork Reduction Act

As required by Pub. L. 96–511, this proposed rule will be submitted to the Office of Management and Budget for clearance of the recordkeeping requirements.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this proposed rule does not fall within the purview of the Act.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated.

1. In § 50.55a, paragraph (b)(1) and the introductory text of (b)(2) are revised to read as follows:

§ 50.55a Codes and Standards.

* * * * *

(b) * * *

(1) As used in this section, references to Section III of the ASME Boiler and Pressure Vessel Code refer to Section III, Division 1, and include editions through the 1980 Edition and addenda through the Winter 1980 Addenda.

(2) As used in this section, references to Section XI of the ASME Boiler and Pressure Vessel Code refer to Section XI, Division 1 and include editions through the 1980 edition and addenda through the Winter 1980 Addenda, subject to the following limitations and modifications:

* * * * *

(Secs. 103, 104, 161 b. and i., Pub. L. 83–703; 68 Stat. 936, 937, 948; sec. 201, Pub. L. 93–438, 88 Stat. 1242; (42 U.S.C. 2133, 2134, 2201 (b) and (i), 5841))

Dated at Bethesda, MD this 17th day of June 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81–21854 Filed 7–24–81; 8:45 am]

BILLINGE CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80–NW–62–AD]

Airworthiness Directives; Groupement d'Interet Economique Airbus (Airbus Industrie) Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This proposed rule would require modification of the Ground/flight detection circuit which supplies electrical power to the pitot probe heaters on Airbus Industrie Model A300 series airplanes. This action is necessary to eliminate a situation where a single failure of the Ground/Flight detection circuit can result in insufficient electrical power to all pitot probe heaters, which, combined with exposure of the aircraft to icing or precipitation, may result in a loss of all airspeed indications. One in-service incident has been reported.

DATES: Comments must be received by August 28, 1981.

Compliance as prescribed in the body of the AD unless already accomplished.

ADDRESSES: Send comments on the proposed rule in duplicate to: Department of Transportation, Federal Aviation Administration, Northwest Region, Chief, Seattle Area Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington 98108.

The applicable service information may be obtained from: Groupement d'Interet Economique Airbus Industrie, Avenue Lucien, Sevanty-B.P. N°33, 31700 Blagnac, France.

FOR FURTHER INFORMATION CONTACT: Mr. Clyde L. Halstead, Systems and Equipment Branch, ANW–130S, Seattle

Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767–2500.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comment specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80–NW–62–AD, 9010 East Margianl Way South, Seattle, Washington 98108.

Discussion of the Proposed Rule

One incident has been reported wherein a Model A300 airplane experienced a complete loss of the Captain's, First Officer's, and standby airspeed indicator. This condition lasted for approximately 15 minutes in heavy icing conditions, and affected all systems dependent upon airspeed including pitch trim and autopilot.

The problem was determined to have resulted from a failure of the Ground/Flight detection circuit which provides electrical power to all three pitot probe heaters. In the present configuration, a single failure may result in insufficient electrical power to all pitot probe heaters.

An additional independent detection circuit monitors the electrical power provided to the pitot probe heaters, and annunciates the failure condition on the pitot probe monitor panel located at the Second Officer's station.

It has been determined that all Model A300 airplanes modified in accordance with Airbus Industrie Modification 2435, Service Bulletin 34–069 are susceptible to the single detection circuit failure. These aircraft are affected by this proposed rule and are listed in Service Bulletin A300–30–026.

Information received from Airbus Industrie indicates that the Badin/Crouzet type 45000 pitot probe, installed by Service Bulletin A300–34–069, will not de-ice properly inflight when the probe heaters are operated in the Ground power condition.

Airbus Industrie (AI) sent an all operators telex on June 27, 1980, providing advance information and inspection procedures. A retrofit modification No. 3336 has been defined with a corresponding Service Bulletin A300–30–026 released on July 30, 1980, and revised on June 17, 1981. This service bulletin modification consists of assigning two Ground/Flight detection circuits to each pitot probe; one is provided to control the heating intensity, the other to monitor the heater current to the pitot probe.

Anticipated Economic Effects

The sole operator of U.S. registered Model A300 airplanes has estimated that the total cost impact of this action will be appropriately $32,500.

The Proposed Amendment

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

Groupement d'Interet Economique Airbus (Airbus Industrie): Applies to Model A300 series airplanes, certificated in all categories. Compliance required as indicated, unless already accomplished. Within the next 1800 flight hours after the effective date of this AD, accomplish the pitot probe heater modifictions in accordance with:

A. Airbus Industrie's Service Bulletin A300–30–026, revision dated June 17, 1981; or

B. An alternative modifiction which provides an equivalent level of safety and has been approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

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

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information, Contact." In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Washington on July 15, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81–21809 Filed 7–24–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–ARM–07]

Establishment of Transition Area; Erie, Colo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking (NPRM) proposes to establish a 700' transition area at Erie, Colorado, to provide controlled airspace for aircraft executing the new VOR/DME–A standard instrument approach procedure developed for the Tri-County Airport, Erie, Colorado.

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

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, ATTN: ARM–500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: David M. Laschinger, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM–539), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 340–5494.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

Availability of NPRM

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

The Proposal

The Federal Aviation Administration (FAA), is considering an amendment to subpart G of Part 71 of the Federal Aviation Regulations (15 CFR 71) to establish a 700' transition area at Erie, Colorado. This proposal is necessary to provide controlled airspace for aircraft executing the new VOR/DME–A standard instrument approach procedure developed for the Tri-County Airport, Erie, Colorado. Accordingly, the FAA proposes to amend subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending subpart G, § 71.181, so as to establish the following transition area:

Erie, Colorado

That airspace extending upward from 7..' above the surface beginning at latitude 40°10'00"N., longitude 105°01'45"W., to latitude 39°54'00"N., longitude 104°49'50"W., to latitude 39°49'00"N., longitude 105°01'00"W., to latitude 40°05'15"N., longitude 105°13'00"W., thence to point of beginning, excluding the Denver, Colorado 700' transition area.

Drafting Information

The principal authors of this document are David M. Laschinger, Air Traffic Division, and Daniel Peterson, Office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation will not have a significant impact on a substantial number of small entities. The proposed action relates to matters concerning a very limited amount of navigable airspace and will not cause any significant economic impact.

Note.—The FAA has determined that this proposed regulation is not a major rule under Executive Order 12291 (as implemented by DOT Regulatory Policies and Procedures, (44 FR 110.34)) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued In Aurora, Colorado on July 15, 1981.

Arthur Varnado,

Director.

[FR Doc. 81–21811 Filed 7–24–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–ANW–12]

Proposed Alteration of Transition Area and Control Zone, Lewiston, Idaho

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration proposes to alter the transition area and control zone at Lewiston, Idaho. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Lewiston Airport. This action is necessary to provide protection of aircraft executing a new instrument approach procedure using the Lewiston VOR.

DATE: Comments must be received on or before August 30, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Operations, Procedures, and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW–534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767–2610.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ANW–12." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking by submitting a request to the Federal Aviation Administration, Chief, Operations, Procedures, and Airspace Branch, ANW–530, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108, or by calling (206) 767–2610. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular

No. 11–2 which describes the application procedure.

The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to § 71.181 and § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the transition area and control zone at Lewiston, Idaho. This action, if approved, will provide controlled airspace for the current VOR Runway 8 approach at Lewiston and for the proposed VOR/DME approach to Runway 8, ILS/DME approach to Runway 26, and the NDB–A approach. Alteration of the transition area and control zone at Lewiston, Idaho, will necessitate an amendment to these subparts.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the Lewiston transition area under § 71.181 and § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished and amended (46 FR 540), and (46 FR 455), as follows:

Lewiston, Idaho [Amended]

In § 71.171, revised the description of the Lewiston Control Zone to read:

Within a 5-mile radius of Lewiston-Nez Perce County Airport (lat. 46°22'29"N, long. 117°00'52"W); within 3 miles each side of the Lewiston-Nez Perce ILS localizer course, extending from the 5-mile radius zone to 17 miles east of the airport; within 4 miles each side of the Lewiston VOR 266° radial extending from the 5-mile radius zone to 15 miles west of the airport. This control zone is effective during the specific dates and times published in the Airport/Facility Director.

In § 71.181, revise the description of the Lewiston, Idaho, Transition Area to read:

That airspace extending upwards from 700 feet above the surface within an area bounded by a line beginning at lat. 46°29'25"N, long. 117°34'05"W, east to lat. 46°30'45"N, long. 117°00'45"W, north to lat. 46°34'25"N, long. 117°04'40"W, then via the arc of a 16.5-mile radius centered on the Lewiston VOR (lat. 46°22'54"N, long. 116°52'07"W), to lat. 46°27'00"N, long. 116°32'05"W, east to lat. 46°25'30"N, long. 116°26'00"W, south to lat. 46°13'20"N, long. 116°30'00"W, west to lat. 46°14'40"N, long. 116°35'40"W, then via the arc of a 16.5-mile radius centered on the Lewiston VOR (lat. 46°22'54"N, long. 116°52'07"W) to lat. 46°09'00"N, long. 116°46'50"W, north to lat. 46°17'00"N, long. 116°49'10"W, west to lat. 46°18'05"N, long. 117°00'11"W, west to lat. 46°17'42"N, long. 117°22'00"W, south to lat. 46°10'30"N, long. 117°26'20"W, west to lat. 46°12'00"N, long. 117°35'50"W, north to point of beginning: that airspace extending upward from 1,200 feet above the surface bounded on the east by W long. 116°, bounded on the south by N lat. 46°, bounded on the west by the arc of a 19-mile radius circle centered on the Walla Walla VOR (lat. 46°06'13"N, long. 118°17'29"W) and bounded on the north by V–536.

(Sec. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c), and 1510); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington, July 16, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81–21807 Filed 7–24–81; 8:45 am]

BILLING CODE 4910–13–M

Coast Guard

33 CFR Part 80

[CGD 80–142]

COLREGS Demarcation Lines, Savannah River, GA, to Amelia Island, FL

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to relocate the COLREGS demarcation lines along the barrier islands on the coast of Georgia to coincide with the Georgia State Department of Natural Resources' (DNR) sound/beach boundaries. The demarcation lines are authorized by the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), and delineate those waters upon which mariners must comply with the 72 COLREGS and those waters upon which mariners must comply with the Inland Navigational Rules. The DNR sound/beach boundaries were established for fishing purposes. The coordination of the demarcation lines and the sound/beach boundaries will realize a number of advantages to local fishing interests and mariners in terms of navigation safety and convenience.

DATE: Comments must be received on or before September 10, 1981.

ADDRESSES: Comments may be mailed to Commandant (G–CMC/44) (CGD 80–142) U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G–CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC, between 7:00 a.m. and 5:00 p.m., Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT: Ensign Edward G. LeBlanc, Office of Marine Environment and Systems (G–WWM–2), Room 1608, U.S. Coast Guard headquarters, 2100 Second Street, SW, Washington, D.C. 20593, (202) 426–4958 between 7:30 a.m. and 4:30 p.m., Monday through Thursday except holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person submitting them, identify this notice (CGD 80–142) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If acknowledgement is desired, a stamped addressed post card should be enclosed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information: The principal persons involved in the drafting of this proposal are: Ensign Edward G. LeBlanc, Project Manager, Office of Marine Environment and Systems, and Lieutenant Kenneth E. Johnson, Project Counsel, Office of the Chief Counsel.

Discussion of the Proposed Regulations

The Georgia State Department of Natural Resources (DNR) has petitioned the Coast Guard, requesting the COLREGS lines along the coast of Georgia be re-established to coincide with DNR "sound/beach boundaries". These lines were established by the state of Georgia to designate the landward boundary of the ocean for fishing purposes between Georgia's barrier islands. The reason the DNR established these lines between the barrier islands was to delineate the "zero mile" or beach limit for state fisheries management activities between the beach and the three mile limit.

Re-establishing the COLREGS lines off the coast of Georgia to coincide with DNR fishing lines will further the safety of navigation for several reasons. In many cases, the lines proposed by DNR are more closely aligned perpendicular to the channels, drawn to points of land more easily discernible to the mariner, or both. Additionally, DNR uses fixed physical objects on the shore, or special DNR markers, both visible to the mariner by eye, at the end points of a line. A single line on coastal charts indicating both COLREGS and fisheries demarcation lines would be a readily identifiable reference for mariners. There is no significant reason not to accommodate the state of Georgia in this matter and provide this convenience to Georgia's waterways users. These DNR lines were adopted by the Board of Natural Resources after requesting public input from over 2,000 licensed commercial fishermen from Georgia and holding a series of public hearings.

It should be noted that the Coast Guard is relocating this demarcation line as a matter of convenience and in the interest of navigational safety only. This relocation is in no way related to the State of Georgia's purposes in establishing the sound/beach boundary.

Evaluation

The proposed regulation has been evaluated under Executive Order 12291 and DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," and has been determined not to be a major or significant regulation. An economic evaluation of the proposed regulations has not been conducted because the impact is minimal. They would not place any new requirements or burdens on the public, but would merely relocate existing demarcation lines. For these reasons, pursuant to § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, Pub. L. 96-354, September 19, 1980), it is certified that the proposed amendments will not have a significant economic impact on a substantial number of small entities.

In consideration of the above, it is proposed that Part 80 of Title 33 of the Code of Federal Regulations be amended as follows:

* * * * *

PART 80—COLREGS DEMARCATION LINES

1. By revising § 80.715 to read:

§ 80.715 Savannah River.

A line drawn from the southernmost tank on Hilton Head Island charted in approximate position latitude 32°06.7' N., longitude 80°03' W., to Savannah River Channel Buoy "2" and then to the range marker "3" on the northern tip of Tybee Island.

2. By revising § 80.717 to read:

§ 80.717 Tybee Island, GA, to St. Simons Island, GA

(a) Tybee Inlet. A line drawn from the southernmost extremity of Savannah Beach on Tybee Island 255° true across Tybee Inlet to the shore of Little Tybee Island south of the entrance to Buck Hammock Creek.

(b) Wassaw Sound. A line drawn from a Georgia Department of Natural Resources marker on the southern tip of Little Tybee Island to an identical marker located directly in front of the large concrete bunker on the northern tip of Wassaw Island.

(c) Ossabaw Sound. A line drawn from a Georgia Department of Natural Resources marker on the southern tip of Little Tybee Island to an identical marker located directly in front of the large concrete bunker on the northern tip of Ossabaw Island.

(d) St. Catherines Sound. A line drawn from a marker on the southern tip of Ossabaw Island to a market located on the northern tip of St. Catherines Island.

(e) Sapelo Sound. A line drawn from a marker located on the northern tip of the Blackbeard Island.

(f) Cabretta Inlet. A line drawn from the southern tip of Blackbeard Island across Blackbeard Creek to the northern tip of Cabretta Island.

(g) Doboy Sound. A line drawn from a marker located on the southern tip of Sapelo Island to a marker located on the northern tip of the unnamed island near the northern tip of Wolf Island.

(h) Altamaha Sound. A line drawn from a marker located on the southeastern tip of Wolf Island to a marker located on the northeastern tip of Little St. Simons Island.

(i) Hampton River. A line drawn from a marker located on the southern tip of Little St. Simons Island to a marker located on the northeastern tip of Sea Island.

3. By revising § 80.720 to read:

§ 80.720 St. Simons Island, GA to Amelia Island, FL

(a) St. Simons Sound. A line drawn from a marker located at the base of the lighthouse on the southern tip of St. Simons Island to a marker located on the northern tip of Jekyll Island.

(b) St. Andrew Sound. A line drawn from a marker on the southern tip of Jekyll Island to a marker located on the northern tip of Little Cumberland Island.

(c) Cumberland Sound. A line drawn from a marker located on the southern tip of Cumberland Island to a marker located at the northern most point of Fort Clinch.

Note.—Georgia DNR markers are 4'×4' or 4'×6' signs, black letters on white or yellow backgrounds, reading "SOUND LIMITS: DEPARTMENT OF NATURAL RESOURCES." Signs are fixed to two wood or steel posts eight to ten feet above the ground.

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

Dated: July 1, 1981.

J. W. Kime,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 81-21691 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-14-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Freedom of Information Act

36 FR Part 810

AGENCY: Advisory Council on Historic Preservation.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations will implement Council responsibilities under the Freedom of Information Act (5 U.S.C. 552). Heretofore, the Council has opted to follow the Interior Department's Freedom of Information Act regulations. These proposed regulations will provide the Council with its own regulations to better meet its specific needs.

DATE: Comment date: August 26, 1981.

ADDRESS: Send comments to the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: John M. Fowler, General Counsel, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005; 202-254-3967.

SUPPLEMENTARY INFORMATION: The Council was established by the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and consists of the Secretary of the Interior, the Secretary of Housing and Urban Development, the Administrator of the General Services Administration, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Transportation, the Architect of the Capitol, the Chairman of the National Trust for Historic Preservation, the President of the National Conference of State Historic Preservation Officers, and four members from the general public appointed by the President, four historic

preservation experts appointed by the President, and a governor and a mayor. The Act generally charges the Council with advising the President and the Congress on historic preservation matters. The Council's administrative support is provided by the Department of the Interior. Heretofore, the Council has opted to follow the Department's Freedom of Information Act regulations. These proposed regulations will provide the Council with its own regulations to better meet its specific needs.

The Council has determined that these regulations are not "major rules" within the meaning of Executive Order 12291. Consequently, these regulations have been submitted to the Office of Management and Budget 10 days prior to publication.

Pursuant to 36 CFR 805, "National Environmental Policy Act Implementation Procedures," the Council has determined that an Environmental Impact Statement is not required.

PRINCIPAL AUTHOR: Katherine Raub Ridley, attorney advisor.

Robert R. Garvey, Jr.,

Executive Director.

July 13, 1981.

It is proposed to amend Title 36 of the Code of Federal Regulations by adding a new Part 810 to read as follows:

PART 810—FREEDOM OF INFORMATION ACT REGULATIONS

Sec.

Authority: Pub. L. 89-665, 80 Stat. 915 (16 U.S.C. 470) as amended by Pub. L. 91-243, Pub. L. 93-54, Pub. L. 94-422, Pub. L. 94-458, Pub. L. 96-199, Pub. L. 96-244, Pub. L. 96-515.

§ 810.1 Purpose and Scope.

(a) This subpart contains the regulations of the Advisory Council on Historic Preservation implementing the Freedom of Information Act (5 U.S.C. 552). Procedures for obtaining the records covered by the Act are established in these regulations. Persons seeking information or records of the Council are encouraged to consult first with the staff of the Council before filing a formal request under the Act pursuant to these regulations. The informal exchange of information is encouraged wherever possible.

§ 810.2 Procedure for Requesting Information.

(a) Requests for information or records not available through informal channels shall be directed to the Administrative Officer, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005. All such requests should be clearly marked "FREEDOM OF INFORMATION REQUEST" in order to ensure timely processing. Requests that are not so marked will be honored, but will be deemed not to have been received by the Council, for purposes of computing the response time, until the date on which they are identified by a member of the Council staff as being a request pursuant to the Freedom of Information Act.

(b) Requests should describe the records sought in sufficient detail to allow Council staff to locate them with a reasonable amount of effort. Thus, where possible, specific information, including dates, geographic location of cases, and parties involved, should be supplied.

(c) A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be reasonably described if the records can be identified by any process that is not unreasonably burdensome or disruptive of Council operations.

(d) If a request is denied on the ground that it does not reasonably describe the records sought, the denial shall specify the reasons why the request was denied and shall extend to the requester an opportunity to confer with Council staff in order to reformulate the request in sufficient detail to allow the records to be produced.

§ 810.3 Action on Requests.

(a) Once a requested record has been identified, the Administrative Officer shall notify the requester of a date and location where the records may be examined or of the fact that copies are available. The notification shall also advise the requester of any applicable fees under § 810.5.

(b) A reply denying a request shall be in writing, signed by the Administrative Officer and shall include:

(1) Reference to the specific exemption under the Act which authorizes the denial of the record, a brief explanation of how the exemption applies to the record requested, and a brief statement of why a discretionary release is not appropriate; and,

(2) A statement that the denial may be appealed under § 810.4 within 30 days by writing to the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005.

(c) The requirements of § 810.3(b)(1)–(2) do not apply to requests denied on the ground that they are not described with reasonable specificity and consequently cannot be identified.

(d) Within 10 working days from receipt of a request, the Administrative Officer shall determine whether to grant or deny the request and shall promptly notify the requester of the decision. In certain unusual circumstances specified below, the time for determinations on requests may be extended up to a total of 10 additional working days. The requester shall be notified in writing of any extension and of the reason for it, as well as of the data on which a determination will be made. Unusual circumstances include:

(1) The need to search for and collect records from field offices or other establishments that are separate from the Washington office of the Council;

(2) The need to search for, collect, and examine a voluminous amount of material which is sought in a request; or,

(3) The need for consultation with another agency having substantial interest in the subject matter of the request.

If no determination has been made by the end of the 10-day period or the end of the last extension, the requester may deem his request denied and may exercise a right of appeal in accordance with § 810.4.

§ 810.4 Appeals.

(a) When a request has been denied, the requester may, within 30 days of receipt of the denial, appeal the denial to the Executive Director of the Council. Appeals to the Executive Director shall be in writing, shall be addressed to the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005, and shall be clearly marked "FREEDOM OF INFORMATION APPEAL." Requests that are not so marked will be honored, but will be deemed not to have been received by the Council, for purposes of computing the response time, until the date on which they are identified by a member of the Council staff as being an appeal pursuant to the Freedom of Information Act.

(b) The appeal will be acted on within 20 working days of receipt. A written decision shall be issued. Where the decision upholds an initial denial of information, the decision shall include a reference to the specific exemption in the Freedom of Information Act which authorizes withholding the information, a brief explanation of how the exemption applies to the record withheld, and a brief statement of why a

discretionary release is not appropriate. The decision shall also inform the requester of the right to seek judicial review in the U.S. District Court where the requester resides or has his principal place of business, or in which the agency records are situated, or in the District of Columbia.

(c) If no decision has been issued within 20 working days, the requester is deemed to have exhausted his administrative remedies.

§ 810.5 Fees.

(a) Fees shall be charged according to the schedules contained in paragraph (b) of this section unless it is determined that the requested information will be of primary benefit to the general public rather than to the requester. In that case, fees may be waived. Fees shall not be charged where they would amount to less than $3.00.

(b) The following charges shall be assessed:

(1) Copies of documents—$0.10 per page.

(2) Clerical searches—$1.00 for each one quarter hour in excess of the first quarter hour spent by clerical personnel in searching for requested records.

(3) Professional searches—$2.00 for each one quarter hour in excess of the first quarter hour spent by professional or managerial personnel in determining which records are covered by a request or other tasks that cannot be performed by clerical personnel.

(c) Where it is anticipated that fees may amount to more than $25.00, the requester shall be advised of the anticipated amount of the fee and his consent obtained before the request is processed. The time limits for processing the request under Section 810.3 shall not begin to run until the requester's written agreement to pay the fees has been received. In the discretion of the Administrative Officer, advance payment of fees may be required before requested records are made available.

(d) Payment should be made by check or money order payable to the Advisory Council on Historic Preservation.

§ 810.6 Exemptions.

(a) The Freedom of Information Act exempts from disclosure nine categories of records which are described in 5 U.S.C. 552(b).

(b) When a request encompasses records which would be of concern to or which have been created primarily by another Federal agency, the record will be made available by the Council only if the document was created primarily to meet the requirements of the Council's regulations implementing Section 106 of the National Historic Preservation Act or other provisions of law administered primarily by the Council. If the record consists primarily of materials submitted by State or local governments, private individuals, organizations, or corporations, to another Federal agency in fulfillment of requirements for receiving assistance, permits, licenses, or approvals from the agency, the Council may refer the request to that agency. The requester shall be notified in writing of the referral.

[FR Doc. 81-21784 Filed 7-24-81; 8:45 am]
BILLING CODE 4310-10-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL-1878-4]

Approval and Promulation of State Implementation Plans; Colorado

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rulemaking.

SUMMARY: The purpose of this notice is to propose to approve amended regulations concerning sulfur dioxide emission limitations for oil shale production. The amended regulation was made upon petition by Cathedral Bluffs Oil Shale Company and the Colorado Air Quality Control Commission.

DATE: Comments are due by August 26, 1981.

ADDRESSES: Copies of the state submittal and any comments received are available at the following addresses for inspection:

Environmental Protection Agency, Air Programs Branch, Region VIII, Suite 200, 1860 Lincoln Street, Denver, Colorado 80295;

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), Mail Code PM-213, 401 M Street, SW., Washington, D.C. 20460.

Written comments should be sent to: Robert R. DeSpain, Chief, Air Programs Branch, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3471.

FOR FURTHER INFORMATION CONTACT: Eliot Cooper, Air Programs Branch, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-6131.

SUPPLEMENTARY INFORMATION: On March 23, 1981, after public hearings, the Governor of Colorado submitted to EPA the following amended rules concerning sulfur dioxide emission limitations for oil shale production:

Regulation No. 1—"Emission Control Regulations for Particulates, Smokes and Sulfur Oxides for the State of Colorado," amended Section III.B.4f.:

f. *Production of Oil from Shale.* Production of oil from shale shall be subject to the emission limitations provided in Air Quality Control Commission Regulation No. 6, Subpart B (Non-Federal New Sources Performance Standards (NSPS), Section IV.C.3) (Section f amended February 5, 1981, effective March 30, 1981).

Regulation No. 6—"Standard of Performance for New Stationary Sources," amended Section VI.C.3:

3. On and after the date on which the required performance test has been completed, no owner or operator subject to the provisions of this Section shall discharge or cause the discharge into the ambient air from the production of oil from shale, sulfur dioxide in excess of:

1. Facilities producing 1,000 or more barrels of oil per day:

(i) Standard. Shale oil production facilities shall employ Best Available Control Technology (BACT) (as determined by the Division after consultation with the Commission), but as provided in Section IV.C.3.a.(ii). In no event shall the total sulfur dioxide emissions from a production facility exceed 0.30 lbs., SO_2 per barrel of oil produced.

(ii) Exemption. For shale oil production facilities which will employ combined modified in-situ retorting and above ground retorting and which meet all the following criteria, the standard shall be BACT (as determined by the Division after consultation with the Commission) with total daily SO_2 emissions not to exceed the emissions which would result from operation of the facility at design capacity (expressed in barrels of oil produced per stream day) multiplied by 0.3 lbs., SO_2 per barrel:

(A) The applicant must demonstrate that it intends and has the capability to construct and operate a shale oil production facility with the design capacity claimed in its permit application. If at any time the Division determines that the permitted facility is not constructed or does not have the capability to operate (except as is prohibited by the maximum emission limitation provided for in this exemption) to the design capacity stated in the permit application, the maximum allowable emissions shall be recalculated to a limitation equal to actual production capacity multiplied by 0.30 lbs. SO_2 per barrel; and the emission permits for such facility shall

be amended to reflect such newly calculated emission limitation.

(B) Emission permit applications shall indicate whether the applicant is applying for exemption from the 0.3 lbs. SO_2 per barrel emission limitation and the anticipated date of commencement of construction for the source of SO_2 emissions (i.e., each emission point or group of emission points at a shale oil production facility requiring a separate permit). With respect to any source of SO_2 emissions the construction of which is to be commenced more than two years after issuance of initial approval of the emission permit, the Division shall by permit conditions state a date certain by which the applicant shall submit date to the Division for review of the determination of BACT for such source. Failure of the applicant to meet the permit conditions requiring submittal of data shall be grounds for revocation in the initially approved permit. Nothing herein shall, however, be construed as prohibiting an applicant from making a timely application for an amendment to the terms and conditions of an emission permit. The determination of BACT shall be reviewed by the Division and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of such source, unless this time period is waived or extended by mutual agreement of the Division and the applicant. At such time, the owner or operator of the stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source. Determination of the date of commencement of construction shall be on a source-by-source basis and construction of an individual source shall not be deemed to have commenced by reason of (1) commencement of construction of the overall shale oil production facility; (2) commencement of construction of components of the facility which will be used in common with more than one source (e.g., mine shafts); or (3) commencement of construction of components of the source which in no way limit what control technology may be applied (e.g., pouring of concrete pads well in advance of other construction). Acceptance of a permit so conditioned shall be deemed as an agreement that the applicant accepts the possibility that BACT might be revised for the source.

(C) Only applicants for sources locating in SO_2 attainment areas are eligible for this exemption. The exemption shall not be granted to any source locating in an SO_2 non-attainment area or unclassifiable area, nor to any source where the granting of such exemption would cause or contribute to a violation of the National Ambient Air Quality Standards or class increments for SO_2 as they exist on the effective date of this provision (March 30, 1981).

(D) The exemption is only from the requirement not to exceed the SO_2 emission limitation of 0.30 lbs./bbl. and in no way exempts any shale oil production facility from employing BACT, not violating the National Ambient Air Quality Standards (including class increments) for SO_2, or otherwise meeting the applicable statutory and regulatory requirements for issuance of an emission permit.

(E) The above-ground retorting operations shall be commenced at the earliest practicable time.

(F) The exemption provided for herein shall be applicable only to the first eighteen (18) tons of SO_2 emissions from a shale oil production facility per day. Any SO_2 emissions in excess of eighteen (18) tons per day shall be subject to the provisions of Section IV.C.3.a.(i).

(G) For the purpose of this section:

(1) "design capacity" shall mean maximum production capability (expressed in barrels per day) on a stream day basis (24-hour operation period) of the applicant's proposed facility when fully constructed and operated in accordance with prudent utilization of the site and the oil shale resource, and taking into consideration the rated capacities of individual facility components, designed retorting efficiency of modified in-situ retorts, and other factors affecting production capability deemed appropriate by the Division. Even though the facility may be constructed in phases, its design capacity shall be deemed to be the total design capacity of all sources for which emission permits have been granted.

(2) "actual production capacity" shall mean the maximum production capability on a stream day basis of the permitted facility operating in accordance with prudent utilization of the site and oil shale resource and taking into consideration actual demonstrated capacities (including individual facility components), demonstrated modified in-situ retorting efficiency, and other factors affecting production capability deemed appropriate by the Division.

(3) "shale oil production facilities which employ in-situ retorting and surface retorting" shall mean shale oil production facilities which utilize both in-situ retorting and surface retorting to recover oil from oil shale with at least 20% of the shale processed being processed by surface retorting.

(H) Unless renewed by the Commission, the exemption provided for in Section IV.C.3.a.(ii) shall expire on July 1, 1992.

b. Facilities producing less than 1,000 barrels of oil per day: There shall be no process emission standard for purposes of this regulation for sources processing less than 1,000 barrels per day.

d. Test Methods and Procedures. The reference methods contained in Appendix A of this regulation shall be used to determine compliance with the standards prescribed in subsection C., as follows:

1. Method 1 for selecting sample site and velocity traverses;

2. Method 2 for velocity and volumetric flowrate;

3. Method 3 for gas analysis to be used when applying Method 6; and

4. Method 6 for concentration of SO_2.

The amendments to these regulations were made upon petition by Cathedral Bluffs Oil Shale Company.

The Colorado Air Quality Control Commission (Commission) deemed the adoption of BACT as a new source performance standard appropriate in light of EPA's requirements for the prevention of significant deterioration (PSD) which impose BACT as a requirement on major sources of regulated pollutants. Adoption of BACT represents a more restrictive standard except for the limited exemption provided. BACT is being added to, and not substituted for, the existing 0.30 lbs./barrel standard. The Commission deems it generally appropriate to have a fixed numerical ceiling on emissions with exemptions therefrom being granted only upon an affirmative demonstration that such exemption is necessary.

Evidence presented at the Commission's public hearing indicated that probability that the offgas from modified in-situ (MIS) retorting of oil shale could not meet the existing 0.30 lbs./barrel standard. Recognizing the desirability of exploring recovery of shale oil by MIS and in hope that SO_2 emission control technology may be further developed concurrently with shale oil production technology such that the 0.30 lbs./barrel standard may utlimately be achievable, the Commission deems it appropriate to provide a *limited* exemption from the standard to allow development of the MIS recovery process. Allowing such development and operation will provide data necessary for re-evaluation of emission control regulatons for shale oil facilities, including new source performance standards (i.e., the exemption is viewed as a necessary first step in the development of more

technically based emission control regulations). The exemption has been limited, however, to eighteen tons per facility per day in the belief that technology can be developed within such limitation such that a further relaxation of the standard is unnecessary.

Because the MIS process involves the mining of a substantial portion of the oil shale resource, the exemption is limited to those shale oil production operations which use both MIS and above ground retorting (AGR). Evidence presented at the hearing indicated that AGR could meet or do better than the 0.30 lbs./barrel standard. Evidence presented at the hearing also indicated that by averaging the SO_2 emissions from AGR and MIS, depending on the mix of the two processes, a facility may approach compliance with the 0.30 lbs./barrel standard. A greater percentage of shale processed by AGR means fewer pounds of SO_2 emitted per barrel on the average. Therefore, the exemption requires that at least 20% of the shale processed must be processed by surface retorting and that surface retorting be commenced at the earliest practicable time. As indicated by the evidence presented at the hearing, the 20% figure is consistent with projected efficient use of the oil shale resource.

To provide an incentive for development of more efficient SO_2 emission control equipment and to limit total SO_2 emissions from a shale oil production facility, the exemption provisions impose a "cap" on toal SO_2 emissions equivalent to emissions from the facility if it is operated at design capacity and is meeting the 0.30 lbs./barrel standard. Concerns were raised at the Commission's hearing that such a cap would not be an effective limitation because an applicant for an emission permit to operate a shale oil production facility could exaggerate the facility's design capacity in order to obtain a artificially high SO_2 emmission cap. In response to these concerns, the Commission has provided for a re-calculation of the emission cap in the event that the actual production capacity of a facility is less than the design capacity represented in the permit application and automatic expiration of permits where sources are not constructed in accordance with schedules set forth in emission permit conditions (unless revised by permit amendments).

Evidence presented at the hearing indicated that large scale shale oil production facilities would be constructed over a period of time in multiple phases.The Commission anticipates that BACT for shale oil production facilities will change and that it is likely that control technology for SO_2 emissions will be improved between the time that emission permit applications are received and later phases of construction are commenced. To ensure that "state of the art" emission control is employed, the Commission has provided for periodic review and modification of BACT as appropriate.

In considering adoption of this revision, the Commission has relied upon existence of National Ambient Air Quality Standards and class increments for SO_2 to protect ambient air quality with respect to sulfur dioxide. But for such protection, the Commission would not have adopted the exemption provided for combined MIS/AGR shale oil production facilities. The exemption is, therefore, available only to sources locating in SO_2 attainment areas and only where such exemption would not cause or contribute to a violation of such standards and increments as they exist on the effective date of the Commission's revision (March 30, 1981).

Finally, in light of the uncertainty of the ability of MIS to meet the 0.30 lbs./barrel standard and in hopes that emission control technology will improve such that the standard may be achievable in the near future, the Commission has provided an expiration date for the exemption, deeming it appropriate to place the burden upon industry to justify any extension of the exemption. The commission believes that the expiration date of July 1, 1992, is well enough into the future to allow industry to either achieve the ability to comply with the 0.30 lbs./barrel standard or to gather sufficient data to justify an extension of the exemption. The Commission of course, reserves its authority to repeal or otherwise amend its regulation at any time as may be appropriate.

Proposed Action

EPA today is proposing to approve Colorado's regulation changes, since they apply only to new sources producing shale oil for which no federal new source performance standard exists. In addition, these changes will not cause any violation of sulfur dioxide ambient standards or PSD increments (as they exist on the effective date of this provision (March 30, 1981)). However, when a new source performance standard is promulgated for oil shale producing sources, EPA may need to reconsider the State's regulation.

EPA emphasizes that it is only proposing to approve the State's regulation insofar as it establishes a framework for the State to set new source performance standards for oil shale producing facilities. However, EPA currently has PSD authority in the State of Colorado and will be independently determining BACT for oil shale facilities on a case-by-case basis. The exemption provided in the State's regulation for combined modified in-situ retorting and above ground retorting and BACT determinations made by the State under this regulation will not be binding on EPA in its BACT determination for specific sources.

Pursuant to the provisions of the regulatory Flexibility Act (5 U.S.C. 605(b)) the Administrator has certified (46 FR 8709) that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves State action. It imposes no new requirements. In addition, this action is not only expected to effect a small number of facilities (i.e., those that combine modified in-situ retorting and above ground retorting). Furthermore, the revised regulations specifically exempts small facilities producing less than 1,000 barrels of oil per day.

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 approves State action. EPA approval of the State action imposes no new requirements.

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

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410).

Dated: June 26, 1981.

Roger L. Williams,

Regional Administrator.

[FR Doc. 81-21874 Filed 7-24-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1889-1]

Approval and Promulgation of Implementation Plans—Connecticut; Revision to the Connecticut State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing approval of a State Implementation Plan (SIP) revision proposed by the Connecticut Department of Environmental Protection (DEP) which constitutes a three-year variance from Connecticut Regulation 19–508–19 (a)(2)(i) concerning fuel sulfur content. The revision, if approved, would allow an alternative emission reduction option for control of sulfur dioxide in accordance with EPA's controlled trading policy (44 FR 71780, December 11, 1979), commonly referred to as the "Bubble Policy", and also in conformance with Connecticut's proposed "Air Pollution Control/Energy Trade Option" which EPA has proposed to approve (46 FR 24597, May 1, 1981). Specifically, this revision would allow Uniroyal Chemical, Division of Uniroyal, Inc., to burn 1.0 percent sulfur fuel oil in one boiler of its manufacturing facility in Naugatuck, during such times that it also burns natural gas, so as to obtain a fuel mixture of no more than 50 percent by heat value of the higher sulfur oil. The variance would also allow the sale and delivery of fuel oil containing up to 1.0 percent sulfur by weight to this facility.

The DEP has proposed adoption of this variance through their SIP revision procedures. Concurrently, EPA is proposing to approve the revision. This concurrent review, which EPA refers to as "parallel processing", is designed to reduce the time necessary for EPA review of SIP revisions and is being used on a trial basis by Region I.

DATES: Comments must be received on or before August 26, 1981.

ADDRESSES: Copies of the Connecticut submittal and EPA's evaluation are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and the Connecticut Department of Environmental Protection, Air Compliance Unit, State Office Building, Hartford, Connecticut 06115.

Comments should be submitted to Harley F. Laing, Chief, Air Branch, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Miriam R. Fastag, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–4448.

SUPPLEMENTARY INFORMATION: On March 24, 1981, the Director of the Air Compliance Unit of the Connecticut Department of Environmental Protection (DEP) submitted a request to the EPA to approve a proposed revision to the Connecticut State Implementaton Plan (SIP) which would vary the provisions of Regulation 19–508–19 (a)(2)(i) for three years for Uniroyal Chemical, Division of Uniroyal Inc. (Uniroyal). Under Regulation 19–508–19 (a)(2)(i), residual oil burning sources are limited to use of fuel containing no more than 0.5 percent sulfur by weight. The requested variance proposes an alternative emission reduction option in accordance with the EPA controlled trading policy commonly referred to as the "Bubble Policy" (44 FR 71780), and also in conformance with Connecticut's "Air Pollution Control/ Energy Trade Option" which EPA has proposed to approve (46 FR 24597). Specifically, this revision would allow Uniroyal to burn oil with a sulfur content of one (1) percent in combination with natural gas at one boiler of its Naugatuck facility in amounts that would result in no increase in sulfur dioxide emissions over those which would result if conforming fuel oil containing 0.5 percent sulfur were burned. Fuel merchants similarly would be granted a variance from the provisions of this regulation for the purpose of selling, storing, and delivering for use to the facility fuel oil containing sulfur in excess of 0.5 percent by weight but not more than 1.0 percent.

Uniroyal Chemical, headquartered in Naugatuck, is an operating division of Uniroyal, Inc. A manufacturing facility of this division, also located in Naugatuck, is the facility affected by this proposed revision. Large quantities of steam used for process requirements and space heating are produced in a central steam plant. Four high pressure boilers are used to generate the steam. Three of these boilers having individual capacities of 79 million Btu per hour heat input are unaffected by this revision. The fourth boiler has a capacity of 185 million Btu per hour and is connected to a separate stack. Auxiliary facilities have been constructed to supply natural gas to this boiler, which has been provided with the capability to simultaneously or individually burn the gas and residual oil. These measures were undertaken to provide an additional source of fuel for the facility in view of existing price differentials for gas and oil and anticipated scarcities of foreign oil.

Under the variance, Uniroyal would store and use residual fuel oil with a sulfur content of 1.0 percent by weight (dry basis) to blend at the burner with natural gas (0.0 percent by weight sulfur) to obtain a fuel mixture of no more than 50 percent by heat value of the residual oil at one (1) percent sulfur. No net increase in sulfur dioxide emissions will result from burning this fuel mixture. In accordance with EPA policy concerning dispersion modeling for bubble strategies, no modeling demonstrations are required for this revision. Equal emissions may be accepted in lieu of modeling as a demonstration of equivalent air quality if (1) plantwide emissions do not increase, and (2) emission points are in the same immediate vicinity, and (3) emission points are of similar effective stack height. Condition (2) is met because the oil and gas mixture proposed in this revision will be combusted in the same boiler which presently burns oil. To meet condition (3), Uniroyal has demonstrated that the volume of the exit gas would increase slightly by 2.2 percent while the exhaust temperature would remain constant if the variance is approved.

The entire State of Connecticut is designated attainment for SO_2 in accordance with Section 107 of the Clean Air Act. No analysis to determine Prevention of Significant Deterioration (PSD) increment consumption was necessary because no emissions increase would result from this revision.

This variance includes detailed provisions, including use of a combustion control system limiting oil usage, for Uniroyal to monitor and report to DEP that the terms of the variance are complied with. Uniroyal has also identified a contingency plan for reverting to lower sulfur oil in the event the gas supply is interrupted.

Based on this information, EPA is proposing to approve this state proposed SIP revision under the new procedure of "parallel processing". If the proposed variance is substantially changed, EPA will evaluate those changes and publish a revised notice of proposed rulemaking. If no substantive changes are made, EPA will issue a notice of final rulemaking on the variance. That final rulemaking action by EPA will be published only after the SIP revision has been adopted by Connecticut and submitted to EPA for incorporation into the SIP. "Parallel processing" is estimated to reduce the time necessary for final approval of SIP revisions by an average of 3 to 4 months. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the address above.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small

entities (46 FR 8709, January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval within the terms of the January 27, 1981 certification. This action only approves state actions. It imposes no new requirements, and provides for greater flexibility and the use of more cost-effective measures in meeting state 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 this action, if promulgated, will only approve a state action enabling a source to meet requirements with a more cost-effective control strategy, and adds no new requirements.

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

The administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110 (a)(3) of the Clean Air Act, as amended, and EPA regulations 40 CFR Part 51. This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Dated: June 23, 1981.

Leslie Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 81–21821 Filed 7–24–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 62

[A–5–FRL–1885–8]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Illinois Plan for Controlling Sulfuric Acid Mist Emissions From Existing Sulfuric Acid Production Facilities; Illinois Negative Declarations—Fluoride Emissions From Primary Aluminum Plants and Total Reduced Sulfur Emissions From Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: EPA proposes to approve the Illinois plan for controlling sulfuric acid mist emissions from existing contact process sulfuric acid production plants. The plan was submitted to fulfill the requirements of Section 111(d) of the Clean Air Act (Act) and regulations promulgated thereunder. Also included in this proposed rulemaking are Illinois' negative declarations certifying that the State of Illinois does not contain any primary aluminum plants or kraft pulp mills.

DATE: Interested parties are invited to comment on this proposed rulemaking. Comments are due on or before August 26, 1981.

ADDRESSES: Written comments should be submitted, in triplicate if possible, to: Carlton Nash, Acting Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearbon Street, Chicago, IL 60604.

Copies of the State submission are available for public inspection during normal business hours at the address given above and at:

U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922, Library, 401 M Street, SW., Washington, DC 20460

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, IL 62706.

FOR FURTHER INFORMATION CONTACT: Sharon Kraft, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearbon Street, Chicago, IL 60604, (312) 886–6036.

SUPPLEMENTARY INFORMATION:

A. Acid Mist From Sulfuric Acid Plants

On August 10, 1978 the State of Illinois, pursuant to Section 111(d) of the Clean Air Act (Act), submitted a plan for controlling sulfuric acid mist from existing sulfuric acid production facilities. The plan was submitted in accordance with regulations in 40 CFR Part 60, Subpart B. EPA reviewed the plan and on November 15, 1978 requested Illinois EPA to include a specific identification of the State's legal authority to satisfy 40 CFR 60.26(a)(1–4). The Illinois EPA responded on May 23, 1979 by amending that part of the State plan having to do with legal authority; and on November 6, 1980 by submitting proposed revisions to the plan which would ensure that the State and Federal methods of measuring sulfuric acid mist were identical or equivalent.

Adoption and Submittal of State Plans: Public Hearings. (40 CFR Part 60.23) Section 60.23(c)(3) provides conditions under which a public hearing on a plan for the control of a designated pollutant is not required. The conditions are: (1) The emission standard was in effect prior to the effective date of this requirement and was adopted after public hearings; and, (2) the State emission limitation is at least as stringent as the Federal emission guideline. The Illinois plan meets these conditions.

Emission Standards and Compliance Schedules. (40 CFR Part 60.24) Section 60.24 requires that each plan include emission standards and compliance schedules. Illinois Rule 203(f)(2) establishes an emission limitation of 0.15 pounds of acid mist per ton of acid produced. Test methods and procedures for determining compliance with the emission standard are contained in Rule 203(g)(2) and each designated facility is in compliance. This meets the requirements of § 60.24.

Emission Inventories, Source Surveillance, Reports. (40 CFR Part 60.25) The Illinois plan includes reports and inventories of eight contact process sulfuric acid production plants. The inventories relate emission data to the control equipment and its efficiency. The reports show that the designated facilities have complied with the emission standard. EPA has determined that these reports and inventories are adequate to satisfy this section.

Legal Authority. (40 CFR Part 60.26) Section 60.26 requires that the plan show that the State has legal authority to enforce the plan. The State identified specific sections of the Illinois Environmental Protection Act and Chapter 2 of the Illinois Air Pollution Control Board Regulations as the authority to enforce the plan and take action specified in 40 CFR 60.26. A copy of Chapter 2 was submitted on November 6, 1980 for incorporation in the State plan. These provisions of law and regulations are adequate to satisfy this section.

The Administrator previously approved the plan as part of the state's strategy to control sulfur dioxide under section 110 of the Act. At this time, EPA proposes to approve the plan, as amended, for control of sulfuric acid mist under seciton 111(d) of the Act.

B. Negative Declarations

Section 62.06 of 40 CFR provides that a State need not submit a plan for designated facilities if the State certifies that there are no such facilities in the State. On July 23, 1979, the Illinois Environmental Protection Agency submitted a letter certifying that no kraft pulp mills and primary aluminum plants exist in the State. USEPA proposes to accept that declaration.

Under Executive Order 12291 EPA msut judge whether a proposed regulation is a major rule and therefore subject to the requirement of a regulatory impact analysis. This proposed regulation is not major because the action imposes no new regulatory requirement. It merely proposes to approve the State's plan for

controlling acid mist from sulfuric acid production plants and proposes to accept the negative declarations certifying that other State plans are not needed because there are no such facilities in the State. This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act, the Administrator has certified (46 FR 8709) that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

These actions are taken under authority of Section 111(d) of the Clean Air Act, as amended.

Dated: July 8, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21819 Filed 7-24-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 65

[EN-5-FRL-1894-1]

Proposed Approval of Two Administrative Orders Issued By Michigan Department of Natural Resources to Sand & Stone Inc., Bay Asphalt Paving Division and Valley Asphalt Co.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve two Administrative Orders issued by the Michigan Department of Natural Resources to Sand & Stone Incorporated, Bay Asphalt Paving Division, and Valley Asphalt Company. The Orders require the companies to bring air emissions from their facilities in Essexville & Saginaw, Michigan, respectively, into compliance with certain regulations contained in the federally approved Michigan State Implementation Plan (SIP) by August 1, 1981. Because the Orders have been issued to major sources and permit a delay in compliance with provisions of the SIP, they must be approved by U.S. EPA before they become effective as Delayed Compliance Orders under Section 113(d) of the Clean Air Act (the Act). If approved by U.S. EPA, the Orders will constitute an addition to the SIP. In addition, sources in compliance with approved Orders may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Orders. The purpose of this Notice is to invite public comment on U.S. EPA's proposed approval of the Orders as Delayed Compliance Orders.

DATE: Written comments must be received on or before August 26, 1981.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Orders, supporting materials, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Carol Wilmowski, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6854.

SUPPLEMENTARY INFORMATION: Sand and Stone Incorporated, Bay Asphalt Paving Division, and Valley Asphalt Company operate asphalt plants at Essexville and Saginaw, Michigan, respectively. The Orders under consideration address emissions from these facilities which are subject to Michigan Air Pollution Control Commission Rule 336.1331. This regulation limits the emission of particulate matter fom industrial sources, and is part of the federally approved Michigan State Implementation Plan. The Orders require final compliance with the regulations by August 1, 1981.

Because these Orders have been issued to major sources of particulate matter emissions and permit delays in compliance with the applicable SIP, they must be approved by U.S. EPA before they become effective as Delayed Compliance Orders under Section 113(d) of the Act. U.S. EPA may approve the Orders only if they satisfy the appropriate requirements of this subsection. U.S. EPA has found that the Orders do satisfy all of the requirements of Section 113(d)(1) of the Act.

If the Orders are approved by U.S. EPA, source compliance with their terms would preclude Federal enforcement action under Section 113 of the Act against the sources for violations of the regulations covered by the Orders during the period the Orders are in effect. Enforcement against the sources under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Orders would also constitute an addition to the Michigan SIP.

All interested persons are invited to submit written comments on the proposed Orders. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Orders. After the public comment period, the Administrator of the U.S. EPA will publish in the **Federal Register** the Agency's final action on the Orders in 40 CFR Part 65.

These Orders may be examined by contacting Carol Wilmowski, U.S. EPA, Region V, Enforcement Division, 230 S. Dearborn Street, Chicago, Illinois at (312) 886-6854.

(42 U.S.C. 7413, 7601)

Dated: July 8, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21822 Filed 7-24-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL 1885-6]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations, Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On April 9, 1981, the Director of the Ohio Environmental Protection Agency (OEPA) requested the U.S. Environmental Protection Agency (EPA) to revise the attainment status designations of certain areas of Lake County for Total Suspended particulates (TSP) and Sulfur Dioxide (SO_2). To support the redesignation request, OEPA submitted monitoring data which satisfy EPA criteria for redesignation. EPA has reviewed the request and technical data supporting the request and proposes to approve the request as submitted.

DATE: All comments must be submitted on or before August 26, 1981.

ADDRESSES: Copies of the State's submittal are available for public inspection during normal business hours at the following locations:

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

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

Ohio Environmental Protection Agency, 361 E. Broad Street, Columbus, Ohio 43216

All comments should be submitted, in triplicate if possible, to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Sharon Kraft, Regulatory Analysis

Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604, (312) 886-6036.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107(d)(2) of the Clean Air Act (Act), as amended, the Administrator of EPA promulgated lists designating areas in each State as attaining or not attaining the National Ambient Air Quality Standards (NAAQS). Areas for which insufficient data were available were designated as unclassifiable. In Ohio, certain portions of Lake County were designated in the October 5, 1978 Federal Register as nonattainment for TSP and SO_2.

According to section 107(d)(5) of the Act, the State may revise the designation for an area whenever sufficient data exist to warrant a change, subject to EPA approval. For revisions to attainment, such a change may be approved if there are eight quarters of recent quality assured, representative monitoring data which show no violation of the appropriate NAAQS.

Proposed TSP Redesignation

On April 9, 1981, OEPA requested EPA to approve a redesignation of certain areas of Lake County from primary nonattainment to secondary nonattainment or attainment for TSP. OEPA also requested a redesignation of Leroy Township in Lake County from attainment to secondary nonattainment. At the present time, the designated primary nonattainment area is bounded by the West County line north of I-90 and west of S.R. 306, the Cities of Painesville, Grand River, and Fairport Harbor, and Painesville Township. To support the request, OEPA submitted the most recent eight consecutive quarters of TSP ambient monitoring data for each monitoring site located in Lake County during 1979 and 1980. The data show attainment of the TSP NAAQS at all sites with the exception of: (1) Primary nonattainment in Painesville; and (2) Secondary nonattainment in Eastlake, Painesville, and in Leroy Township.

The proposed TSP nonattainment boundaries for Lake County are:

Primary nonattainment—The City of Painesville.

Secondary nonattainment—Leroy Township and the area bounded on the north and west by the county line, on the south by I-90 and on the east by S.R. 306, excluding the Town of Willowick, Painesville Township, excluding Fairport Harbor and Grand River, and excluding the area designated primary nonattainment.

EPA has reviewed the monitoring data and has determined that the OEPA's proposed nonattainment area boundaries are consistent with the data and with EPA criteria for a change in an area's designation. Therefore, EPA is proposing to approve the redesignation as submitted.

Proposed SO_2 Redesignation

On April 9, 1981, OEPA requested EPA to approve an SO_2 redesignation of Lake County as follows: Primary nonattainment—Cities of Eastlake, Timberlake, Lakeline, Willoughby (north of U.S. 20), and Mentor (north of U.S. 20), the County be designated as attainment. The SO_2 primary nonattainment area is currently designated as the entire area northwest of a line on Route 90 (north) east to the western boundary of Madison Township and north of this Township boundary line to the end of the County.

To support these changes, the State submitted ambient air quality data collected at State monitors during 1978, 1979, and 1980. In addition, EPA considered data collected at industry-operated monitors during this period. The last eight quarters of the data collected at a monitor within the proposed nonattainment area show a primary standard violation. Monitors located either on the edge or just outside of the proposed nonattainment area have no recorded violations over the past three years. The proposed nonattainment boundaries are consistent with recent dispersion modeling analysis performed by EPA. The modeling demonstrates that the monitor locations in the proposed nonattainment area are representative for the purpose of redesignation and the calculated constraining ground-level concentrations are predicted to occur within the proposed boundaries. Consequently, EPA proposes to approve the new boundaries.

A thirty day comment period is being provided to enable publication of final action on these redesignations as soon as possible. Expeditious final action is desired since it may alleviate some of the statutory growth restrictions imposed by section 110(a)(2)(I) of the Act.

Under Executive Order 12291, EPA must decide whether a rule is major and therefore subject to the requirement of a regulatory impact analysis. This rule is not major because it imposes no new requirements and only revises air quality designations at the request of the State.

Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator has certified that revisions of attainment status designations under Section 107(d) of the Clean Air Act will not have a significant economic effect on substantial number of entities. (46 FR 8709). The attached rules, if promulgated constitute a revision to an attainment status designation within the terms of this certification. This action imposes no regulatory requirements.

This notice of proposed rulemaking is issued under the authority of section 107(d) of the Act, as amended [42 U.S.C. 7407].

Dated: July 9, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21820 Filed 7-24-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL 1885-5]

Designation of Areas for Air Quality Planning Purposes; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: On October 27, 1980, the State of Michigan, pursuant to section 107(d)(5) of the Clean Air Act (Act), requested the U.S. Environmental Protection Agency (EPA) to change the total suspended particulate (TSP) designation for Berrien, Genesee, Lapeer, Monroe, Saginaw and Washtenaw Counties and the carbon monoxide (CO) designation for Wayne County. EPA has reviewed the redesignation requests and the data submitted by the State to support the request and proposes to redesignate these counties.

The purpose of this notice is to announce receipt of the redesignation request, to discuss the results of EPA's review, to propose rulemaking action on the redesignation request, and to invite public comment.

DATE: Comments are due on or before August 26, 1981.

ADDRESSES: Copies of the redesignation request and the supporting air quality data are available at the following addresses:

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

Public Information Reference Unit, Room 2922, U S. Environmental Protection Agency, 401 M Street, SW., Washington, D C. 20460;
Michigan Department of Natural Resources, P O Box 30028, Lansing, Michigan 48909

Comments on this proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Delores Sieja at (312) 886-6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (Act) which directed each state to submit to the Administrator of the EPA a list of those areas within the state which had ambient air concentrations of the pollutants sulfur dioxide (SO2), total suspended particulates (TSP), nitrogen oxides (NOx), carbon monoxide (CO), and ozone (03) which exceeded the EPA-established primary and secondary National Ambient Air Quality Standards (NAAQS) for each of these pollutants. These areas were to be designated as nonattainment areas. The areas within each state which had ambient air concentrations below the NAAQS levels were to be designated as attainment areas. Those areas which lacked sufficient monitoring data to accurately determine their status were to be designated as unclassified areas.

The purpose of making these designations was to determine which areas within the state required additional measures to control and reduce the emissions of these five air pollutants. For those areas designated as nonattainment, the Clean Air Act Amendments of 1977 required the state to submit a revised State Implementation Plan (SIP) by January 1, 1979.

These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, the date may be extended to December 31, 1987 for ozone and/or carbon monoxide.

In the March 3, 1978 **Federal Register** (43 FR 8962) and in the October 5, 1978 **Federal Register** (43 FR 45993), the Administrator of EPA promulgated lists of the nonattainment areas for each pollutant in each state. These lists also contained classifications for the attainment and unclassified areas within the state.

Pursuant to section 107(d) of the Act, the designation for an area may be changed whenever sufficient data exist to warrent a redesignation. A change in an area's designation from primary nonattainment to either secondary nonattainment or attainment may be approved if there are eight consecutive quarters of the most recent quality assured, representative ambient air quality data which show no violation of the appropriate primary NAAQS. A change in the status from attainment to nonattainment can be approved whenever valid monitoring data indicates a violation of the NAAQS.

The State of Michigan on October 27, 1980 requested EPA to make the following changes.

1. Berrien County (TSP)—change from secondary nonattainment to attainment status.
2. Genesee County (TSP)—reduction in size of both primary and secondary nonattainment areas.
3. Lapeer County (TSP)—establishment of secondary nonattainment area in Imlay City.
4. Monroe County (TSP)—reduction in size of secondary nonattainment area and establishment of primary nonattainment area in the City of Monroe.
5. Saginaw County (TSP)—reduction in size of both primary and secondary nonattainment areas.
6. Washtenaw County (TSP)—change from secondary nonattainment to attainment status.
7. Wayne County (CO)—reduction in size of nonattainment area.

To support the above designations, the State submitted available TSP and CO ambient monitoring data collected between 1977 and mid-1980 for all state and industrial monitors located within the present and proposed seven nonattainment areas. At EPA's request the State, on February 27, 1981, submitted additional data for the entire year of 1980 for these areas. A synopsis of EPA's review of the proposed changes and EPA's rulemaking action is presented below.

1. Berrien County

A portion of Berrien County, including parts of Benton Harbor and St. Joseph, is presently designated as a secondary TSP nonattainment area. The State of Michigan has requested EPA to change its designation for this area from secondary nonattainment to attainment. This request is based on monitoring data for the current nonattainment area which shows no exceedances of the primary and secondary standards for TSP within the most recent eight quarters of data. EPA has reviewed this monitoring data and proposes to redesignate the secondary nonattainment area in Berrien County to attainment for TSP. This redesignation will result in all of Berrien County being classified as attainment.

2. Genesee County

A small central portion of Flint is presently designated as a primary TSP nonattainment area and a large metropolitan section of Flint is presently designated as a secondary TSP nonattainment area. The State has requested EPA to reduce the area of primary TSP nonattainment within Flint to include only the following area:

Starting on Industrial Avenue, north to Stewart Avenue, east to Hitchcock Street, south to Olive Avenue (extended), south to Robert T. Longway Boulevard, west and southwest to Industrial Avenue.

The State has also requested EPA to reduce the area of secondary TSP nonattainment within Flint to include only the following area:

Starting on Industrial Avenue, north to Pierson Road, east to Dort Highway, south to Hitchcock Street, south to Olive Avenue (extended), south to Robert T. Longway Boulevard, west and southwest to Industrial Avenue.

The monitoring data submitted for the present nonattainment area show that violations of the annual primary TSP NAAQS were recorded only in the modified primary nonattainment area. Furthermore, violations of the 24-hour secondary TSP NAAQS were recorded only in the modified secondary nonattainment area. In the remainder of the present nonattainment areas there were no exceedances of either the primary or secondary TSP standards.

After reviewing the monitoring data submitted for the area and the proposed boundary modifications, EPA has determined that the redesignation is appropriate. Therefore, EPA proposes to reduce the size of the primary and secondary TSP nonattainment areas to those areas described above. It should be noted that the modified secondary nonattainment area consists of the modified primary nonattainment area and the area to the north.

3. Lapeer County

Lapeer County is presently designated attainment of the TSP NAAQS. The State has requested EPA to redesignate a small area near Imlay City to secondary nonattainment for TSP. This request was based on a limited amount of monitoring data, submitted prior to the availability of a full year of 1980 monitoring data, which showed violations of the secondary TSP standard in 1979 near Imlay City. Additional data submitted by the State for the entire year of 1980 shows a violation of the annual primary standard for the area near Imlay City. However, the State did not request that this area

be redesignated to primary nonattainment. EPA has reviewed all the available monitoring data, and has taken the State's secondary nonattainment request into consideration. Because a violation of the annual primary standard was recorded in 1980, EPA is proposing to redesignate the following area within Lapeer County as primary nonattainment for the TSP standard.

T7N–R12E, that portion of Section 17 which lies south of M–21 and east of Fairground Road.

4. Monroe County

A large portion of Monroe County is presently designated as a secondary TSP nonattainment area. The State has requested EPA to change its designation for this area by reducing the size of the secondary nonattainment area and to establish a primary nonattainment area within the City of Monroe. The modified secondary nonattainment area is as follows:

T5S–R10E, Sections 8, 9, and 15–17.

The proposed TSP primary nonattainment area within the City of Monroe is as follows:

Starting where Sandy Creek empties into Lake Erie, northwest to Maple Avenue (extended NNE), southwest to Elm Avenue, west to Herr Road, south to Dunbar Road, and east to Plum Creek (which empties into Lake Erie).

The monitoring data submitted for the present nonattainment area shows that violations of the 24-hour secondary TSP NAAQS were recorded only in the modified secondary nonattainment area. Furthermore, violations of the annual primary TSP NAAQS were recorded only in the proposed primary nonattainment area. In the remainder of the present nonattainment area there were no exceedances of either the primary or secondary TSP standards. After reviewing the monitoring data submitted for these areas and the proposed boundary modifications, EPA has determined that the redesignation is appropriate. Therefore, EPA proposes to reduce the size of the secondary TSP nonattainment area and to establish a primary TSP nonattainment area to those areas described above.

5. Saginaw County

A small section of northeast Saginaw County and a large portion of the City of Saginaw and surrounding area are designated as primary and secondary TSP nonattainment areas, respectively. The State has requested EPA to reduce the primary nonattainment area to include only the following area:

Starting at Tittabawassee Road, east to I–75, east and south to Washington Avenue, west to 6th Street, north to Carrolton Street, northeast to Zilwaukee Street, north to Westervelt Street, north to Tittabawassee Road.

The State has also requested EPA to reduce the secondary nonattainment size by forming two small secondary nonattainment areas as follows:

Northeast Section: Starting on Tittabawassee Road, east to I–75, south to Wadsworth Avenue, west to I–675, west and north to Tittabawassee Road.

Southwest Section: T12N–R4E, the eastern half of Section 34 (that which is east of Maple Street) and Section 35.

The monitoring data submitted for the present nonattainment area show that violations of the annual primary TSP NAAQS were recorded only in the modified primary nonattainment area. Furthermore, violations of the 24-hour secondary TSP NAAQS were recorded only in the modified secondary nonattainment area. In the remainder of the present nonattainment areas there were no exceedances of either the primary or secondary TSP standards.

After reviewing the monitoring data submitted for the area and the proposed boundary modifications, EPA has determined that the redesignation is appropriate.

Therefore, EPA proposes to reduce the size of the primary and secondary TSP nonattainment areas to those described above. It should be noted that the Northeast Section, one of the two modified secondary nonattainment areas, includes the modified primary nonattainment area and the surrounding area.

6. Washtenaw County

A small portion of southeast Ypsilanti is presently designated as a secondary TSP nonattainment area. The State requested EPA to change its designation for this area from secondary nonattainment to attainment. This request is based on monitoring data for the current nonattainment area which shows no exceedances of the primary and secondary standard for TSP within the most recent eight quarters of data. EPA, therefore, proposes to redesignate the secondary nonattainment area in Washtenaw County to attainment for TSP. This redesignation will result in all of Washtenaw County being classified as attainment.

7. Wayne County

A large portion of Wayne County is presently designated nonattainment for the eight-hour CO standard. The State requested EPA to reduce the size of the nonattainment area to include only the following area:

Starting at Base Line Road (extending east to Lake St. Clair), west to Inkster Road, south to Pennsylvania, extending east to the Detroit River.

Violations of the eight-hour CO standard were recorded in 1979 in the modified nonattainment area.

After reviewing the monitoring data submitted for the area and the proposed boundary modification, EPA has determined that the redesignation is appropriate. Therefore, EPA proposes to reduce the size of the CO nonattainment area to the area described above.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified on January 27, 1981 (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area 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 air quality designations 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 Notice of Proposed Rulemaking is issued under the authority of Section 107 of the Clean Air Act, as amended.

Dated: July 2, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81–21864 Filed 7–24–81; 8:45 am]

BILLING CODE 6560–38–M

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Part 1517

Public Meeting Procedures

AGENCY: Council on Environmental

Quality, Executive Office of the President.

ACTION: Proposed amendments to procedures.

SUMMARY: The Council on Environmental Quality proposes to amend its Public Meeting Procedures to make them consistent with recent judicial direction. Under the current regulations, only Council action which requires an affirmative vote of at least two Council Members is subject to the Sunshine Act's open meeting requirement. The proposed revision would apply the Sunshine Act to all collegial meetings of the Council unless otherwise exempted by statute.

DATES: Comments must be received on or before August 26, 1981.

ADDRESS: Send comments to Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT:
Nancy Nord, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; (202) 395-5750.

SUPPLEMENTARY INFORMATION: On October 27, 1980 the Court of Appeals for the District of Columbia Circuit ruled that the Council on Environmental Quality's public meeting regulations were not in conformance with the open meeting requirements of the Government in the Sunshine Act because meetings to formulate advice to the President were excluded. The Court also overturned that portion of the regulations defining the term "official collegial Council business." (See *Pacific Legal Foundation* v. *Council on Environmental Qualtiy*, —— F. 2d —— (D.C. Cir. 1980), *petition for rehearing denied*). The rule proposed in this notice would bring the Council's public meeting regulations into conformity with this decision. The proposal also eliminates a requirement that the Council hold bi-weekly meetings. Accordingly, Title 40 of the Code of Federal Regulations is proposed to be amended as set forth below.

REGULATORY FLEXIBILITY ACT CERTIFICATION: This rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The purpose of the rule is to implement the "open meetings" section of the Government in the Sunshine Act (90 Stat. 1241; 5 U.S.C. 552b).

A. Alan Hill,
Chairman.

PART 1517—PUBLIC MEETING PROCEDURES OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Section 1517.1 is revised to read as follows:

§ 1517.1 Policy and scope.

Consistent with the policy that the public is entitled to the fullest information regarding the decisionmaking processes of the Federal Government, it is the purpose of this part to open the *collegial* meetings of the Council on Environmental Quality to public observation while protecting the rights of individuals and the ability of the Council to carry out its primary responsibility of providing advice to the President. Actions taken by the Chairman acting as Director of the Office of Environmental Quality and Council actions involving advice to the President when such advice is formulated other than in *collegial* meetings are outside the scope of this part. In addition to conducting the meetings required by this part, it is the Council's policy to conduct, open to public observation, periodic meetings involving Council discussions of Council business, including where appropriate, matters outside the scope of this part. This part does not affect the procedures set forth in Part 1515 pursuant to which records of the Council are made available to the public for inspection and copying, except that the exemptions set forth in Sec. 1517.4(a) shall govern in the case of any request made to copy or inspect the transcripts, recording or minutes described in Sec. 1517.7.

2. Section 1517.2 is amended by removing paragraph (c) and redesignating paragraph (d) as paragraph (c).

§ 1517.2 Definitions [Amended]

3. Section 1517.3 is amended by revising paragraph (b) as follows:

§ 1517.3 Open meeting requirement [Amended]

* * * * *

(b) The Council will conduct open to public observation periodic meetings involving Council discussions of Council business including where appropriate matters outside the scope of this part. Such meetings will be noticed pursuant to Sec. 1517.6.

* * * * *

(5 U.S.C. 552b(g); Pub. L. 94-409)

[FR Doc. 81-21809 Filed 7-24-81; 8:45 am]
BILLING CODE 3125-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 81-416; RM-3500; FCC 81-293]

Amendment of Rules Concerning Medical Services Operations in a Specific Frequency Band in the Special Emergency Radio Service

AGENCY: Federal Communications Commission.

ACTION: Advance Notice of Proposed Rulemaking (Notice of Inquiry)

SUMMARY: This Notice solicits comments as to the problems as well as the regulatory and deregulatory requirements for medical services radio systems operating in the 450-460 MHz band in the Special Emergency Radio Service. It will permit the Commission to explore the need for new rules, or alternatively, for deregulation, in the Special Emergency Radio Service.

DATES: Comments are due on or before September 8, 1981 and replies on or before October 8, 1981.

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

FOR FURTHER INFORMATION CONTACT:
Richard Taube, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of rules concerning medical services operations in the 450-460 MHz band in the Special Emergency Radio Service.

Memorandum Opinion and Order and Notice of Inquiry

Adopted: June 30, 1981.

Released: July 9, 1981.

By the Commission: Commissioners Fogarty and Jones absent.

1. By Memorandum Opinion and Order (FCC 80-458) in the above-entitled matter, released September 2, 1980, the Commission denied the rulemaking petition, RM-3500, submitted by the National Highway Traffic Safety Administration (NHTSA) of the U.S. Department of Transportation to modify rules governing the Special Emergency Radio Service. We now have before us a Petition filed by NHTSA asking us to reconsider that decision.

2. NHTSA's original petition for rulemaking sought changes in the rules to add a number of new or more stringent requirements that it regarded as warranted to compel the "upgrading" of the standards and performance of medical services radio systems operating in the 450-460 MHz band in

the Special Emergency Radio Service. In denying this petition the Commission discussed each of the DOT proposals, and extensively reviewed the comments we received as well as the issues which were raised concerning the recommended rule changes. We concluded:

> As may be seen throughout our discussion of specific proposals, we have given great weight to the ability of licensees to meet the objectives of the proposals under the present rules. This standard is met with respect to each of the proposed rule changes. Another important consideration has been our concern that a recommended rule change would unduly impinge on system design matters that are properly left to local determination. This was found to be the case in many of the proposals. Finally, we view it as somewhat late in the game to impose new ground rules. By this we mean that, at least from an economic standpoint, a great investment has been made in medical services communications systems that were developed under standards and requirements adopted in 1974 in Docket 19880. Further, nearly all of the larger medical services radio systems that we will see developed are fully in place or are in some operational stages. To adopt at this time a new standard or requirement that would necessitate re-design and replacement in these systmes, as many of the proposed changes would, can only be justified by critical need, and lack of viable alternatives. We do not find these circumstances exist with respect to any of the proposals under consideration.

3. In the petition now before us, NHTSA essentially states that significant information has been developed since it filed its original petition. This information apparently relates to important problems and deficiencies in medical services radio operations that, in NHTSA's view, clearly mandate that an opportunity be provided for review and public input as to the current and foreseeable regulatory needs of these types of systems. NHTSA no longer requests we adopt its previous proposals *in toto;* instead it argues for reconsideration of its petition to the limited extent of issuing a Notice of Inquiry as to the issues involved. Had we issued a Notice of Inquiry with respect to its original petition, NHTSA insists, "such a course would have enabled a broader cross-section of the interested and affected American public to give its views and permit consideration not only of NHTSA's proposals but of many other excellent ideas known to exist in the public sector." NHTSA believes that these objectives can still be met, and are even more appropriate in light of recent events. It therefore urges the Commission to issue a Notice of Inquiry at this time:

> The importance of emergency medical service to the American pubic is obvious. Accordingly, NHTSA believes it is incumbent upon Federal government agencies, such as NHTSA and FCC, that have relevant responsibilities under law, to take those reasonable and prudent actions to make access to emergency health care responsive to the needs of citizens/patients. Telecommunications technology is constantly changing and has become essential to effective operations of EMS systems . . . Experience has been gained and technologies have advanced to where it is timely that a fresh review of the applicable Rules be undertaken.

4. After considering NHTSA's arguments in support of a Notice of Inquiry to re-examine the emergency medical situation in light of the experience which has been gained since 1974, we conclude that such an approach has merit and will promote the public interest by providing a forum to explore, on a comprehensive basis, the needs of the emergency medical community and the public at large. Also, NHTSA is modifying its recommendations and instead of requesting the Commission to mandate the standards it previously sought to have imposed, it now merely seeks a broad based inquiry into these issues. The inquiry approach which NHTSA now advocates would be designed to ascertain through comments of interested parties the current status of medical services radio operations. As such we conclude it would clearly serve the public interest by enabling an accurate up-to-date evaluation of whether the present rule structure and provisions meet the objectives for these systems. Of course, an inquiry of this nature could well serve to dispel the concerns expressed by the petitioner in its original petition. Alternatively, to the extent that perceived or unknown problems exist, an inquiry could provide a forum for consideration of required rule changes including, most importantly, the need for deregulatory approaches. In view of the foregoing, we determine that NHTSA's reconsideration request should be granted.

5. Accordingly, IT IS ORDERED That pursuant to Section 1.429 of the Commission's Rules, the Petition for Reconsideration submitted by the National Highway Traffic Safety Administration with respect to its Petition, RM–3500, IS GRANTED. IT IS FURTHER ORDERED That, upon reconsideration, the Petition, RM–3500, IS GRANTED to the limited extent indicated herein and that, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Notice of Inquiry is hereby given to the extent and in the manner as follows.

6. Specific comments are requested on the following inquiries:

A. Are the present structure and provisions of the Commission's Rules in Part 90 adequate for licensing, operation, and development of medial services radio systems in the 450–460 MHz band in the Special Emergency Radio Service?

If not, what specific problems are occurring?

(Responses should not refer to speculative or theoretical problems; what is desired is "hard" evidence, if it exists, of past or present difficulties that cannot be resolved under present rules).

B. What impact, if any, is being made by advances or changes in technology that is applicable to the operation of medical services radio systems?

(The introduction or improvement of such techniques as digital paging, computerized trunking methods, and interconnect switching circuitry are examples of some applications to be considered.)

C. What specific rule changes of a more stringent nature are needed in this area?

(Consideration here should be given to such matters as licensing limitations and procedures, uniform technical standards, compatibility standards, and operational requirements).

D. What rule changes of a deregulatory nature are needed in this area?

(Here, comments should address the need for relaxing or liberalizing any present rule requirements or for eliminating unnecessary procedures or standards; also, the need for allowing additional capabilities, including those resulting from frequency re-allocations, should be considered).

7. Pursuant to procedures set out in Section 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before September 8, 1981, and reply comments on or before October 8, 1981. All relevant and timely comments will be considered by the Commission before action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

8. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall

file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-21883 Filed 7-24-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Non-Metallic Fuel Tanks; Federal Motor Vehicle Safety Standards; Termination of Rulemaking Proceeding

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Termination of rulemaking proceeding.

SUMMARY: The purpose of this notice is to announce the termination of a rulemaking proceeding to amend Safety Standard No. 301, *Fuel System Integrity*, to include performance requirements related directly to non-metallic fuel tanks. The agency issued an Advance Notice of Proposed Rulemaking last June concerning the possibility of such an amendment. After considering the comments to the advance notice and after conducting further research and analysis, the agency has determined that there is not sufficient evidence of a safety need to warrant further rulemaking at this time.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Williams, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: Safety Standard No. 301, *Fuel System Integrity* (49 CFR 571.301), currently specifies performance requirements for fuel systems of vehicles based on dynamic crash tests and static rollover tests. Under these requirements, no part of a vehicle's entire fuel system can have fuel spillage beyond certain specified amounts. Specific performance requirements for individual components of the fuel system, such as the fuel tank, are not currently included in the standard.

Last year, the Ford Motor Company petitioned the agency to amend Safety Standard No. 301 to incorporate the essense of the performance requirements of the Economic Commission for Europe (ECE) Regulation No. 34, Annex 5, "Testing of Fuel Tanks Made of a Plastic Material," for application to passenger cars, multipurpose passenger vehicles, trucks and buses with a GVWR of 10,000 pounds or less. Ford's petition stated that the number of plastic fuel tanks will greatly increase in the future and that an identifiable and acceptable level of non-metallic fuel tank integrity when exposed to fires from external sources should be established. Ford stated that increased use of plastic fuel tanks is likely because of fuel economy considerations and other desirable attributes of polyethylene materials.

In response to the Ford petition and suggestions by several other organizations, the agency issued an Advanced Notice of Proposed Rulemaking last June announcing that the agency was considering possible requirements for plastic fuel tanks and requesting technical and other information concerning the necessity for such a regulation (44 FR 33441). That notice requested specific technical information concerning the merits and disadvantages of plastic fuel tanks and information concerning appropriate performance requirements.

There were sixty-four comments submitted in response to the advance notice, but few of these provided any substantive information or responded directly to the questions set forth in the notice. Apparently, this is true because there is currently very little knowledge about plastic tanks because of their limited use. A majority of the commenters felt that regulation of plastic tanks at the present is not warranted.

As a part of this rulemaking proceeding, the NHTSA National Center for Statistics and Analysis conducted a study of the plastic fuel tanks that are currently on the road. That analysis showed that non-metallic tanks are used by only about 2 percent of the vehicle population. Moreover, that study produced no evidence to indicate that vehicle fuel-fire incidents could be associated with non-metallic tanks.

In light of these considerations, the agency has determined that there is not sufficient evidence of a safety need to warrant further regulation of non-metallic fuel tanks at the present time. Therefore, this rulemaking proceeding is hereby terminated. The agency will continue to monitor the performance of non-metallic fuel tanks as they become more prevalent on the highways. It is requested that any person obtaining information or data concerning these tanks in the future forward such information to the agency.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on July 21, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-21840 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1127

[Ex Parte No. 293 (Sub-8)]

Standards for Determining Commuter Rail Service Continuation Subsidies

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Denial of a petition for rulemaking.

SUMMARY: On May 1, 1981, the Southeastern Pennsylvania Transportation Authority (SEPTA) petitioned the Rail Services Planning Office (RSPO) to reopen Ex Parte No. 293 (Sub-No. 8), Standards for Determining Commuter Rail Service Continuation Subsidies (Standards). SEPTA requested that the Standards be amended to modify or delete the requirement that the subsidizer of commuter rail service bear all liability for accidents arising solely from the operation of the commuter service. RSPO has reviewed SEPTA petition and is denying the request.

FOR FURTHER INFORMATION CONTACT: Stephen M. Grimm, (202) 275-0838.

SUPPLEMENTARY INFORMATION: On May 1, 1981, SEPTA filed a petition with RSPO requesting the reconsideration or reinterpretation of the RSPO ruling that requires a subsidizer to bear the financial liability for all accidents arising solely from the operation of commuter rail service. SEPTA notes that the issue of liability for accidents has been argued before RSPO on several previous occasions. However, SEPTA believes that the previous proceeding occurred in a "vacuum" because of a

lack of any actual incidents. SEPTA's petition contains the details of two recent commuter train collisions, one on October 16, 1979 and one on July 17, 1980. These two accidents resulted in one fatality, multiple injuries and several million dollars in damage. SEPTA suggests that the circumstances surrounding these two accidents demonstrate that RSPO's previous ruling must be reconsidered and specifically requests that RSPO rule that the Consolidated Rail Corporation (Conrail) should bear all costs associated with these two accidents. SEPTA notes that each accident has been investigated by the National Transportation Safety Board (NTSB) and SEPTA submitted NTSB's findings in support of their petition.

RSPO has carefully reviewed SEPTA's petition and we find that SEPTA has not presented any arguments that have not been previously addressed at considerable length. We also believe that SEPTA has inappropriately used the reports of the NTSB in the petition. However, because of the importance of this issue and to further clarify our position we have included further discussions of: liability expenses as a part of avoidable costs and the statutory prohibition against cross subsidization; negligence as a factor in determining whether or not liability expenses are reasonably and necessarily sustained costs; and why we believe that SEPTA has inappropriately used the reports of the NTSB.

Liability as an Avoidable Cost and Cross Subsidization

In its petition, SEPTA states that "* * * Congress must have intended, as a matter of public policy, that Conrail should assume some measure of responsibility for the failure to operate the commuter service in a reasonably safe and prudent manner * * *" RSPO disagrees. RSPO believes that the overriding concern of the Congress was to ensure that commuter rail service would be operated as long as an appropriate subsidy was offered. Congress stipulated that an appropriate subsidy would reimburse Conrail for the difference between the "attributable revenues" and the "avoidable costs" of providing the commuter rail service, plus a reasonable return on the value of any Conrail properties used to provide the service. Congress specifically instructed RSPO to develop a set of standards for this purpose and directed that these standards be "* * * consistent with the compensation principles described in the final system plan and * * * avoid cross subsidization among commuter, intercity and freight rail services."

RSPO believes that the current Standards fulfill these Congressional mandates and, in our opinion, acceptance of SEPTA's position would be contrary to the intent of Congress. SEPTA appears to argue that the Congress did not intend for liability expenses to be considered as "avoidable costs." However, although the term "avoidable cost" may be interpreted in various ways, there appears to be little argument that, at a minimum, it will include the solely related expenses. Solely related expenses as noted by the U.S. Court of Appeals in a recent decision, "* * * are those [monies] expended exclusively for a particular service operated on that line", 644 F. 2d 238 (1981). Clearly the liability costs for accidents that only involve the commuter service are solely related cost, and are thus avoidable.

We also note that the Standards, as currently written, only compensate Conrail for its expenses, with the exception of a return on the value of the properties used to provide the commuter service. However, although the return on the value of Conrail properties used to provide the commuter service is a revenue received in excess of total expense, it is quite limited. In SEPTA's case, the return on value totalled only $114,000 during 1980 as reported by Conrail in the Quarterly Financial Status Reports. This means that, should RSPO rule that Conrail is financially responsible for the liability expenses of commuter service accidents, some or all of the funds to pay for these expenses would have to come from Conrail's freight operations. Such an action would constitute the cross subsidization of commuter passenger service by Conrail's freight service and would clearly contravene stated Congressional intent.

RSPO also believes that Congress was aware, as early as 1978, of the dispute over whether Conrail or the commuter authorities should bear liability costs in the event of an accident. We note that in 1978, Congress passed the Local Rail Services Assistance Act of 1978, Pub. L. 95-607. Title II of this act contained several specific amendments to the Regional Rail Reorganization Act of 1973 including one that directed the Secretary of Transportation to conduct a study to determine the best means of compensating Conrail for liabilities for damages to persons or property incurred while operating a commuter service. Congress specified that "Such a report shall specify the most appropriate means of indemnifying the Corporation for such liabilities in a manner which shall *prevent the cross subsidization of passenger services with revenues from freight services* * * *" (emphasis added).

On January 3, 1980, the Secretary of Transportation submitted his report to the Congress. The report detailed the dispute between RSPO and the commuter authorities over liability for accidents, the provisions of Conrail's insurance policy, the level of incidence and cost of prior claims, and the options for the indemnification of Conrail. Based on the report, the Secretary found that "* * * the best means for compensating Conrail for the liability it may incur is through Conrail's acquisition of increased insurance levels * * *". The Secretary indicated that additional insurance was available and that "* * * a Federal solution to this problem is not warranted at this time."

RSPO believes that it is significant that Congress required a liability report to be submitted and, that after receiving the report, has not passed any amendatory legislation. First, Congress required that the Secretary study the "best means" of compensating Conrail for liability costs and of preventing cross subsidization. At that time, Congress made no mention of compensating or protecting the commuter authorities from liability costs. Second, in his report the Secretary detailed the ongoing dispute between the commuter authorities and RSPO, noted that Conrail was protected by the Commuter Standards, and recommended that no further Congressional action was required to protect Conrail. Third, Congress has passed no amendatory legislation that would alter the liability assignments contained in the Standards.

In essence, RSPO has been unable to find any reference or indication that the Congress intended that liability expenses be treated in a manner different from other solely related costs. We also note that SEPTA has not offered any citation to support its views of Congressional intent. Consequently, RSPO finds no substance in SEPTA's contention that Congress intended Conrail to share in or bear the liability costs for the operation of the commuter service.

Negligence as a Factor in Determining Reasonably and Necessarily Sustained Costs

SEPTA believes that the expenses for accidents that result from the negligence of Conrail employees are not "reasonably and necessarily sustained costs." This phrase was used in the RSPO report which accompanied the

publication of the original standards on August 3, 1976, 41 FR 32546. In the report RSPO noted that "* * * the subsidizers should be responsible for any costs reasonably and necessarily sustained * * * [for injuries and property damage] * * * arising out of the operation of the commuter services." SEPTA believes that this statement implies that Conrail is not to be reimbursed by the subsidizer for its losses if it fails to operate the commuter service in a reasonable and safe manner.

RSPO believes that SEPTA has misconstrued the phrase "reasonably and necessarily sustained" as it applies to the Standards. RSPO never intended this phrase to be used as a mechanism through which a subsidizer could avoid paying for legitimate expenses incurred by Conrail while performing a contractual service. Instead, the phrase is only intended to protect the subsidizer from paying for inaccurate, false or otherwise illegitimate expenses. Consequently, RSPO believes that negligence on the part of Conrail or its employees during the operation of the commuter service has no bearing upon the assignment of liability costs.

SEPTA's Use of NTSB Reports

SEPTA submitted two NTSB reports in support of the petition for reopening the Standards. SEPTA states the NTSB concluded that the October 16, 1979 accident *may* have resulted from a variety of "* * * misconduct by Conrail operating personnel * * *" Further SEPTA states that the NTSB suggested that certain additional safety features "* * * might have prevented this disaster in spite of the Conrail employee misconduct * * *"

RSPO has reviewed SEPTA's submission and the Congressionally mandated function of the NTSB. Based on this review, we believe that SEPTA has inappropriately used the NTSB reports to support the petition. NTSB is an independent agency of the Federal government with the primary function to promote safety in transportation. The board investigates transportation accidents to determine the facts, conditions and circumstances and the cause or probable cause. The Board also makes safety recommendations which are intended to reduce the likelihood of the recurrence of accidents. The Board does *not* make a determination of proximate cause nor does the Board make any determination of negligence or misconduct of any involved parties. Additionally, Congress has specifically prohibited the admission of NTSB reports "* * * in any suit or action for damages growing out of any matter mentioned in such report * * *" 49 U.S.C. 1903(c). Additionally, while the NTSB permits employees to testify as to the factual information obtained during the course of an investigation, employees are not permitted to testify regarding the cause of an accident, 49 CFR 835.3(b).

Consequently, although we are not unsympathetic to SEPTA's plight, we believe the SEPTA has *not* submitted sufficient justification for reopening the Standards for the purpose of reevaluating the assignment of liability costs. We are therefore denying SEPTA's petition to reopen the Commuter Standards.

This is not a major Federal action significantly affecting the quality of the human environment, or the conservation of energy resources. This denial of a petition for rulemaking does not appear to have a negative impact on small businesses.

This Denial is published under the authority of 49 U.S.C. 10362. Issued: July 24, 1981 by Alexander Lyall Morton, Director, Rail Services Planning Office.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21817 Filed 7-24-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Fees; Correction

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

ACTION: Advance notice of proposed rulemaking; correction.

SUMMARY: This document corrects an advance notice of proposed rulemaking for 1982 foreign fishing fees published on July 21, 1981 (46 FR 37533).

FOR FURTHER INFORMATION CONTACT: Denton R. Moore or Alfred Bilik, Permits and Regulations Division, National Marine Fisheries Service, 202-643-7432.

SUPPLEMENTARY INFORMATION: On page 37535, first column, first paragraph, "$288" is corrected to read "$98" wherever it appears, and "$1,152" is corrected to read "$392".

(16 U.S.C. 1801 *et seq.*)

Dated: July 20, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-21801 Filed 7-24-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 143
Monday, July 27, 1981

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Cooperative Imported Fire Ant Program; Availability of a Final Programmatic Environmental Impact Statement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability of the final programmatic environmental impact statement on the Cooperative Imported Fire Ant Program.

SUMMARY: This gives notice that the Department has prepared the final programmatic environmental impact statement (PEIS) on the Cooperative Imported Fire Ant Program. The final PEIS (USDA-APHIS-ADM-81-01-F) was sent to the Environmental Protection Agency (EPA) on July 22, 1981, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, by Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

ADDRESS: Requests for a copy of the final PEIS should be addressed to the Pest Program Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 630, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. The final PEIS is available for public inspection at this same address and at the following locations:

Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 302-E, Administration Building, 14th and Independence Avenue, Washington, DC 20250.

Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, P.O. Box 3659, Gulfport, MS 39503;

Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 2100 Boca Chica Boulevard, Suite 400, Boca Chica Tower Building, Brownsville, TX 785621.

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Staff Officer, Pest Program Development Staff, Plant Protection and Quarantine, APHIS, USDA, Federal Building, 6505 Belcrest Road, Rm 630, Hyattsville, MD 20782, (301) 436-8745.

SUPPLEMENTARY INFORMATION: A notice of the Department's intent to prepare a draft environmental impact statement (DEIS) on the Cooperative Imported Fire Act Program and notice of public meeting was published in the **Federal Register** (45 FR 69509) on October 21, 1980. After consideration of comments received in response to this notice, a DEIS was prepared. A notice of availability of the DEIS for review was published in the **Federal Register** (46 FR 17237) on March 18, 1981.

All comments received pursuant to the notice of availability of the DEIS were considered in the preparation of this final PEIS. The final PEIS has been transmitted to the Environmental Protection Agency.

Done at Washington, D.C., this 22d day of July 1981.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-21869 Filed 7-24-81; 8:45 am]

BILLING CODE 3410-34-M

Statistical Reporting Service[1]

Modification of Farm Labor Report

Notice is hereby given that the *Farm Labor* report scheduled for release on August 21, 1981, will not be issued. Budget constraints preclude data collection and processing for this survey.

After full consideration of oral and written comments received in response to the proposal to discontinue *Farm Labor* as announced in the **Federal Register** of Friday, April 24, a modified program will be established in 1982. An annual survey to be conducted in July will provide data similar to that in the current program for 28 states, 6 regions and the United States. The states for which state-level data will be published include California, Texas, Florida, North Carolina, Wisconsin, Washington, Iowa, Georgia, New York, Pennsylvania, Illinois, Mississippi, Michigan, Minnesota, Ohio, Arkansas, Indiana, Oregon, Virginia, Kentucky, South Carolina, Tennessee, Kansas, Missouri, Nebraska, Alabama, Louisiana and Hawaii which account for about 90 percent of the total hired farm work force.

Done at Washington, D.C., this 22d day of July, 1981.

W. E. Kibler,

Acting Administrator.

[FR Doc. 81-21868 Filed 7-24-81; 8:45]

BILLING CODE 3410-18-M

[1] Pursuant to a reorganization of USDA outlined in Secretary's Memorandum 1000-1, dated June 17, 1981, the Economics and Statistics Service has become the statistical Reporting Service and the Economic Research Service. A notice detailing USDA's reorganization is being drafted for later publication.

CIVIL AERONAUTICS BOARD

[Docket No. 38744; Order 81-7-93]

Time Limits for Filing Overcharge Claims in International Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1981.

Order

By Order 80-9-140, September 24, 1980, (45 FR 65267, October 2, 1980) the Board directed all interested persons to show cause why it should not order cancelled all tariff rules setting time limts for the filing of airfreight overcharge claims, and grant a waiver from Part 221 of the Board's Economic Regulations to the extent that carriers are required to include rules on such time limits in tariffs.

We have received objections to the show cause order from The Flying Tiger Line Inc., China Airlines, Inc., Industrial Traffic Consultants, Inc., The American Newspaper Publishers Association, Linea Aerea Nacional Chile, Drug and Toilet Preparations Traffic Conference,

and the Shippers National Freight Claim Council, Inc.[1]

The commenting carriers support the Board's decision to vacate its earlier proposal to mandate a two-year period for filing freight overcharge claims but object to the Board's alternative of prohibiting such rules from being published in tariffs. The shippers, on the other hand, object to the Board's position on the ground that they fear they will be at the carriers' mercy unless the Board mandates reasonable time limits.

The carriers allege that the Board should not single this one rule out for abolition so long as it intends to require the filing of international air cargo tariffs; that inclusion of an overcharge claim time limit on an airwaybill would reduce the likelihood that unsophisticated shippers would read the more significant conditions already printed on the airwaybill; that the Board's action appears arbitrary considering its recent lack of action on involuntary refunds for passenger tickets; that time limits are of no competitive significance based on experience with unregulated domestic freight liability limits; that the addition of claim rules to the airwaybill will submerge key terms in a deluge of restrictions in which few shippers would be interested; that the Board proposes to replace an established practice which has been viable and workable with a new and potentially confusing substitute in order to gain elements of competition among carriers which are speculative at best; that elimination of time limits in tariff rules will produce uncertainty as to which state's law applies to each shipment; that accepting the Board's premise that shippers are likely to shop around for the must favorable time limits, comparison shopping would be practical only if a shipper can consult a stable source of filed tariffs rather than be deluged by waybills and contracts which may change without notice; that the carriers, not the Board, should decide what is more efficient and economic; and that the Board should not finalize its decision to exclude time limits for overcharge claims from the tariffs without providing sufficient lead time to permit carriers to exhaust existing airwaybill supplies—Flying Tiger currently has about a 16-month supply.

The shipper groups generally allege the following: Tariffs are not a burden to carriers and are the principal guideline used by shippers in predetermining their transportation costs; despite efforts of the Board to deregulate the domestic air freight industry, these same carriers elected to continue the publication of substantially identical tariffs that they had under regulation; uniformity is essential to effective and orderly traffic management; significantly shorter time limits would cause chaos in the traffic department—certain airbills would have to be separated for special handling; time limits shorter than two years preclude the use of auditor's services on which many shippers depend; negotiating such time limits for each shipment is a costly and inefficient practice; carriers should not be permitted to profit from their overcharge mistakes by maintaining short time limits which many shippers will fail to meet; and the divergent interests of carriers and shipppers must be balanced by government regulatory intervention—action so far has been only to shorten time limits.

Despite the uniform opposition to the elimination of the current system, we are not persuaded that sufficient reasons have been given for us to continue our involvement in this aspect of shipper/carrier relationships. Accordingly, we have decided to adopt the tentative conclusions in Order 80-9-140 and to require the cancellation of all international tariff rules containing time limitations for the filing of air freight overcharge claims, effective 180 days from the date of service of this order. We will, however, require a sixty-day notice of cancellation of the tariff rule in order to insure that shippers are adequately alerted to these cancellations.

The problem with retaining time limits for overcharge claims in international cargo tariffs is that the Board would be required either to establish a standard reasonable time limit (as requested by the shippers) or to leave the setting of time limits to the discretion of the carriers (as requested by the carriers). The first alternative would be inconsistent with our goal of eliminating unnecessary government regulation of air transportation, and the second would allow the carriers to evade the statutes of limitations that are normally applicable to unregulated industries under state law. By prohibiting inclusion of these time limits in the carriers' tariffs, we can preserve the shippers' rights under state law, while allowing the shippers to waive or limit their rights by specific contractual agreements with the carriers.

The argument that inclusion of time limits for overcharge claims in the tariffs is more efficient, because it provides a single source of information for the shippers, avoids uncertainty over which state law applies to a given shipment, promotes orderly traffic management, and provides an easily administered, uniform rule versus costly negotiation of time limits for each shipment, seems to suggest that government regulation is essential to air cargo transportation. This point of view is directly contrary to the Congressional policy of deregulation, and to our actual experience with deregulation of domestic air cargo transportation. Since March 15, 1979, the Board has not permitted the air carriers to file any domestic cargo tariffs. While this action went far beyond the limited changes in international cargo tariffs that we are ordering today, it did not result in the drastic dislocations described by the commenters. Shippers and carriers have found other means of distributing information about cargo rates and rules, and the multiplicity of state laws applicable to interstate shipments has been no more burdensome than it is for unregulated interstate business in general.

While our decision to prohibit time limits for cargo overcharge claims in tariffs will allow the carriers to include such terms in their standard airwaybills, we do not agree with the shippers that this would result in the setting of unreasonably short time limits. Only a limited number of carriers have filed tariffs reducing the time limits for overcharge claims from the industry standard of two years to 180 days. If it is true that shippers would not find it economic to conduct an audit of their air cargo bills in less than a year, they would tend to utilize only those carriers that maintained a two-year limit. The intense competition in international cargo transportation among all-cargo air carriers, scheduled combination passenger/cargo air carriers, charter air carriers, and surface carriers can be relied upon to meet the shippers' needs more effectively than an inflexible, Board-imposed standard time limit.

It is not apparent that the carriers require a stay of our decision to provide time for exhausting their existing supplies of airwaybills. Neither our rules nor the applicable IATA agreements requires that airwaybills contain a description of time limits for overcharge claims, and it is our understanding that the current aiwaybills are silent on the subject.[2] To the extent that any current

[1] We also received several informal letters from shippers presenting the same objections.

[2] Many airwaybills do contain a recitation of the Warsaw Convention rule that claims for damages must be filed within two years. Our action should not be interpreted as being inconsistent in any way with the terms of the Warsaw convention, and our

Continued

airwaybills do include such provisions, our action today will simply leave them standing on their own merits, for whatever legal significance they intrinsically contain. Our action ordering the tariff rules cancelled in no way prohibits the airwaybills from reciting time limit policy. Therefore, unlike the Board's orders in the IATA Conditions of Carriage Case,[3] cited by Flying Tiger, our action today will not require any modification of existing airwaybills, and a stay is not required to avoid financial waste.

Section 403(a) of the Federal Aviation Act states that tariff rules shall only be filed as the Board may prescribe. To to the extent that our tariff regulations in 14 CFR part 221, and in particular § 221.38, now require the inclusion of such rules in tariffs, we will exempt carriers from them.

Accordingly,

1. We direct all concerned carriers to file, publish and post tariffs within 180 days from the date of this order but on no less than 60 days notice, which cancel rules setting time limits for the filing of airfreight overcharge claims in foreign air transportation;

2. We exempt all carriers from filing tariffs that contain time limits for the filing of air freight overcharge claims in foreign air transportation; and

3. We shall serve a copy of this order upon Industrial Traffic Consultants, Inc., The American Newspaper Publishers Association, The Drug and Toilet Preparations Traffic Conference, The Shippers national Freight Claim Council, the International Air Transport Association, and on all certificated air carriers and on all foreign air carriers.

We will publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[4]

Secretary.

[FR Doc. 81-21855 Filed 7-24-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Steel Welded Wire Mesh From Italy; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

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

SUMMARY: On June 5, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on steel welded wire mesh from Italy. The review covered the period January 1, 1980 through December 31, 1980.

Interested parties were given an opportunity to submit written or oral comments. We received no comments. Therefore, we have determined the net amount of the subsidy to be the full value of the rebate for this product under Italian Law 639.

EFFECTIVE DATE: July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 1, 1968, a final countervailing duty determination on stell welded wire mesh from Italy, T.D. 68-149, was published in the **Federal Register** (33 FR 8224). The effective date was June 29, 1968.

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date.

On June 5, 1981, the Department published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" on steel welded wire mesh from Italy (46 FR 30162). The Department has now completd its administrative review of that countervailing duty order.

Scope of the Review

Imports covered by this review are steel welded wire mesh imported directly or indirectly from Italy. These imports are currently classifiable under item number 642.80 of the Tariff Schedules of the United States.

The review covered the period January 1, 1980 through December 31, 1980, and was limited to rebates granted under Italian Law 639 of July 5, 1964, which was the only program found countervailable in the final determination.

Final Results of the Review

Since we have received no comments, the final results of our review are the same as those presented in the preliminary results of the review. The stated purpose of Italian Law 639 is to rebate customs duties and certain indirect taxes on the export of products containing iron and steel. No evidence was presented in this case to demonstrate the requisite linkage between the incidence of customs duties and certain indirect taxes on various inputs of this merchandise and the amount of the rebate.

Therefore, we determine that the rate of net subsidy conferred upon producers exporting to the United States for the period January 1, 1980 through December 31, 1980, is 20 lire per kilogram for this product.

The U.S. Customs Service shall assess countervailing duties of 20 lire per kilogram on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980.

The provisions of T.D. 68-149 and of section 303(a)(5) of the Tariff Act of 1930 ("the Tariff Act"), prior to the enactment of the TAA, apply to all entires prior to January 1, 1980. Accordingly, the Customs Service shall assess countervailing duties of 15.28 lire per kilogram, the amount set forth in T.D. 68-149, on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980.

In addition, should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties of 20 lire per kilogram on all unliquidated entries of steel welded wire mesh entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31, 1980. Liquidation shall continue to be suspended on entries made on or after April 3, 1980, until the Department is notified of a determination by the ITC.

Further, as required by section 751(a)(1) of the Tariff Act, the Customs Service shall collect a cash deposit of estimated countervailing duties of 20 lire per kilogram on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

This deposit requirement will remain in effect until publication of the final

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decision to exclude the time limits for overcharge claims in the tariffs will not affect the airwaybill terms that refer to time limits for damage claims.

[3] *See* Orders 78-8-10, 78-11-146, 79-6-147, 79-7-166, 80-1-170 and 80-5-226.

[4] All Members concurred.

results of the next administrative review. The Department intends to conduct the next review by the end of June, 1982.

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

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 21, 1981.

[FR Doc. 81-21778 Filed 7-24-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Land Remote Sensing Satellite Advisory Committee

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

ACTION: Notice of Establishment.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. (1976)) and Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA, the Secretary of Commerce has determined that the establishment of the Land Remote Sensing Satellite Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department by law.

SUPPLEMENTARY INFORMATION: The Committee will advise the Secretary, through the Administrator of the National Oceanic and Atmospheric Administration, on how the Department best might plan for and establish a civil operational land remote sensing satellite program.

The Committee will consist of 15 members to be appointed by the Secretary to assure a balanced representation among the interested domestic non-Federal communities, including state and local government, users of land remote sensing satellite data and data products, the value-added services industry, the academic community, the aerospace industry and potential commercial owners and investors in the system.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, 15 days from the date of the publication of this notice.

FOR FURTHER INFORMATION CONTACT: Any comments or inquiries regarding the establishment or activities of the Land Remote Sensing Satellite Advisory Committee may be addressed to David S. Johnson, Assistant Administrator for Satellites, National Oceanic and Atmospheric Administration, Washington, D.C. 20230, telephone 202/377-1485, or Yvonne Barnes, Committee Management Analyst, Department of Commerce, Washington, D.C. 20230, telephone 202/377-4217.

Dated: July 21, 1981.

Charles F. Treat,

Acting Assistant Secretary for Administration.

[FR Doc. 81-21780 Filed 7-24-81; 8:45 am]

BILLING CODE 3510-17-M

National Telecommunications and Information Administration

Performance Review Board; Individuals Eligible for Service

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the National Telecommunications and Information Administration Senior Executive Service Performance Appraisal System:

Alvin Sher, Carlos Roberts, Dale N. Ratfield, Stanley I. Cohn, Richard H. Shay, Veronica M. Ahern, Donald M. Jansky, Terril J. Steichen, Roger K. Salaman, John J. O'Neill, William F. Utlaut, Joseph A. Hull, John P. Murray, Donald L. Lucas, and Douglass D. Crombie

Jo Ann Sondey-Hersh,

Executive Secretary, National Telecommunications and Information Administration, Performance Appraisal System.

[FR Doc. 81-21783 Filed 7-24-81; 8:45 am]

BILLING CODE 3510-BS-M

Office of Economic and Statistical Affairs

Senior Executive Service; Performance Review Board Membership

Below is a listing of individuals who are eligible to serve on the Performance Review Board in Accordance with the Senior Executive Service, Economic and Statistical Affairs Performance Appraisal System:

Barbara Bailar
Kenneth M. Brown
William A. Cox
Frank de Leeuw
Edward F. Denison
Joseph W. Duncan
Lucy A. Falcone
George E. Hall
John B. Henderson
George Jaszi
Shirley Kallek
Frederick T. Knickerbocker
Daniel B. Levine
Martin Marimont
Jerome Mark
Margaret Martin
Dorothy Rice
Beatrice N. Vaccara
Charles A. Waite
Katherine K. Wallman
Gaylord E. Worden
Allan H. Young

Jo Ann Sondey-Hersh,

Executive Secretary, Economic and Statistical Affairs Performance Appraisal System.

[FR Doc. 81-21830 Filed 7-24-81; 8:45 am]

BILLING CODE 3510-BS-M

International Trade Administration

Certain Iron Metal Castings From India; Adjustment of Countervailing Duty Deposit Rate

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Adjustment of Countervailing Duty Deposit Rate on Certain Iron Metal Castings from India.

SUMMARY: The Government of India has reduced the rate of Cash Compensatory Support, a program found to be a countervailable subsidy, on certain iron metal castings exported from India. As a result, the Department of Commerce is adjusting the rate of deposit of estimated countervailing duties on all entries, or withdrawals from warehouse, for consumption of this merchandise on or after the date of publication of this notice and exported from India on or after April 1, 1981 to reflect this decrease is subsidy. This adjusted rate will remain in effect until the completion of the current administrative review for this product, at which time the Department will set a new deposit rate.

EFFECTIVE DATE: July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION: The Department of Commerce ("the Department") currently maintains a countervailing duty order on certain iron metal castings from India in accordance with section 706 of the Tariff Act of 1930 ("the Tariff Act"). The countervailing duty order in this case was published in the **Federal Register** on October 16, 1980 (45 FR 68650).

Products Covered by this Notice

Imports covered by the order are manhole covers and frames, clean-out covers and frames and catch basin grates and frames, all currently classifiable in the Tariff Schedules of the United States under item number 657.09.

Nature of the Program

In the final determination, the Department found the program of Cash Compensatory Support ("CCS") to be a subsidy program. During the investigation in this case, evidence presented by the Government of India did not include a satisfactory demonstration of the requisite linkage between the indirect tax incidence and the level of CCS payments. Therefore, the full amount of the CCS payment, 12.5 percent of the f.o.b. invoice price of the exported merchandise, was found to be the amout of net subsidy under this program.

On January 29, 1981, the Government of India announced a reduction in the rate of CCS payment to 5 percent, effective that day. However, for all contracts registered prior to January 29, 1981, the CCS payment for shipments to the United States continued to be 12.5 percent until March 31, 1981. After that date, all exports of this merchandise to the United States have received only a 5 percent CCS payment. The Government of India has provided the Department with satisfactory documentation of this reduction.

It is the policy of the Department not to adjust estimated duty deposit rates prior to the completion of annual reviews mandated under section 751 of the Tariff Act. The suspension of liquidation and yearly review procedures established under that section ensure that countervailing duties are ultimately assessed in an amount corresponding to the actual subsidy level. However, in view of the significant size of the demonstrated reduction in the benefit, the Department has determined that the estimated duty deposit rate should be adjusted immediately.

This decrease will remain in effect until the completion of the current annual review for this merchandise under section 751. Upon completion of that review, the Department will set a new deposit rate.

As a result of this decrease of 7.5 percent *ad valorem*, the new rates of deposit of estimated countervailing duties are as follows:

	Percent ad valorem
Uma Iron & Steel	9.3
R. B. Agarwalla & Co	7.4
Basant Udyog	6.3
Kerjiwal Iron & Steel Works	5.6
Kajaria Exports	5.4
All Other Companies	5.8

The Department is instructing the Customs Service to require a cash deposit of estimated countervailing duties, at the rate listed above appied to the f.o.b. invoice price, for all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and exported from India on or after April 1, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 22, 1981.

[FR Doc. 81-21857 Filed 7-24-81; 8:45 am]

BILLING CODE 3510-25-M

Office of the Assistant Secretary for Productivity, Technology, and Innovation

Senior Executive Service, Performance Review Board Membership

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the Senior Executive Service, Office of the Assistant Secretary for Productivity, Technology, and Innovation Performance Appraisal System:

Herbert S. Becker
Hugh L. Brennan
Joseph F. Caponio
Guy W. Chamberlin, Jr.
Eleanor M. Clark
Melvin S. Day
Louis J. Phillips
John C. Williams

Jo Ann Sondey-Hersh,

Executive Secretary, Office of the Assistant Secretary for Productivity, Technology, and Innovation Performance Appraisal System.

[FR Doc. 81-21829 Filed 7-24-81; 8:45 am]

BILLING CODE 3510-BS-M

Office of the Secretary

Senior Executive Service; Performance Review Board Membership

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the Senior Executive Service, Office of the Secretary, Performance Appraisal System:

Herbert S. Becker
Michael Boretsky
Dennis C. Boyd
Hugh L. Brennan
Joseph C. Brown
Guy W. Chamberlin, Jr.
James E. Charlet, Jr.
Frank Di Costanzo
Orcutt P. Drury
Robert B. Ellert
Lucy A. Falcone
David Farber
John M. Golden
Paul L. Guidry
Charles T. Hagel
H. Stephen Halloway
Frederic A. Heim
Martha O. Hesse
Cecil M. Hunt
Gerard C. Iannelli
Harold B. Jones
Frederick T. Knickerbocker
Christos N. Kyriazi
Irving A. Margulies
Jeffrey L. Mayer
Robert T. Miki
Egils Milbergs
David S. Nathan
Mary A. Nimmo
Clifford J. Parker
William H. Randolph
Richard W. Regan
Nancy A. Richards
Victor M. Rivera
Helen M. Robbins
James S. Rosebush
James Sexton, Jr.
Harry M. Singleton
Anthony R. Stadeker
Allan A. Stephenson
John R. Szpanka
Charles F. Treat
Otto J. Wolff
Robert L. Wright

Jo Ann Sondey-Hersh,

Executive Secretary, Office of the Secretary, Performance Appraisal System.

[FR Doc. 81-21828 Filed 7-24-81; 8:45 am]

BILLING CODE 3510-BS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Levels for Certain Cotton Textile Products From the Republic of Korea

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Granting an increase for swing to 98,024 dozen for cotton coats in Category 333/334/335, produced or manufactured in the Republic of Korea and exported during the agreement year which began on January 1, 1981. (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 23, 1977, as amended, between the Governments of the United States and the Republic of Korea provides, among other things, for percentage increases in certain specific category ceilings during an agreement year (swing). Pursuant to the terms of the bilateral agreement, and at the request of the Government of the Republic of Korea, the import restraint level established for Category 333/334/335 is being increased for the twelve-month period which began on January 1, 1981 and extends through December 31, 1981.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 30, 1980 a letter dated December 23, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (45 FR 85811), which established import restraint levels for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981.

In accordance with the terms of the bilateral agreement and at the request of the Government of the Republic of Korea, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs in the letter published below to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 333/334/335, produced or manufactured in the Republic of Korea, in excess of the adjusted level of 98,024 dozen, during the twelve-month period which began on January 1, 1981.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs, Department of the Treasury, Washington, D.C., July 21, 1981.

Dear Mr. Commissioner: On December 23, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

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 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on July 21, 1981, the twelve-month level of restraint established for cotton textile products in Category 333/334/335 to the following:

Category	Amended twelve-month level of restraint[2]
333/334/335	98,024 dozen of which not more than 52,618 dozen shall be in Cat. 333/334 and not more than 56,952 dozen shall be in Cat. 335.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

The action taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textile products from the Republic of Korea 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 of Customs, which are necessary to the implementation of such actions, fall within the foreign affairs excepted to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federala Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-21779 Filed 7-24-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, which provide, in part, that (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

THE COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Wednesday, September 16, 1981, at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW, Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., July 21, 1981.

Charles H. Atherton,

Secretary.

[FR Doc. 81-21832 Filed 7-24-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Proposed Chester-Monds Islands Dredged Material Disposal Area, Gibbstown, N.J.; Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS); Operations and Maintenance of the Delaware River, Philadelphia to the Sea

AGENCY: Army Corps of Engineers, Philadelphia District.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action is a part of the engineering and economic investigation of the near term need for providing additional dredged material disposal-area capacity for continuing maintenance dredging in the Delaware River in the vicinity of Chester-Monds Islands.

2. Alternatives considered include:

Plans Eliminated from Further Study No Action
Plans Considered in Detail
- Chester-Monds Island Diked Disposal Area
- Construction of Other Diked Disposal Areas: Tinicum Island, Goose Island, New Upland Sites
- Use of Existing Disposal Sites
- Overboard Disposal in the Delaware River
- Overboard Disposal in Delaware Bay
- Ocean Disposal
- Creation of Wetland Habitat
- Creation of Upland Habitat
- Maintain Channel at Shallower Depth
- No Dredging

3. The scoping process for this project will be initiated prior to development of the DEIS and continue through

production of the final EIS. Agency contributions to the work are expected to include the U.S. Fish and Wildlife Service, the New Jersey Department of Environmental Protection, the U.S. Environmental Protection Agency, Region II, National Marine Fisheries Service, the Delaware River Basin Commission, U.S. Department of Commerce, U.S. Coast Guard, the Gloucester County Planning Board of Commissioners.

Significant issues anticipated include concern for:

Significant Resources of the Area
Navigation Channels
Channel-Dependent Shipping of the Area
Intertidal Habitat
Wetland Habitat
Terrestrial Habitat
Rare and Endangered Species
Historical and Archeological Resources
Real Estate Considerations

Other review and consultation requirements: It is anticipated that appropriate water quality certification under Section 404 of Pub. L. 92–500 as amended shall be sought from the State of New Jersey. The public will be involved in this action as provided for in the Section 404 process.

In conjunction with the study participants cited above, a mailing list of local, regional and Federal agencies and individuals is utilized for additional participation in and review of this project. The DEIS will be made available to each of these sources.

The analysis of the Chester-Monds disposal site shall draw upon all other related investigations underway by the Philadelphia District Engineer, especially the long-range Delaware River Dredged Material Disposal Study.

4. A scoping meeting will be held in the office of the Philadelphia District Engineer at a time and date to be announced.

5. It is anticipated that the DEIS will be available for public comment late in 1982.

Address: Questions about the proposed action and DEIS can be answered by: Dr. John A. Burnes (215) 597–4833, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, Philadelphia District, Custom House, 2d & Chestnut Streets, Philadelphia, PA 19106.

John A. Burnes,

Chief, Environmental Resources Branch.

Dated: July 17, 1981.

[FR Doc. 81–21833 Filed 7–24–81; 8:45 am]

BILLING CODE 3710-GR-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81-CERT-013]

Public Service Electric & Gas Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On June 27, 1981, as subsequently amended orally and by letter, Public Service Electric and Gas Company (Public Service), 80 Park Plaza, Newark, New Jersey 07101, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for certification of an eligible use of approximately five billion cubic feet of natural gas which is expected to displace the use of approximately 750,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 20,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year at eight of its electric generating stations located in New Jersey. The eight stations are: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearney in Kearney; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton. The eligible seller of the natural gas is South Jersey Gas Company (South Jersey), One South Jersey Plaza, Route 54, Folsom, New Jersey 08037. The gas will be transported by Transcontinental Gas Pipeline Corporation, 2700 South Post Oak Road, P.O. Box 1396, Houston, Texas 77001.

In its application and July 1, 1981 letter to the ERA, Public Service requested the ERA to act on the application as expeditiously as possible and issue the certification prior to the 10-day notice and public comment procedures.

Public Service stated that it could immediately purchase on a self-implementing basis 250 million cubic feet of natural gas per month from South Jersey as—volumes attributable to local supplies and, thus, begin displacing approximately 42,000 barrels of fuel oil per month immediately upon receipt of the ERA certification.

The ERA has carefully reviewed Public Service's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Public Service's application satisfies the criteria enumerated in 10 CFR Part 595. We are therefore granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual certification are available for public inspection at the Division of Natural Gas Docket Room 7108, RG–13, 2000 M Street, NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

The requested certification is being issued prior to the 10-day public comment period because it involves the displacement of large volumes of fuel oil, and it is in the public interest to maximize the displacement of fuel oil. The application also states that the use of this natural gas will be immediately available to displace fuel oil upon the issuance of the ERA certification. Given the immediate availability of the gas and the authority of the Administrator to terminate a certification for good cause (10 CFR 595.08), it is not in the public interest to permanently lose this opportunity to displace large volumes of fuel oil while public comments are being solicited.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG–13, 2000 M Street, NW., Washington, D.C. 20461, Attention: Lynne H. Church on or before August 6, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Public Service and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C. on July 21, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-21875 Filed 7-24-81; 8:45 am]

BILLING CODE 6450-01-M

Prime Resources Corporation; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order which was issued to Prime Resources Corporation, 4946 East 49th Street, Tulsa, Oklahoma 74135. This Proposed Remedial Order charges Prime Resources Corporation with violations of DOE Regulations in the amount of $7,243,738.55, connected with the resale of crude oil, reconstituted crude oil, and certain refined petroleum products during the time period July 1975 through October 1977, in the States of Oklahoma and Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals in accordance with 10 CFR 205.193.

Issued in Dallas, Texas on the 17th day of July, 1981.

Wayne I. Tucker,

District Manager, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-21781 Filed 7-24-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Proposed Subsequent Arrangement Between U.S. and Taiwan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" authorized by the Taiwan Relations Act of 1979 (Pub. L. 96-8).

The subsequent arrangement to be carried out under the above mentioned authority involves sale of the following materials to the Institute for Nuclear Energy Research, Taiwan: 42.365 grams of natural uranium, 157.9 grams of thorium, and 44.85 grams of beryllium, for use as standard reference material.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials under Contract Number S-CI-21 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: July 22, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-21876 Filed 7-24-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-1893-4; FRL-AMS]

Announcement of Fuel Economy Retrofit Device Evaluation for "Treis Emulsifier"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Treis Emulsifier" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such devices."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

Origin of Request for Evaluation

On February 17, 1981, the EPA received a request from Treis International for evaluation of a fuel saving device termed "Treis Emulsifier." This device is designed to generate a gasoline, water-alcohol emulsion. The water is in finite droplet form, evenly dispersed throughout the gasoline and is claimed to prevent premature ignition or knock, and allow a more complete combustion. This is claimed to result in improved fuel economy, torque, and engine life.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Treis Emulisfier Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-81-15 consisting of 35 pages including all attachments.

Copies of this report may be obtained from the National Technical Information Service by using the above report number. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737-4650, Commercial 703-487-4650.

EPA fully considered all of the information submitted by the Device manufacturer in the Application. The evaluaton of the "Treis Emulsifier" device was based on that information. Additional information and test data was requested of the Applicant. No response to this request was received. Without the requested information, a thorough evaluation of the device cannot be made. Most importantly, the application did not describe the actual "Treis Emulsifier" device. Thus, an analysis of the feasibility of the device is not possible.

The test data submitted with the application raises many questions but does not indicate a significant fuel economy improvement. The testing performed is contradictory and inconclusive. The test procedures used are not designed to indicate improvements in exhaust emission levels and urban fuel economy. The test procedures and test vehicles used do not

agree with the installaton instructions submitted with the application. The Applicant was requested to submit additional information concerning the testing data. No response was received by EPA.

Therefore, there is no technical basis to support any claims for a fuel economy or emission improvement due to the use of the "Treis Emulsifier."

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: July 14, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–21823 Filed 7–24–81; 8:45 am]

BILLING CODE 6560–26–M

[AMS–FRL–1893–6]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Grancor Air Computer (Self-Modulating Air Bleed)"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Grancor Air Computer (Self-Modulating Air Bleed)" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) the effect of any retrofit device on fuel economy;

(2) the effect of any such device on emissions of air pollutants; and

(3) any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

Origin of Request for Evaluation

On February 14, 1980, the EPA received a request from Milford M. Scott, Jr. for evaluation of a fuel saving device termed "Grancor Air Computer (Self-Modulating Air Bleed)." This device is designed to provide additional air to the vehicle's air-fuel induction system, thereby reducing fuel consumption. The Device consists principally of an air bleed device, a vacuum delay valve, and connecting hoses with associated clamps. The air bleed device consists of a first air channel which introduces air continuously into the positive crankcase ventilation (PCV) system, and a second channel which supplements the first channel on a periodic basis.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Grancor Air Computer (Self-Modulating Air Bleed) Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act." This entire report is contained in two volumes. The discussions, conclusions, and list of all attachments are listed in EPA–AA–TEB–511–81–13A, which consists of 14 pages. The attachments are contained in EPA–AA–TEB–511–81–13B, which consists of 106 pages. The attachments include correspondence between the Applicant and EPA and all documents submitted in support of the application.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunication System (FTS) 737–4650, Commercial 703–487–4650.

Summary of Evaluation

The stated method of operation of the "Grancor Air Computer (Self-Modulating Air Bleed)" is that the Device is designed to provide additional air to the vehicle's air-fuel induction system, thereby reducing fuel consumption.

The Applicant submitted no valid test data with the application for evaluation. Analysis of the information submitted by the Applicant did not *prove* that use of the "Grancor Air Computer (Self-Modulating Air Bleed)" would enable a vehicle operator to improve a vehicle's fuel economy under both urban and highway driving conditions. Further, the information did not substantiate the need for EPA testing of the Device.

Previous EPA testing of other air bleed devices showed that leaning the fuel-air mixture gave insignificant benefits in terms of emissions or fuel economy.

Thus, there is no technical basis for EPA testing of the Device or to support any claims for a fuel economy improvement due to the use of the "Grancor Air Computer (Self-Modulating Air Bleed)" device.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: July 14, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–21838 Filed 7–24–81; 8:45 am]

BILLING CODE 6560–26–M

[FRL–1893–5]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Moleculetor Fuel Energizer"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Moleculetor Fuel Energizer" under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) require that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made

with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the Federal Register a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions at to—

"(1) the effect of any retrofit device on fuel economy;

"(2) the effect of any such device on emissions of air pollutants; and

"(3) any other information which the Administrator determines to be relevant in evaluating such device."

RPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

Origin of Request for Evaluation

On March 24, 1980 the EPA received a request from Energy Efficiencies, Inc. for evaluation of a fuel saving device known as the "Fuel Energizer Moleculetor." This device is designed to be installed in the fuel line between the fuel tank and fuel pump. The Applicant claims that as the fuel passes through the device, it becomes energized, burns more efficiently and therefore, provides improved fuel economy.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Fuel Energizer Moleculetor Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–81–11 consisting of 113 pages including all attachments.

EPA also tested the Fuel Energizer Moleculetor device. The EPA testing is described completely in the report "The Effects of the Moleculetor Fuel Energizer on Emissions and Fuel Economy," EPA–AA–TEB–81–18, consisting of 21 pages. This report is contained in the proceding 511 Evaluation as an attachment.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: (703) 487–4650 or (FTS) 737–4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the device manufacturer in his Application. The evaluation of the "Moleculetor Fuel Energizer" device was based on that information and the results of the EPA test program.

Conclusions

The results of this test program did not show consistent effects attributable to the Moleculetor on the fuel economy and emissions levels of the test vehicles. There were slight improvements in some cases and slight losses on others. The changes in all cases were quite small and were consistent with changes observed by EPA in other test with vehicles in which emissions and fuel economy measurements were made before and after mileage accumulation. The claims of 10% to 23% fuel economy increases were not substantiated by the findings of this EPA program.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (313) 666–4299

Dated: July 16, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation

[FR Doc. 81-21837 Filed 7-24-81; 8:45 am]

BILLING CODE 6560-26-M

[AMS–FRL–1895–4; Docket No. A–81–17]

Revised Motor Vehicle Compliance Program; Delay of Public Workshop

AGENCY: Environmental Protection Agency.

ACTION: Notice of delay of public workshop.

SUMMARY: On June 29, 1981, EPA announced in the **Federal Register** (46 FR 33365) a public workshop to discuss possible revisions to the Motor Vehicle Compliance Program. This workshop was to convene at 9:00 a.m., Wednesday, July 29, 1981. Since that time, The Motor Vehicle Manufacturers' Association and The Engine Manufacturers' Association have requested that EPA postpone the workshop to allow additional time to prepare for participation in the workshop. This notice announces that the July workshop will be cancelled and that the workshop will be rescheduled for September. The specific date and location of the September workshop will be announced at a later date.

Supporting material relevant to this workshop is available in Public Docket No. A–81–17. This docket will be kept open until 30 days after the conclusion of the September workshop.

FOR FURTHER INFORMATION CONTACT: Thomas M. Ball, Certification Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105 (313) 668–4280.

Dated: July 23, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-21965 Filed 7-24-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL LABOR RELATIONS AUTHORITY

Application of Official Time Provision to Local Agreement Negotiations

AGENCY: Federal Labor Relations Authority.

ACTION: Notice relating to application of official time provision to local agreement negotiations.

SUMMARY: This notice related to the application of official time provision to the negotiation of a local agreement which supplements a national or controlling (master) agreement.

DATE: Written comments must be submitted by the close of business on August 28, 1981, to be considered.

ADDRESS: Send written comments to the Federal Labor Relations Authority, 1900 E Street, NW., Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: James J. Shepard, Executive Director, 1900 E Street NW., Washington, D.C. 20424, (202) 254–9595.

SUPPLEMENTARY INFORMATION: The Federal Labor Relations Authority was established by Reorganization Plan No. 2 of 1978, effective January 1, 1979 (43 FR 36037). Since January 11, 1979, the Authority has conducted its operations under the Federal Service Labor-Management Relations Statute (92 Stat. 1191).

Upon receipt of a request and consideration thereof, the Authority has determined that issuance of a general statement of policy and guidance is warranted. Interested persons are invited to express their views in writing on this matter, as more fully explained in the Authority's notice set forth below:

July 24, 1981.

To Heads of Agencies, Presidents of Labor Organizations and Other Interested Persons:

The Authority recently received a request from the Federal Service Impasses Panel, pursuant to § 2429.4 of the Authority's rules and regulations (5 CFR 2429.4), that the authority address a major policy issue arising in a case before the Panel. In connection with a Panel proceeding, concerning the quantity of official time that a master agreement should authorize union representatives engaged in the negotiations of supplemental

agreements, the Union asserted entitlement to the official time under section 7131(a) of the Statute when engaged in negotiating such supplemental agreements. The Authority is of the opinion that this issue raises a question of general applicability under the Federal Service Labor-Management Relations Statute (the Statute) (5 U.S.C. 7101–7135) which the Authority deems can be best resolved through issuance of a general statement of policy and guidance.

Accordingly the Authority hereby determines, pursuant to its powers under section 7105(a)(1) of the Statute, that an interpretation of the Statute is warranted on the following:

Whether section 7131(a) of the Federal Service Labor-Management Relations Statute (5 U.S.C. 7131(a)), which authorizes official time to employees representing an exclusive representative in the negotiation of a collective bargaining agreement, applies to the negotiation of a local agreement which supplements a national or controlling (master) agreement.

Before issuing an interpretation on the above, the Authority solicits your views in writing. To receive consideration, such views must be submitted to the Authority by the close of business on August 28, 1981.

Issued, Washington, D.C., July 24, 1981.

Federal Labor Relations Authority.

Ronald W. Haughton,

Chairman.

Henry B. Frazier III,

Member.

Leon B. Applewhaite,

Member.

[FR Doc. 81-21791 Filed 7-24-81; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within *20* days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with partcularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T–2153–7.

Filing Party: William E. Emick, Deputy, Offices of the City Attorney of Long Beach, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T–2153–7, between the City of Long Beach and National Molasses Company (NMC) modifies the parties' basic agreement which provides for NMC's exclusive use of land and the preferential use of a wharf on Pier J, to be used as a liquid bulk terminal. The purpose of the modification is to allow NMC to amend the insurance requirements and provide for deductibles of self-insured retention in any amount up to $25,000. In addition, the parties agree that NMC shall have the right to assign, mortgage or otherwise encumber its interest in the agreement in accordance with stated conditions provided for in the agreement.

Agreement No.: T–3787–3.

Filing Party: H. H. Wittren, Assistant Director of Real Estate, Port of Seattle, P.O. Box 1200, Seattle, Washington 98111.

Summary: Agreement No. T–3787–3, between the Port of Seattle (Port) and Hapag-Lloyd AG Hamburg, Bremen (HL), modifies the parties' basic agreement which provides for Port's lease to HL of certain premises located at Terminal 18, Seattle, Washington, together with the preferential use of ship's berth and pier apron, two Port-owned container cranes and eight straddle carriers. The purposes of the modification are to: (1) decrease the leased area by five acres in order to accommodate Port's construction and rehabilitation program at Terminal 18; (2) provide for the use of rubber-tired gantry cranes in lieu of straddle carriers; (3) provide for rental adjustments on the leased premises and equipment usage; and (4) provide for the renegotiation of rent effective at the end of the five-year term and every five years thereafter in accordance with terms provided for in the agreement.

Agreement No.: T–3981–3.

Filing Party: Mr. Carl S. Parker, Traffic Manager, Port of Galveston, P.O. Box 328, Galveston, Texas 77553.

Summary: Agreement No. T–3981, between the Board of Trustees of the Galveston Wharves (Galveston Wharves) and Galport Terminal, Inc. (Galport), provides for the management and operation of Galveston Wharves' East End Container Terminal. the terminal will be operated as a public marine container terminal by Galport pursuant to Galveston Wharves' Container Terminal Tariff 1–B, FMC–T No. 12. The initial term of the agreement is five (5) years with options for five (5) one-year extensions. The agreement will become effective the date it is approved by the commission. Galport shall pay monthly fees for the use of the facilities in accordance with a revenue sharing formula set forth in the agreement. Galport guarantees 7,500 containers in new business in the first year of the lease and in the second and subsequent years 15,000 containers per year. Insurance, assignments, damage, restoration, alterations and improvements are as agreed by the parties in the agreement.

Agreement No.: T–3982.

Filing Party: Mr. Julio A. Nolla Amado, Commonwealth of Puerto Rico, Ports Authority, G.P.O. Box 2829, San Juan, Puerto Rico 00936.

Summary: Agreement No. T–3982, between the Puerto Rico Ports Authority (Authority) and Puerto Rico Line, Inc. (Lessee), provides for Lessee's preferential use of 226,328.2819 sq. ft. of warehouse, berthing platforms (2) and adjacent areas and Lessee's exclusive use of an 895 sq. ft. office located at Pier "D" in the Puerto Nuevo Area, San Juan, Puerto Rico. The premises shall be used for the docking and mooring of vessels which are operated by the Lessee or for which Lessee is general agent, or for vessels which are engaged in the loading and unloading of cargo transported or to be transported by such vessels or of supplies thereof. The term of this agreement shall be for a period of three years with a renewal option of three additional years. The agreement becomes effective upon approval by the Commission. Lessee shall pay to the Authority $943.03 monthly for perferential berthing rights; $111.87 monthly for the office space; $175 per ship for water and $50 per tug boat to deliver the water at dockside. Lessee

shall pay wharfage and dockage assessed by the Authority, or a minimum annual payment of $100,000 payable in equal monthly installments of $8,333.33, whichever is higher. Wharfage charges collected by the Authority at Pier "D" from other users will be credited to the Lessee's minimum, except that charges collected by the Authority from other users except Crowley vessels for dockage, demurrage and other charges normally assessed by the Authority against vessels and their cargo will not be credited to the minimum.

Agreement No.: 8210–45.

Filing Party: Mr. Howard A. Levy, Ms. Patricia E. Byrne, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 8210–45 modifies the basic agreement of the Continental North Atlantic Westbound Freight Conference by deleting authority for members to serve Amsterdam on a substituted service basis at the members' expense.

Agreement No.: 9238–12.

Filing Party: Mr. Jeffrey F. Lawrence, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 9238–12 modifies the basic agreement of the Greece/United States Atlantic Rate Agreement by authorizing the Agreement Secretary of Counsel to execute agreement modifications and Merchant's Freight Contracts on behalf of the parties.

Agreement No.: 9522–45.

Filing Party: John R. Attanasio, Esq., Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 9522–45 among the members of Med-Gulf Conference would amend Article 14 of the basic agreement by restating current provisions pertaining to bank securities; and establishing a $50,000 minimum security deposit with an additional variable amount based on the members' participation in the Conference trade, total guarantee obligation not to exceed $100,000, applicable to all sections except the Puerto Rican Section.

Agreement No.: 9522–46.

Filing Party: Mr. Jeffrey F. Lawrence, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 9522–46 modifies the basic agreement of the Italy, South France, South Spain, Portugal/U.S. Gulf and the Island of Puerto Rico Conference by authorizing the Conference Secretary and Conference Counsel to execute agreement amendments and Merchant's Freight Contracts on behalf of the members.

By Order of the Federal Maritime Commission.

Dated: July 22, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-21807 Filed 7-24-81; 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 received by the appropriate Federal Reserve Bank not later than August 19, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Citicorp, New York, New York (consumer finance and insurance activities; Montana): to expand the service area of an existing office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., located in Boise, Idaho, and engaged in the following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissible under applicable state insurance laws and regulations; the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans; and the servicing, for any person, of loans and other extensions of credit. The previously approved service area of the office, comprised of the entire states of Idaho and Montana for all of the above activities except the sale of credit related property and casualty insurance, for which the service area comprised of the State of Idaho would be expanded to include the entire State of Montana, as well. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

Citicorp, New York, New York (consumer finance and insurance activities; Texas): to engage through a *de novo* office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., to be located in Dallas, Texas, in the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale at retail of money orders, travelers checks, U.S. savings bonds and consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The service area of the *de novo* office would be comprised

of the entire State of Texas. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center.

Citicorp, New York, New York (consumer finance and insurance activities; Wyoming): to expand the service area of an existing office of its indirect subsidiary, Citicorp Person-to-Person Financial Center, located in Salt Lake City, Utah. The previously approved activities of that office are as follows: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, to the extent permissible under applicable state insurance laws and regulations; the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans; and the servicing, for any person, of loans and other extensions of credit. The previously approved service area of the office, comprised of the entire States of Utah, Arizona and Wyoming for all the above activities except the sale of credit related property and casualty insurance—whose service area is Utah and Arizona—would be expanded to include the entire State of Wyoming for that activity as well. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center.

Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198: Omaha National Corporation, Omaha, Nebraska (financing activities; Oklahoma): to engage, through its subsidiary, Realbane, Inc., in making residential mortgage and construction loans. These activities would be conducted from an office in Oklahoma City, Oklahoma, serving the entire State of Oklahoma.

Federal Reserve Bank of Dallas (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222: Banchares, Inc., Houston, Texas (leasing activities; Louisiana): to engage indirectly, through a de novo subsidiary, B.L.I. Leasing, Inc., a Louisiana corporation, of an existing subsidiary, Bancshares Leasing, Inc., a Texas corporation, in the leasing of personal property and equipment, such property to be principally tractor-trailer rigs. The activities are to be conducted from offices in Houston, Texas, (with the Louisiana corporation's registered agent being CT Corporation, New Orleans, Louisiana), serving the State of Louisiana.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: BankAmerica Corporation, San Francisco, California (financing, servicing, and insurance activities; Pennsylvania): to expand the geograpahic scope of activities engaged through its indirect subsidiary, FinanceAmerica Consumer Discount Company, a Pennsylvania corporation. FinanceAmerica is engaged in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life insurance, credit-related accident and health insurance, and credit-related property insurance. Such activities include, but are not limited to, making sonsumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans and other extensions of credit secured by real and personal property; and offering credit-related life, credit-related accident and health and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Consumer Discount Company. These activities will be conducted from two existing offices located in Lancaster, Pennsylvania, and York, Pennsylvania, serving the entire State of Pennsylvania.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, July 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21861 Filed 7-24-81; 8:45 am]

BILLING CODE 6210-01-M

The Peoples Bancshares Corp.; Formation of Bank Holding Company

The Peoples Bancshares Corporation, Portland, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares, less directors' qualifying shares, of the successor by merger to The Peoples Bank, Portland, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 20, 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 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21860 Filed 7-24-81; 8:45 am]

BILLING CODE 6210-01-M

Greenfield Bancshares, Inc.; Formation of Bank Holding Company

Greenfield Bancshares, Inc., Greenfield, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Greenfield Banking Company, Greenfield, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 19, 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 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21858 Filed 7-24-81; 8:45 am]

BILLING CODE 6210-01-M

Sherburn Bancshares, Inc.; Formation of Bank Holding Company

Sherburn Bancshares, Inc., Sherburn, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares, less directors' qualifying shares, of Farmers State Bank of Sherburn, Sherburn, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 20, 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 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21859 Filed 7-24-81; 8:45 am]

BILLING CODE 6210-01-M

Tri-State Investment Corp.; Acquisition of Bank

Tri-State Investment Corporation, Pensacola, Florida, 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 at least 55.5 percent of the voting shares of the West Florida Bank, Pensacola, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 21, 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 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21873 Filed 7-24-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Machine/Presence Sensing Device Performance Studies; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Machine/Presence Sensing Device Performance Studies

Date: August 25, 1981.

Time: 9 a.m. to 4 p.m.

Place: Ramada Inn, VIP Room, Route 119 South and U.S. 48, Morgantown, West Virginia 26505.

Purpose: To discuss and critically evaluate scientific content of recent studies of presence sensing machine safeguards, particularly R-F type machine safety devices.

Additional information may be obtained from: John Etherton, Division of Safety Research, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, Telephone: (305) 599-7454.

Dated: July 21, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-21827 Filed 7-24-81; 8:45 am]

BILLING CODE 4110-87-M

Mine Health Research Advisory Committee, Respirator Research Subcommittee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health (NIOSH) Committee meeting:

Name: Respirator Research Subcommittee of the Mine Health Research Advisory Committee.

Date: August 13-14, 1981.

Time: 8:30 a.m. to 4:30 p.m.

Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Type of Meeting: Open.

Contact Person: Jon R. May, Ph.D., Special Assistant to the Director (for Testing and Certification), National Institute for Occupational Safety and Health, Centers for Disease Control, 5600 Fishers Lane, Room 8A-53, Rockville, MD 20857, Telephone: (301) 443-3680.

Purpose: To discuss and obtain comments relevant to the development of the NIOSH respiratory research program.

The Mine Health Research Advisory Committee (MHRAC) was established by the Federal Mine Safety and Health Act of 1977. This legislation also provides the basis for the NIOSH/MSHA Respirator Certification Regulations under 30 CFR Part 11. The subcommittee, composed of members of the MHRAC, will provide to the Director of NIOSH, recommendations appropriate to the NIOSH respirator research program particularly with regard to respirator research objectives and priorities. Resource personnel from among the users of respirators will be invited to assist the subcommittee.

Viewpoints and suggestions from manufacturers and users of respirators, industry, organized labor, academia, other government agencies, and any other interested parties are invited. Interested parties wishing to address the meeting are requested to contact Dr. Jon May at the address above in order to be assured appropriate time for presentation. Presentations by interested parties must be accompanied by four copies of the text of the presentation to be made before the subcommittee. Such test should be provided to the subcommittee chairperson, John B. Moran, Post Office Box 42, Boyds, MD 20841, prior to or at the subcommittee meeting.

The subcommittee will prepare and present its report on this subject to the MHRAC at their next meeting currently schedule for October 13-14, 1981. The final subcommittee report, as approved by the MHRAC, will be available subsequent to the October meeting.

Dated: July 21, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-21826 Filed 7-24-81; 8:45 am]

BILLING CODE 4110-87-M

Public Health Service

National Council on Health Care Technology; Meeting

Pursuant to the Federal Advisory

Committee Act (Pub. L. 92–463), notice is hereby given that the tenth meeting of the National Council on Health Care Technology (Council), which was established pursuant to the Health Research, Health Statistics, and Health Care Technology Act of 1978 (Pub. L. 95–623) and which advises the Secretary and the Director of the National Center for Health Care Technology (Center) on the activities of the Center, will convene on Thursday, August 13, 1981 at 8:30 a.m. in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201. Its Subcommittee on Criteria will meet on August 12, 1981 at the Lombardy Towers Hotel, 2019 I Street, NW., Washington, D.C. The Subcommittee meeting will convene at 4:00 p.m.

The purpose of this Subcommittee meeting is to develop recommendations to the Council based on guidelines provided in the booklet, "Process for Assessment and for Development of Information and Guidance Documents." The Subcommittee meeting will be open to the public.

Principal consideration and discussion at the Council meeting will be devoted to the report of the Subcommittee on Criteria, review of the status of evaluations done for the Health Care Financing Administration, and a status report by FDA and CDC on maternal serum alpha-fetoprotein.

The meeting will be closed to the public from 1:45 p.m. to adjournment in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, for the review, discussion, and evaluation of individual grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or material and personal information concerning individuals associated with the proposals and applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information regarding the Council may be obtained by contacting Hilda Stofko, Executive Secretary, National Council on Health Care Technology, Room 17A–29, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: July 1, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81–21824 Filed 7–24–81; 8:45 am]

BILLING CODE 4110–85–M

Health Care Financing Administration

Medicaid Program; Delegation of Authority To Issue Medicaid Disallowance Letters

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMARY: This notice is to inform interested persons that the authority to issue Medicaid disallowance letters has been delegated by the Adminstrator to the Regional Administrators in addition to the Director, Bureau of Program Operations. This delegation will allow the Regional Administrator to notify State Medicaid agencies of disallowances, under section 1903 of the Social Security Act, of State claims for Federal matching funds. The purpose of the delegation of authority is to speed the disallowance process by also giving the Regional Administrator authority for the disallowance notice.

EFFECTIVE DATE: February 17, 1981.

FOR FURTHER INFORMATION, CONTACT: David McNally, 301–597–1397.

SUPPLEMENTARY INFORMATION:

Background

A disallowance letter is a formal notice from HCFA to a State Medicaid agency (grantee) that a claim for Medicaid reimbursement has been determined unallowable or invalid. The grantee has the right to appeal that disallowance to the Grant Appeals Board (45 CFR Part 16, Subart C). However, under 45 CFR 16.91, the Board may not review a disallowance unless the head of the constituent agency or someone he or she has designated for that purpose has notified the grantee in writing of the disallowance. The Administrator of HCFA delegated the authority to notify the State agency to the Director, Bureau of Program Operations (BPO) on August 30, 1979 and amended that delegation of September 19, 1979.

Following the 1979 delegation of authority, draft disallowance notices and supporting documents were prepared by the regional offices and sumitted to BPO for review and final preparation of the disallowance notice for signature by the Director, BPO. In some cases, the process was extremely lengthy. Therefore, on February 17, 1981, the Acting Administrator delegated the authority to issue Medicaid disallowance letters to the Regional Administrators; thus giving the Regional Administrators authority previously vested only in the Director, BPO.

The intention of this delegation is to speed the disallowance process by giving the Regional Administrators responsibility for preparing disallowance notices in final form.

Procedures

The procedures for implementing the transfer of authority are as follows:

1. During the first 6 months following the effective date of the delegation (February 17, 1981), the Regional Administrator will approve disallowance notices and send a copy of the disallowance notice and all supporting documents to BPO for approval before releasing it to the State.

2. After reviewing disallowance notices for at least 6 months after the effective date of this delegation, the Director of BPO may certify the proficiency of each Region, on an individual basis, in preparing disallowance notices. A copy of this certification will be sent to the Administrator, HCFA, the Director of the Office of Management and Budget, HCFA, and the Departmental Grant Appeals Board.

3. Once a Region is certified, the Regional Administrator will be required to submit to BPO only a copy of the disallowance notice. The Regional Administrator will then be fully authorized to release the disallowance notice unless BPO raises an objection within 15 working days of its receipt of the disallowance notice.

Special Provisions

Audit-related Disallowances

The Administrator's or Deputy Administrator's approval will continue to be required for audit-related disallowances when an individual audit exception exceeds $100,000 and the HCFA recommended settlement position is to disallow less than 85 percent of the auditor's recommended disallowance.

Notice of Appeal Right

As in the past, disallowance notices will continue to include specific reference to 45 CFR Part 16 (Department Grant Appeals Process) and will expressly notify the State that it may request an appeal by submitting a written request within 30 days after the postmark date of the notification to the Executive Secretary, Departmental Grant Appeals Board.

Penalty Disallowances

The Administrator will continue to sign the notices of fiscal disallowances prepared by the Bureau of Quality Control. These disallowances are imposed with respect to the utilization control program (42 CFR Part 456, Subpart J).

Medicaid Quality Control (MQC) Disallowances

The Secretary will continue to sign MQC notices disallowing FFP in erroneous Medicaid payments due to eligibility errors, as detected through the MQC system (42 CFR Part 431, Subpart P).

Delegation of Authority

The February 17, 1981 delegation of authority to the Regional Administrators signed by the Acting Administrator reads as follows:

"Under the authority vested in me by the Secretary (see section F. 30. of the Department Statement of Organization, Functions, and Delegations of Authority (42 FR 57351, November 2, 1977)), I hereby delegate to you the authority under 45 CFR 16.91, to notify grantees in writing of disallowances under section 1903 of the Social Security Act. The delegation of this authority does not divest me of such authority and responsibility."

"This authority may not be redelegated. This authority is to be exercised in conformity with the following procedures:

1. During the first 6 months following the effective date of this delegation of authority, HCFA Regional Administrators are required to submit all disallowance notices, with full supporting documentation, to the Bureau of Program Operations for approval of the notice.

2. After at least 6 months experience in reviewing such letters for form and substance, the Director, Bureau of Program Operations will individually certify, in writing, regions that have demonstrated their proficiency in preparing high quality disallowance notices.

3. Copies of the certification document will be sent to:

a. The Administrator/Deputy Administrator;

b. Director, Office of Management and Budget; and

c. Departmental Grants Appeals Board.

4. Regions that have been certified by the Director, Bureau of Program Operations are required to submit to BPO only copies of the disallowance notice itself. The Regional Administrator will then be fully authorized to release the disallowance notice unless objections are raised by central office within 15 working days of its receipt by BPO.

5. For audit-related disallowances, any audit exception that exceeds $100,000 and the recommended settlement position of HCFA is less than 85 percent of the auditor's recommended disallowance must be approved by either the Administrator or Deputy Administrator."

"Each notification of disallowance shall include specific reference to 45 CFR Part 16, as amended March 6, 1978, and expressly notify the State that it may request an appeal by written notice (within 30 days) addressed to the Executive Secretary, Departmental Grant Appeals Board. All disallowances must receive prior review and clearance by the cognizant Regional Attorney or the Office of the General Counsel."

"This delegation of authority is effective immediately. In addition, I hereby affirm and ratify any actions taken by you which, in effect, involved the exercise of this authority prior to the effective date of this delegation."

Dated: July 15, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Adminstration.

[FR Doc. 81-21796 Filed 4-24-81: 8:45 am]

BILLING CODE 4110-35-M

Office of the Secretary

Public Health Service; National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 46 FR 2193, January 8, 1981), is amended to reflect the following changes in the National Institute of Environmental Health Sciences (NIEHS) and the National Cancer Institute (NCI):

(1) Abolish the Bioassay Program, Division of Cancer Cause and Prevention, NCI.

(2) Establish the Toxicolgy Research and Testing Program, NIEHS.

(3) Establish Biometry and Risk Assessment Program in NIEHS.

(4) Abolish the Research Resources Program, NIEHS.

(5) Revise the functional statement for the Division of Cancer Cause and Prevention, NCI.

(6) Revise the function statement for the NIEHS.

(7) Revise the functional statement for the Intramural Research Program, NIEHS.

These changes will provide for a closely integrated and coordinated NIH response to the challenges and requirements of the National Toxicology Program established in 1978.

Sec. HN-B, Organizations and Functions, is amended as follows: Under the heading *National Cancer Institute (HNC),* make the following changes:

Delete the heading and statement for the Bioassay Program (HNC35). Substitute the following revised statement for the Division of Cancer Cause and Prevention (HNC3).

Division of Cancer Cause and Prevention (HNC3)

(1) Plans and directs a national program of laboratory, field, and demographic research on the cause and natural history of cancer and means for preventing cancer through direct intramural research, research grants and contracts; (2) evaluates mechanisms of cancer induction and promotion by chemicals, viruses and environmental agents; (3) serves as the focal point for the Federal Goverment on the synthesis of clinical, epidemiological, and experimental data relating to cancer; and (4) participates in the evaluation of and advises the Institute Director on program related aspects of the other grant and cancer control activities as they relate to cancer cause and prevention.

Under the heading *National Institute of Environmental Health Sciences (HN-V),* make the following changes:

Delete the functional statement for the *National Institute of Environmental Health Sciences (HN-V)* in its entirety and substitute the following:

National Institute of Environmental Health Sciences (HN-V)

Conducts, fosters, and coordinates (in its own laboratories and through contracts, grants, and support of Environmental Health Science Centers) research and research training on the biological effects of chemical, physical, and biological substances in the environment to: (1) develop understanding of the mechanism of action of such substances; (2) provide the scientific basis for evaluating their extent and severity on a national scale; (3) establish the toxicity of chemical substances of significant public health concern; (4) define and develop methods for diagnosis and treatment of environmentally induced illnesses; and (5) collect and disseminate information in furtherance of program.

Delete the functional statement for the *Intramural Research Program (HN-V2)* and substitute the following:

Intramural Research Program (HN-V2)

(1) Plans and conducts the Institute's basic laboratory research program, which encompasses the areas of

pharmacology, chemistry, environmental toxicology, environmental mutagenesis and environmental biophysics; (2) evaluates research efforts and establishes program priorities; (3) allocates funds, space, and personnel ceilings, and integrates ongoing and new research activities into the program structure; (4) collaborates with other Institute and NIH programs and maintains awareness of national research efforts in program areas; and (5) provides advice to Institute Director and staff on matters of scientific interest.

Delete the functional statement for the *Research Resources Program (HN–V4)* in its entirety.

After the functional statement for the *Extramural Program (HN–V3)*, insert the following statements:

Toxicology Research and Testing Program (HN–V5)

(1) Plans and conducts applied research to develop, validate, and evaluate methods for testing the toxicity of chemical compounds and other environmental agents; (2) plans and conducts a program of testing, including short-term screening and long-term animal bioassays, to establish toxicity of chemical compounds and other environmental agents; (3) collaborates with chemical toxicology test development and testing programs of other government agencies; and (4) disseminates results of tests, test developments, and test validation efforts to interested members of the scientific community and to federal regulatory agencies.

Biometry and Risk Assessment Program (HN–V6)

(1) Plans and conducts basic and applied environmental health oriented research in the areas of risk assessment, statistics, biomathematics, and epidemiology; (2) collaborates with the scientists involved in the Toxicology Research and Testing Program, assuming responsibility for data management and statistical analysis; (3) provides statistical, mathematical, data processing, and computer engineering support to other programs of the Institute; (4) assists the Office of the Director in addressing specific health issues that bear on the welfare of the general public; and (5) maintains an active association with peer groups in other federal agencies, academic and private institutions with similar research interests.

Dated: July 14, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81–21795 Filed 7–24–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application from Phyllis G. Flechsig

Applicant: Phyllis G. Flechsig, 619 Orpheus Ave. Ecinitas, CA 92024.

The applicant request a permit to sell in interstate commerce and export in foreign commerce artifically propagated specimens of endangered and threatened cacti.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–8204. Interested person may comment on this application on or before August 26, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: July 20, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–21870 Filed 7–24–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application From International Animal Exchange

Applicant: International Animal Exchange, Ferndale, Michigan.

The applicant requests a permit to import one male captive bred bactrian camel (*Camel bactrianus*) for enhancement of propagation, from the Metropolitan Toronto Zoo, Ontario, Canada.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–8212. Interested persons may comment on this application on or before August 26, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: July 16, 1981.

Robert Batky,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–21871 Filed 7–24–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application from San Diego Zoological Gardens

Applicant: San Diego Zoological Gardens, San Diego, California.

The applicant requests a permit to import one male and one female captive-bred Japanese cranes (*Grus japonensis*) from the Osaka Municipal Zoo, Osaka, Japan, for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–8234. Interested persons may comment on this application on or before August 26, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: July 22, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–21872 Filed 7–24–81; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Indian Affairs

Final Determination for Federal Acknowledgment of the Tunica-Biloxi Indian Tribe of Louisiana

July 23, 1981.

This notice is published in the exercise of authority delegated by the Seretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8.

Pursuanat to 25 CFR 54.9(h) notice is hereby given that the Assistant

Secretary acknowledges that the Tunica-Biloxi Indian Tribe, c/o Mr. Earl J. Barbry, Sr., P.O. Box 2182, Mansura, Louisiana 71350, exists as an Indian tribe. This notice is based on a determination that the group satisfies the criteria set forth in 25 CFR 54.7.

The contemporary Tunica-Biloxi Indian Tribe is the successor of the historical Tunica, Ofo, and Avoyel tribes, and part of the Biloxi tribe. These have a documented existence back to 1698. The component tribes were allied in the 18th century and became amalgamated into one in the 19th century through common interests and outside pressure from non-Indian cultures.

The tribe and its components have existed as autonomous political units since first contact. The Tunica tribe was governed by a succession of chiefs in a formally organized political system. The position of chief was maintained by the tribe until 1976, when the last chief died. A corporate form of organization was adopted in 1974 and continues to the present.

One hundred and eighty-six of the tribe's 200 members could prove descent from lists of Tunicas and Biloxis prepared in the late 1800's and early 1900's.

No evidence was found that the members of the tribe are members of any other Indian tribes or that the tribe or its members have been terminated or forbidden the Federal relationship by an Act of Congress.

Notice of proposed findings that the Tunica-Biloxi exist as an Indian tribe were published on page 84872 of the **Federal Register** on December 23, 1980. Interested parties were given 120 days in which to submit factual or legal arguments to rebut evidence used to support the findings that the Tunica-Biloxi Indian Tribe exists as an Indian tribe.

The 120-day comment period ended April 22, 1981 at which time the State of Louisiana requested an extension of the deadline on which to consider additional evidence. Two extensions, totaling 14 days, were subsequently granted by the Deputy Assistant Secretary-Indian Affairs (Operations) with the concurrence of the Tunica-Biloxis and their attorneys. As of June 5 when the extension terminated, no new evidence or arguments had been received from the State of Louisiana or any other interested party.

Letters of support of Federal recognition of the Tunica-Biloxis were received from the Jena Band of Choctaws and the Clifton-Choctaw Reservation, Inc. A separate resolution of support was received from an "assembly of tribal leaders domiciled in the State of Louisiana" and was signed by chairman of the following groups: the federally-recognized Coushatta Tribe; the Clifton-Choctaw, the Jena Band of Choctaw, the Apache Choctaw, the United Houma Nation, Inc., and the Tunica-Biloxi Tribe.

One other comment was received from an individual who concurred with the findings and provided incidental information about the group which was not intended as a rebuttal.

The determination is final and will become effective 60 days from the date of publication, unless the Secretary of the Interior requests the determination be reconsidered pursuant to 25 CFR 54.10.

Roy H. Sampsel,

Deputy Assistant Secretary-Indian Affairs.

July 23, 1981.

[FR Doc. 81-21893 Filed 7-24-81; 8:45 am]

BILLING CODE 4310-02-M

National Park Service

Cape Cod National Seashore, South Wellfleet, Mass., Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770; 5 U.S.C. App. 1 § 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, August 7, 1981.

The Commission was established pursuant to Pub. L. 91-383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the developmemt of Cape Cod National Seashore.

The members of the Advisory Commission are as follows:

Dexter M. Keezer, Truro
Francis R. King, Wellfleet
Nathan Malchman, Provincetown
Barbara S. Mayo, Provincetown
Joshua A. Nickerson, Chatham
David F. Ryder, Chatham
Sherrill B. Smith, Jr., Orleans
Clifford H. White, Wrentham
Elizabeth F. Worthing, Eastham
Paul F. Nace, Jr., Woods Hole

The Commission will conduct an all day field inspection of interpretive, maintenance and beach operations at various locations in the Seashore and will participate in afternoon ceremonies commemorating the 20th anniversary of the enactment of Pub. L. 87-126 establishing Cape Cod National Seashore. Commission members will meet initially at 10:00 a.m. at Park Headquarters at Marconi Station, South Wellfleet, Massachusetts.

The meeting is open to the public, however, no transportation will be provided the general public and anyone wishing to accompany the Commission must provide his/her own transportation.

Interested persons may file written statements with the Commission which should be sent to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663, Telephone 617 349-3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

July 14, 1981.

[FR Doc. 81-21877 Filed 7-24-81; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Peabody Coal Co., Inc.; Intent To Prepare an Environmental Impact Statement on a Mining and Reclamation Plan for a Surface Coal Mine Proposed for the North Antelope Coal Mine, Converse County, Wyo.

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

ACTION: Notice of intent to prepare a draft environmental impact statement on a coal mining and reclamation plan.

SUMMARY: The office of Surface Mining (OSM) has received a complete application from Peabody Coal Co. for a mining and reclamation plan approval and permit pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA), for the proposed North Antelope Coal Mine. OSM has determined that the approval or disapproval of this proposed mine is a significant Federal action affecting the human environment this requiring an environmental impact statement (EIS).

The proposed surface coal mine would be located approximately 60 miles south of Gillette, 60 miles north of Douglas, and 60 miles west of Newcastle, Wyoming. The mining would cover approximately 3,763 acres of State and private surface, and Federal surface

within the Thunder Basin National Grasslands. The mine would be in operation for approximately 40 years, with a maximum annual production of 5 million tons of coal.

OSM and the Geological Survey will prepare the EIS with assistance from the Wyoming Department of Environmental Quality (DEQ) and the Forest Service. The EIS will present alternative actions that the Department of the Interior and the State of Wyoming could take on the mining and reclamation plan and the environmental impacts of these alternatives. The major alternatives thus far identified for Departmental consideration are:

a. No action.

b. Disapproval of the Mining and Reclamation Plan.

c. Approval of the Mining and Reclamation Plan with design modifications and/or with necessary stipulations to meet the requirements of SMCRA and the Wyoming Environmental Quality Act, and regulations pursuant to these Acts.

The EIS would be limited to a site-specific analysis of the North Antelope Coal mine within the permit area, adjacent areas, and regional areas. Since there are other energy developments, such as the WyCoalGas Gasification Plan and the Antelope Mine proposed for the same regional area as the proposed North Antelope Mine, the cumulative impacts from all known developments will be evaluated using available information.

A public scoping meeting was held in Douglas, Wyoming, on January 28, 1981, to define potentially significant issues to assist OSM in making an EIS detemination under the National Environmental Policy Act. The major issues raised at this meeting included ground-water flow, coal train traffic, and impacts to the community of Douglas. Copies of the transcript of the public meeting are available for review at the Office of Surface Mining (at the address below), the Wyoming Department of Environmental Quality (at the address below), and the Converse County Library, Douglas, Wyoming.

The mining and reclamation plan submitted by Peabody is also available for public review during normal working hours at the Office of Surface Mining, Region V, second floor, Brooks Towers, 1020 15th Street, Denver, Colorado; the State of Wyoming Department of Environmental Quality, (Wy 004), 401 West 19th Street, Cheyenne, Wyoming; and at the County Clerk's Office, Converse County, Douglas, Wyoming (307) 358-2244. Comments on the proposed plan and/or significant issues may be submitted to the Regional Director, Office of Surface Mining, at the Denver address until August 26, 1981.

FOR FURTHER INFORMATION CONTACT:

Florence Munter-Schaller or Bob Scheuneman, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

Dated: July 7, 1981.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 81-21841 Filed 7-24-81 8:45 am]

BILLING CODE 4310-05-M

Office of Assistant Secretary

Senior Executive Service (SES) Performance Awards

AGENCY: Department of the Interior.

ACTION: Notice of intention to grant senior executive service performance awards to career members of the SES.

SUMMARY: This Notice serves to establish September 1, 1981, through September 30, 1981 as the period during which SES Performance Awards will be granted to Career members of the SES in compliance with the statutory limitations established by Congress of no more than 25 percent of the number of SES positions in the agency.

DATE: September 1, 1981 through September 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Morris A. Simms, Director of Personnel, Department of the Interior, Room 5201, 1800 C Street, N.W., Washington, D.C. 20240, Telephone Number 343-6761.

On July 21, 1980, the Director, Office of Personnel Management issued the following instructions:

(b) Each agency should publish a notice in the **Federal Register** of the agency's schedule for awarding bonuses at least 14 days prior to the date on which the awards will be paid.

The Department of the Interior intends to grant Senior Executive Service Performance Awards to Career Members of the SES during the period from September 1 through September 30, 1981.

Dated: July 20, 1981.

Joseph E. Doddridge, Jr.,

Acting Deputy Assistant Secretary of the Interior.

[FR Doc. 81-21834 Filed 7-24-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-98F]

Burlington Northern Inc.—Abandonment—Between Clyde and Pleasant View, WA; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided July 21, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 91979), the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of a line of railroad known as the Clyde to Pleasant View line extending from railroad milepost 11.84 near Clyde, WA, to railroad milepost 19.73, at the end of the line, near Pleasant View, WA, a distance of 7.89 miles in Walla Walla County, WA. A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern Inc. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I § 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21849 Filed 7-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-192F]

Birmingham Southern Railroad Company—Abandonment—In Jefferson County, AL, Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided July 21, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment and discontinuance of service by the Birmingham Southern Railroad Company of a line of railroad known as Dolonah Branch extending from Dolonah Valuation Station 0+00=P.S. to Valuation Station 130+23.3, a distance of approximately 2.47 miles, located within the switching limits of Bessemer, County of Jefferson, State of AL. A certificate of public convenience and necessity permitting abandonment was issued to the Birmingham Southern Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21847 Filed 7-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-158 (Sub-1F)]

Pittsburgh and Lake Erie Railroad Company—Abandonment—in Beaver and Lawrence Counties, PA; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided July 17, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91(1979), the present and future public convenience and necessity permit the abandonment by the Pittsburgh and Lake Erie Railroad Company of a line of railroad known as the Ellwood City Branch, extending from railroad milepost 1.0 to the end of the line at railroad milepost 3.7, a distance of 2.7 miles, in Beaver and Lawrence Counties, PA. A certificate of public convenience and necessity permitting abandonment was issued to the Pittsburgh and Lake Erie Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on P&LE with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21848 Filed 7-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC FC-79077. (*Republication.*) By decision of March 24, 1981, issued under 49 CFR 1045.11, Review Board No. 3 approved the change of control of DISTRIBUTION SERVICES, INC., a broker of motor carrier freight transportation holding license No. MC-130744. Fifty percent of the common stock of the corporate was authorized to be transferred from William J. Farrell, Jr., to T. Lawrence Viguers, Jr. As a result of the transaction T. Lawrence Viguers, Jr., would own all the common stock of the corporation. Representative:

Robert B. Einhorn, 12 South 12th Street, 3220 P.S.F.S. Building, Philadelphia, PA 19107. Republish to correct errors in issue of June 25, 1981 **Federal Register.**

Agatha L. Mergenovich,

Secretary

[FR Doc. 81-21845 Filed 7-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-3-127]

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Decided: July 22, 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 protected *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 absense of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

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 44605 (Sub-60), filed July 13, 1981. Applicant: MILNE TRUCK LINES, INC., 2500 West California Ave., Salt Lake City, UT 84104. Representative: Ann M. Pougiales, 100 Bush-21st Floor, San Francisco, CA 94104, (415) 986-5778. Transporting, for or on behalf of the U.S. Government, *general commodities* (excerpt used household goods, Hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 60325 (Sub-12), filed July 10, 1981. Applicant: JEFFERSON LINES, INC., 1206 Currie Ave., Minneapolis, MN 55403. Representative: Elvin S. Douglas, Jr., P.O. Box 280, Harrisonville, MO 64701, (816) 884-3238. 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 157014, filed July 7, 1981. Applicant: JAMES R. BATH, d.b.a. JIM & ZEBBIE BATH TRUCKING, R. R., Box 456, Schaller, IA 51053. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. 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.

MC 157015, filed July 8, 1981. Applicant: NORVANCO, INC., Pier 56, Seattle, WA 98101. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785-0024. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157035, filed July 8, 1981. Applicant: BRUCE KEVIN CHRISTENSEN, Box 121, Askov, MN 55704. Representative: (same as applicant) (612) 838-3422. 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.

MC 157044, filed July 9, 1981. Applicant: SPEEDY, INC., P.O. Box 31198, Indianapolis, IN 46231. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. 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 157055, filed July 9, 1981. Applicant: COMTRAC, INC., 6606 Singletree Dr., Columbus, OH 43216. Representative: Robert S. Aronson (same address as applicant), (614) 436-0850. As a *broker of general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-21850 Filed 7-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC FC-78490. By decision of February 26, 1980, issued under 49 U.S.C 10926 and the transfer rules at 49 CFR Part 1132, the Motor Carrier Board approved the transfer to LeRoy C. Brenizer, an individual, d/b/a Siren Feed & Supply, of Certificate No. MC-94062 issued November 23, 1971, to Gary Aggerholm, of Luck, WI, authorizing the transportation of livestock, from points in Roosevelt and LaFollette Townships, Burnett County, WI, and Clam Falls, Loraine and McKinley Townships, Polk County, WI, to South St. Paul, MN, with no transportation for compensation on return except as otherwise authorized: *farm implements, hardware, seed, feed, grain, groceries, canned goods, dry goods, oil,* and *oil products,* from Minneapolis, St. Paul, and South St. Paul, MN, to points in Roosevelt and LaFollette Townships, Burnett County, WI, and Clam Falls, Loraine, and McKinley Townships, Polk County, WI, with no transportation for compensation on return except as otherwise authorized. Applicant's representative is: James T. Flescher, Registered Practitioner, 1745 University Avenue, Saint Paul, MN 55104. Transferee presently holds no authority from the Commission. TA application has not been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21846 Filed 7-24-81; 8:45 am]

BILLING CODE 7035-01-M

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 environmental 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: July 16, 1981.

By the Commission, Review Board Number 3, Members Krock Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC F-14661F, filed July 1, 1981. WALTER H. DOLAN CO. d.b.a. DOLAN TRANSPORTATION (Dolan) (68 Mt Hope Avenue, Bangor, ME 04401)—purchase—Jay Memmelaar Sr. d.b.a. Walter H. Dolan Moving & Storage Co. (Walter H. Dolan) (68 Mt. Hope Avenue, Bangor, ME 04401). Representative: John F. O'Donnell, 60 Adams Street, Milton, MA 02187. Dolan seeks authority to purchase the interstate operating rights and property of Walter H. Dolan. A.J. Cole & Sons, Inc., a non-carrier and sole stockholder of Dolan, and in turn, Cole Enterprises, a non/carrier and sole stockholder of A.J. Cole & Sons, Inc., and in turn, Galen L. Cole, the majority stockholder of Cole Enterprises, seek authority to acquire control of said rights through the transaction. Dolan is purchasing the interstate operating rights of Walter H. Dolan contained in Certificate No. MC-116738 (Sub-No. 2) which authorizes the transportation, as a motor common carrier, over irregular

routes, of *household goods* as defined by the Commission, (1) between points in ME on the one hand, and, on the other, points in MA and NH, (2) between Bangor, Lincoln, and Pittsfield, ME, on the one hand, and, on the other, Winterport, ME, and points in Hancock, Kennebec, Penobscot, Piscataquis, and Somerset Counties, ME. Dolan holds no authority from the Commission. Cole Enterprises is sole stockholder of Coles Express, a motor common carrier pursuant to certificates issued in MC–93682 and sub-numbers thereunder. Condition: Coles Enterprises will continue to be subject to the applicable provisions of 49 U.S.C. subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities.

MC F–14659F, filed June 30, 1981. HAYES TRUCK LINE, INC. (Hayes) (1410 Intercity Trafficway, P.O. Box 4060, Kansas City, MO 65101)—purchase (portion)—Seward Motor Freight, Inc. (Seward) (1041 Elm Street, Seward, NE 68434). Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Hayes seeks authority to purchase a portion of the interstate operating rights of Seward. Freightways, Inc., sole stockholder of Hayes, and in turn, Claude Hayes and Ruth Ann Hayes, equal stockholders of Freightways, Inc., also seek authority to acquire control of said rights through the transaction. Hayes is purchasing the interstate operating rights contained in Seward's Certificate No. MC–85718 (Sub-Nos. 3 and 5), which authorize the transportation as a motor common carrier, over regular and irregular routes, of (1) *general commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Omaha, NE, and Grand Island, NE, serving all intermediate points, and the off-route points of Bee, Tamora, and Phillips, NE; from Omaha over U.S. Hwy 6 to Lincoln, NE, then over U.S. Hwy 34 to junction U.S. Hwy 281, and then over U.S. Hwy 281 to Grand Island, and return over the same route, restricted against service between Omaha and Lincoln or points intermediate thereto, (2) *cross arms, cross arm braces, and metal fittings,* from the facilities of Hughes Brothers, Inc., at Seward, NE, to points in that part of TX bounded by a line beginning at Laredo, TX, and extending along Interstate Hwy 35 to junction Interstate Hwy 10, then along Interstate Hwy 10 to junction Colorado River, and then south along the Colorado River to the Gulf of Mexico; (3) *general commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), (a) between points in Seward County, NE, and (b) between points in Seward County, NE, on the one hand, and, on the other, points in NE; (4) *general* commodities, usual exceptions, (a) between Gresham, NE, and Omaha, NE, serving all intermediate points and serving the off-route points of Bruno, Brainard, Ulysses, Bee, Dwight, Loma, Surprise, Prague, Abie, Octavia, Weston, and Linwood, NE; from Gresham over NE Hwy 76 to junction NE Hwy 92, then over NE Hwy 92 to Omaha, and return over the same route, (b) between junction NE Hwy 92 and 79 and Lincoln, NE, serving all intermediate points; from junction NE Hwy 79 to junction U.S. Hwy 34, then over U.S. Hwy 34 to Lincoln, and return over the same route, (c) between Wahoo, NE, and Lincoln, NE, serving all intermediate points, over U.S. Hwy 77, (d) between Gresham, NE, and Lincoln, NE, serving all intermediate points and the off-route point of Thayer, NE; from Gresham over NE Hwy 76 to junction U.S. Hwy 34, then over U.S. Hwy 34 to Tamora NE, then over NE Hwy S–76A to junction U.S. Hwy 6, then over U.S. Hwy 6 to Lincoln, and return over the same route, (e) between Lincoln, NE, and Tamora, NE, serving all intermediate points and the off-route point of Thayer, NE, over U.S. Hwy 34; (f) between points in Seward, Polk, Butler, Colfax, Platte, Saunders, Lancaster, and Dodge Counties, NE, and (g) between points in Seward, Polk, Butler, Colfax, Platte, Saunders, Lancaster, and Dogge Counties, NE, on the one hand, and, on the other, points in that part of NE on and east of U.S. Hwy 183. Hayes has authority to operate as a common carrier pursuant to certificates issued in MC–9644 and sub-numbers thereunder. Freightways, Inc. has authority to operate as a common carrier pursuant to certificates issued in MC–144484 and sub-numbers thereunder. Claude Hayes and Ann Hayes who control Freightways, also control H & S Motor Freight, Inc., who operate pursuant to authority granted in MC–107838 and sub-numbers and Otten Truck Line, who operates pursuant to authority granted in MC–70090 and sub-numbers.

Notes.—(1) An application for temporary authority has been filed. (2) Applicant states intention to tack this authority with its regular and irregular routes.

[FR Doc. 81–21786 Filed 7–24–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OPY–4–VOL–268]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided July 21, 1981.

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 an 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.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

MC F-14662, filed July 6, 1981. LEASEWAY TRANSPORTATION CORP. (Leaseway), 3700 Park East Dr., Cleveland, OH 44122—Continuance in Control—Contract Trucking Corporation (Contract), Butternut Dr., East Syracuse, NY 13057. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. (216) 566-5639. Leaseway, a non-carrier, seeks authority to continue in control of Contract upon the institution by Contract of operations, in interstate or foreign commerce, as a contract carrier. Leaseway, sole shareholder of Contract, seeks authority to acquire control of said rights and property through the transaction. Leaseway is a publicly held corporation, that controls Anchor Motor Freight, Inc. (MC 808), Gypsum Haulage, Inc. (MC 112113), Signal Delivery Service, Inc. (MC 108393), Sugar Transport, Inc. (MC 115924), Dedicated Freight Systems, Inc. (MC 139583), Custom Deliveries, Inc. (MC 142693), LDF, Inc. (MC 147101), Stam-Win, Inc. (MC 147294 and (MC 150185), Pep Lines Trucking Co. (MC 120184 and (MC 135280), Mitchell Transport, Inc. (MC 124212 and (MC 152085), General Trucking Service, Inc. (MC 143308), Charlton Transport Limited (MC 141250), Vernon Equipment, Inc. (MC 150412), Amac Trucking, Inc. (MC 140619), Better Home Deliveries, Inc. (MC 150511), Max Binswanger Trucking (MC 116314), and Refiners Transport & Terminal Corporation (MC 50069). Max Binswanger Trucking controls Balser Truck Co. (MC 96630), and Bulk Freightways (MC 125417). Refiners Transport & Terminal Corporation controls A. R. Gundry, Inc. (MC 25562).

Note.—Contract has filed a directly related application as an initial contract carrier application, docketed MC-156146, published in this same **Federal Register** issue.

[FR Doc. 81-21788 Filed 7-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-4-VOL-270]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 21, 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.

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 28657 (Sub-5), filed March 12, 1981, previously published in the **Federal Register** issued of March 30, 1981, and republished this issue. Applicant: I-V COACHES, INC., 1600 Bayou St., Vincennes, IN 47591. Representative: Harry J. Harman, 700 Harrison Bldg., 143 W. Market St., Indianapolis, IN 46204, (317) 634-4242. Transporting *passengers and their baggage* in the same vehicle with passengers in round trip, special and charter operations, in sightseeing and pleasure tours, (1) between points in Bartholomew, Boone, Brown, Clay, Crawford, Dubois, Greene, Hamilton, Hancock, Hendricks, Henry, Jackson, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Owen, Parke, Perry, Posey, Putnam, Rush, Shelby, Spencer, Tipton, Vanderburgh, Vermillion, Vigo, Warrick, and Washington Counties, IN, on the one hand, and, on the other, points in the U.S., (including AK but excluding HI), and (2) between points in Breckinridge, Daviess, Hancock, Hardin, Henderson, Hopkins, McLean, Muhlenberg, Union,

and Webster Counties, KY, on the one hand, and, on the other, points in the U.S. (including AK but excluding HI).

Note.—The purpose of this republication is to remove the restriction erroneously inserted in (1) above which would restrict such service to passengers having a prior movement by air or rail.

MC 141326 (Sub-11), filed July 6, 1981. Applicant: C. C. SLATER, d.b.a. SLATER TRUCKING COMPANY, P.O. Box 67, Eufaula, AL 36027. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (250) 254–3880. Transporting *food and related products,* between points in AL, on the one hand, and, on the other, points in the U.S.

MC 146756 (Sub-6), filed June 2, 1981, previously noticed in the **Federal Register** issue of June 17, 1981, and republished this issue. Applicant: WAGNER TRUCKING, INC., 6585 Dawn Way, Inver Grove Heights, MN 55075. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, (612) 927–8855. Transporting *metal products,* between points in MN, IA, WI, IL, IN, NE, MI, and OH.

Note.—The purpose of this republication is to include NE in the territorial description.

MC 147876 (Sub-6), filed May 28, 1981, previously published in the **Federal Register** issue of June 12, 1981, and republished this issue. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: K. Edward Wolcott, Suite 1200, Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303, (404) 522–2322. Transporting *metal products,* between points in Jefferson County, KY, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correct the territorial description.

MC 151666 (Sub-3), filed July 6, 1981. Applicant: BARR FREIGHT SYSTEM, INC., 4109 W. 52d Place, Chicago, IL 60632. Representative: Carl L. Steiner, 30 S. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Transportation Systems International, Inc., of Minneapolis, MN.

[FR Doc. 81-21780 Filed 7-24-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 127]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 21, 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, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 6801 (Sub-12)X, filed June 26, 1981. Applicant: G.H. HARNUM, INC., 867 Woburn St., Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 3, 5, 6, 8, 9, 10 and 11 certificates and E2, E3 and E4 letter-notices to (1) broaden the commodity description to "machinery, metal products, commodities which because of size or weight require special equipment or handling, and transportation equipment", from machinery, boilers, tanks, boats, and steel and cast iron pipes and piles in Sub-No. 1, "machinery, factory equipment and supplies, commodities which because of size and weight require the use of special equipment or handling, and furniture and fixtures" from machinery, factory equipment and supplies, heavy commodities requiring rigging, and office furniture in part of Sub-No. 6 and E2, "commodities which because of size or weight require the use of special equipment or handling and related parts, fixtures, fittings, and furnishings" from metal fabricating machinery, the transportation of which because of size or weight, requires the use of special equipment, and related parts when their transportation is incidental to the transportation of such metal fabricating machinery, vibration testing machinery, refrigeration and air-conditioning machinery, the transportation of which because of size or weight requires the use of special equipment, and related parts when their transportation is incidental to the transportation of such vibration testing machinery and refrigeration and air-conditioning machinery, and liquid-pressure storage tanks, the transportation of which because of size or weight requires the use of special equipment, and related parts when their transportation is incidental to the transportation of such liquid-pressure storage tanks in Sub 3; from buildings (except in sections, and except when travelling on their own or removable undercarriages), restricted to the transportation of commodities which require the use of special equipment, and parts fixture, fittings, and furnishings for these commodities, when shipped therewith in Sub 5 and E3; to "metal products, and rubber and plastic products, and equipment, materials, and supplies used in their installation and manufacture" from cable and armored plastic pipe and equipment materials, and supplies used in the installation and manufacture of cable and armored plastic pipe in Sub-No. 9; to "metal products and machinery" from heating, cooling and freezing apparatus in part (1) of Sub-No. 10; to "machinery" from machinery, machinery parts and machinery accessories in Sub-No. 11, (2) change city to county-wide authority (a) in the lead and Sub-Nos. 1 and 11 from Boston, MA and points within 5 miles thereof to Suffolk, Norfolk, Middlesex, Essex, and Plymouth Counties, MA (b) in Sub-No. 3 from Woburn, Wilmington and Tawsbury, MA to Middlesex County, MA (c) in Sub-No. 5 from Acton, MA to Middlesex County, MA, (d) in Sub-No. 6 from Boston, MA and points within 15 miles thereof to Suffolk, Norfolk, Middlesex, Essex and Plymouth Counties, MA, (e) in Sub-No. 8 from Pawtucket and Providence, RI to Providence and Kent Counties, RI and Bristol and Norfolk Counties, MA and from Springfield, MA to Hampden County, MA (f) in Sub-No. 9 from Newington, NH to Rockingham County, NH, (g) in Sub-No. 10 from Billerica and Wilmington, MA to Middlesex County, MA and (h) in Sub-No. 11 from New Haven, CT, Nottingham, NH and Spartanburg, SC to New Haven County, CT, Rockingham County, NH and

Spartanburg County, SC, (3) in Sub-No. 8 and E3 remove the restriction to commodities requiring special equipment or handling between Springfield, MA, and points in 4 states, (4) remove the in bulk restriction in Sub-Nos. 9 and 10, (5) remove the restriction against transportation to AK and HI in Sub-Nos. 9, 10 and 11, and (6) change one way to radial authority in Sub-Nos. 1, 3, 5, and letter notice E3.

MC 58923 (Sub-75)X, filed July 9, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Rd., SE, Atlanta, GA 30315. Representative: William W. West (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 57 certificate to (1) broaden the commodity description by removing exceptions to general commodities (except classes A and B explosives); (2) serve all intermediate points; and (3) change one-way to two-way authority and authorize service at specified Florida off-route points in both directions.

MC 59856 (Sub-92)X, filed July 7, 1981. Applicant: SALT CREEK FREIGHTWAYS, 3333 West Yellowstone Highway, Casper, WY 82601. Representative: Joseph F. Sloan, 6540 North Washington Street, Denver, CO 80229. Applicant seeks to remove restrictions in its lead and Sub-Nos. 10, 12, 13, 15, 17, 20, 21, 22, 24, 25, 26, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 40, 42, 44, 45, 46, 48, 49, 51, 55, 57, 59, 60, 61, 63, 64, 65, 67, 69, 70, 73, 74, 79F, 72, 76, 81F, 84F, 87F, 88F, and 91F certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in all of the above authorities except Sub-Nos. 79 and 84; (2) authorize service to all intermediate points along described regular routes in the lead and Sub-Nos. 17, 26, 28, 46, 57, 59, 60, 63, 65, 64, 69, 72, 87, and 91; (3) broaden the cities and/or off-route points to counties: Story, WY, to Sheridan County, WY, in the lead; Marshall, CO, to Boulder County, CO, in Sub-No. 10; Lynch, WY, to Johnson County, WY, in Sub-No. 12; Otto, Deaver, Cowley, and Burlington, WY, to Big Horn County, WY, in Sub-No. 22; Bairoil, WY, to Sweetwater County, WY, in Sub-No. 24; Flagg Ranch, Coulter Bay, Jackson Lake Lodge, Teton Village, Moose, and Signal Mountain Lodge, WY, to Teton County, WY, in Sub-No. 29; Shirley Basin, WY, to Casper County, WY, in Sub-No. 34; Point of Rocks, WY, to Sweetwater County, WY, in Sub-No. 36; Douglas, WY, to Converse County, WY, in Sub-No. 40; Savery, Dixon, and Baggs, WY, to Carbon County, WY, in Sub-No. 42; Hanna, WY, to Carbon County, WY, in Sub-No. 45; Lance Creek and Jay Em, WY, to Niobrara and Goshen Counties, WY, in Sub-No. 48; Butte, MT, to Silver Bow County, MT, in Sub-No. 51; Devils Tower and Oshoto, WY, to Crook County, WY, in Sub-No. 57; Two Dot and Martinsdale, MT, to Wheatland and Meagher Counties, MT, in Sub-No. 63; Wamsutta, WY, to Sweetwater County, WY, in Sub-No. 70; Trident, Amsterdam, and Churchill, MT, to Gallatin County, MT, in Sub-No. 74; Dixon, Moiese, and Charlo, MT, to Sanders, and Lake Counties, MT, in Sub-No. 76; Heath, MT, to Fergus County, MT, in Sub-No. 84; (4) remove joinder only restrictions in Sub-Nos. 69 and 91; (5) delete plantsite restrictions in Sub-Nos. 10, 13, 15, 38, 40, 45, and 70; (6) remove originating at and/or destined to restrictions in Sub-Nos. 24, 42, 57, 59, and 63; (7) delete the restriction against traffic between Denver, CO, and Laramie, WY, in Sub-No. 24; (8) eliminate restrictions to traffic moving to or from points south of Ashland, MT, in Sub-No. 46; (9) remove restriction against service between incorporated places in WY and MT in Sub-No. 46; (10) delete restriction limiting transportation to shipments of 5,000 lbs. or more in Sub-No. 46; (11) eliminate commodity exceptions prohibiting the transportation of building and fencing materials to be used for specified purposes in Sub-No. 46; (12) remove the restriction against traffic between named points in MT and WY, in Sub-No. 55; (13) delete the restriction against the transportation of unassembled log cabins in Sub-No. 65; (14) remove restriction limiting transportation to intermediate points, on westbound shipments only in Sub-No. 72; and (15) authorize radial service in lieu of existing one-way authority between named points in IL, and OK, in Sub-No. 79, and between MT, and points in CO and WY in Sub-No. 84.

MC 77482 (Sub-24)X, filed May 20, 1981, previously published in the **Federal Register** of June 11, 1981, republished as corrected this issue. Applicant: THE PETER H. MORTENSEN-VINCI CO., 1004 Newfield St., Middletown, CT 06457. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead certificate (a) to broaden the commodity descriptions from crushed stone, granite and brownstone quarry blocks and slabs to "clay, concrete, glass and stone products", from concrete pipe and pipe forms to "pipe, from liquid bituminous products, in bulk to "chemicals and related products and petroleum, natural gas and their products", from road and building contractors' machinery and equipment, boilers, engines and plows to "commodities which because of their size or weight, require special handling and machinery", and from tobacco and empty containers to "tobacco and tobacco products", (b) to broaden the territorial scope by replacing one way with radial authority, and by replacing city-wide with county-wide authority as follows: Westfield, Springfield, East Long Meadow and Holyoke with Hampden County, MA; Newington and Hartford with Hartford County, CT; Stamford and Norwalk with Fairfield County, CT; New Haven with New Haven County, CT; Norwich with New London County, CT; Providence and East Providence with Providence County, RI; Glendale with Kings County, NY; White Plains with Westchester County, NY, Kenilworth with Union County, NJ; CT points within 25 miles of Hartford with points in Hartford, Tolland, Middlesex, Litchfield, New Haven, New London, and Windham Counties, CT; and MA points within 75 miles of Hartford with points in Berkshire, Hampshire, Hampden, Franklin, Worcester, Middlesex, and Bristol Counties, MA. The purposes of this republication is to replace in part (b) CT points within 25 miles of Hartford, and MA points within 75 miles of Hartford, with the appropriate counties.

MC 111401 (Sub-624)X, filed July 13, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-Nos. 528F, 585F, and 590F certificates to (1) broaden the commodity descriptions from petroleum and petroleum products, dry fertilizer, chemicals and nitrogen fertilizer solutions to "commodities in bulk" in each certificate; (2) replace city with county-wide authority from Farwell and Friona to Parmer County, TX, in Sub-No. 528F; and Plainview to Hale County, TX, in Sub-No. 590F; (3) change one-way to radial authority in each certificate; (4) remove the restrictions (a) "in bulk, in tank vehicles" in each certificate; (b) against service to AK and HI in Sub-No. 585F; (c) against the transportation of liquefied petroleum gases destined to points in CO, in Sub-No. 528F; (d) against the use of vehicles having an immediately prior loaded movement from an origin in CO, KS, LA, OK, and TX, in Sub-No. 585F; and (e) to shipments at a named plantsite in Sub-No. 590F.

MC 111545 (Sub-309)X, filed July 13, 1981. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, S.E., Marietta, GA 30067. Representative: J. Michael May (address same as applicant). Applicant seeks to remove restrictions in its Sub-No. 305F certificate to broaden its commodity description to "general commodities (except classes A and B explosives)", from general commodities (with exceptions).

MC 114334 (Sub-96)X, filed July 13, 1981. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. Applicant seeks to remove restrictions in its Sub-Nos. 23, 38F and 51F certificates to (1) broaden the commodity descriptions from pipe (with exceptions), iron and steel articles to "metal and metal products" in all authorities; (2) delete originating at and/or destined to restrictions in Sub-No. 23; (3) authorize radial service in lieu of existing one-way authority between the counties named below and named points in the U.S. in all authorities; (4) remove plantsite restrictions in Sub-Nos. 23, 38, and 51; and (5) broaden cities to counties: Gadsden, AL, to Etowah County, AL, in Sub-No. 38; Wagoner, OK, to Wagoner County, OK, New Orleans, LA, to Orleans Parish, LA, Memphis, TN, to Shelby County, TN, St. Louis, MO, to St. Louis County, MO, and Madison County, IL, Bellevue, OH, to Huron County, OH, and Houston, TX, to Harris County, TX, in Sub-No. 51.

MC 119176 (Sub-37), filed July 10, 1981. Applicant: THE SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, OK 74107. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. Applicant seeks to remove restrictions from its Sub-Nos. 1, 2, 3, 5, 9, 11, 12G, 15, 19, and 20 certificates, as follows: Sub-No. 1—eliminate the restriction other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; Sub-No. 2—eliminate the restriction except in connection with main pipelines; Sub-No. 3—change the commodity description from earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe to "machinery and metal product"; Sub-No. 5—eliminate the restriction except the stringing and picking up of pipe in connection with main or trunk pipelines, and change the commodity description from earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe, to "machinery and metal products" Sub-No. 9—eliminate the restriction against picking up or stringing in connection with main or trunk pipelines; Sub-No. 11—change the commodity description from earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe" to machinery and metal products"; Sub-No. 12G—change the commodity description from earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe to "machinery and metal products"; Sub-No.15—change the commodity description from earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe to "machinery and metal products"; Sub-No. 19—eliminate the restriction except in connection with main pipelines; and Sub-No. 20—change the commodity description from the specified oilfield materials to "Mercer commodities", eliminate the plantsite restriction, and replace existing one-way authority with radial authority between (a) Cook County, WY, and points in U.S., (b) between Phillips County, MT, and, points in U.S., (c) between Big Horn County, WY, and, OK, LA, TX, NM, AZ and CA, and (d) Bowman County, ND, and, points in OK, LA, TX, NM, AZ, and CA.

MC 120737 (Sub-92)X, filed April 20, 1981, previously noticed in the **Federal Register** of May 8, 1981, republished as follows. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. La Salle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden its commodity descriptions (a) to "machinery", from tractors, tractor parts and attachments, when moving at the same time and in the same vehicle with tractors (with exceptions), (b) to "general commodities (except classes A and B explosives)", from general commodities (with exceptions), and (c) remove all size and weight exception; (2) replace authority to serve specified points with county-wide authority as follows: (a) Canton, IL, with Fulton County, IL; (b) Rock Island, IL with Rock Island County, IL; (c) Aurora and Montgomery, IL, with Kendalland Kane Counties, IL; (d) Joliet, IL, with Will County, IL; (e) Decatur, IL, with Macon County, IL; (f) Peoria, IL, with Peoria County, IL; and (g) East Peoria, IL, with Tazewell County, IL; (3) change its one-way to radial authority between specified cities and county in IL, and points in several specified eastern states; (4) eliminate the originating at and destined to restrictions; (5) remove the restriction against tacking the authority under the general commodities commodity description with any other authority granted in the Sub-No. 2 authority; and (6) substitute "points in Warren, McDonough, Fulton, Mason, Logan, Tazewell, McLean, Livingston, Woodford, Marshall, Putnam, Bureau, Knox, Henry, Stark, Menard, DeWitt, Peoria, and LaSalle Counties, IL," for points within 50 miles of Pottstown, IL.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.10(b). The purpose of this republication is to replace in parts 2(b)–(g), authority to serve specified points with county-wide authority. In addition, the Board has decided to republish the application to provide notice of substitution of named counties for mileage radii authority. The Board did not previously 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. However, a recent Commission decision allowed for such expansion.

MC 123476 (Sub-71)X, filed July 8, 1981. Applicant: CURTIS TRANSPORT, INC., 23 Grandview Industrial Ct., Arnold, MO 63010. Representative: David G. Dimit, 23 Grandview Industrial Ct., Arnold, MO 63010. Applicant seeks to remove restrictions in its Sub-Nos. 14, 18, 37F, 45F, 54F and 55F certificates to (1) broaden the commodity description from polystyrene shapes and forms, styrofoam shapes and forms and expanded plastic products, plastic products, and polystyrene products to "plastic and plastic products" in each certificate; (2) eliminate the facilities limitations in Sub-Nos. 14, 18, 37F and 55F; (3) change city to county-wide from Decatur to Adams County, IN, in Sub-No. 14; Lawrenceville to Gwinnett County, GA, in Sub-No. 18; Tallmadge to Summit County, OH, in Sub-No. 37F; Hamilton to Butler County, OH, in Sub-No. 45F; Maryland Heights to St. Louis County, MO, in Sub-No. 54F; and Rockford to Winnebago County, IL, in Sub-No. 55F; (4) remove the except commodities in bulk, in tank vehicles restriction in Sub-Nos. 37F; 45F, and 55F; and (5) change one-way to radial authority in Sub-Nos. 14, 18, and 37F.

MC 128007 (Sub-168)X, filed July 8, 1981. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 7, 9, 13, 14, 15, 17, 20, 21, 25, 26, 29, 30, 33, 34, 35, 41, 42, 44, 45, 49, 50, 51, 52, 58, 59, 64, 66, 69, 72, 74, 76, 79, 81, 83, 87, 88, 89, 92, 94, 97, 101, 104, 105, 106, 109, 111, 113, 114, 117, 118, 119,

122F, 124, 125F, 126F, 129F, 130, 131F, 133F, 135F, 136F, 140F, 142F, 143F, 145F, 148F, 150F, 151F, 156F, 157F, 158F, 160F, certificates and E–1, thru E–45 letter notices to (A) change the commodity description to (1) "coal and coal products", from lignite coal, in Sub-No. 133F; to (2) "ores and minerals", from pot ash, pot ash products, pot ash by-products, smectite-vermiculite, volcanic ash, minerals, mineral mixtures, trace minerals, pigments, bentonite clay and bentonite in Sub-Nos. 2, 69, 76, 87, 94, 104, 109, 133, 157, 158, 160, E–1 and E–2; to (3) "food and related products", from animal feed, dry feed and dry feed ingredients (except salt and urea), liquid feed ingredients, feed and feed ingredients, dry cottonseed products and dry soybean products, in bulk, dry fishmeal, meat scraps, dry blood and bone meal, in bulk, fishmeal, dry urea, dried yeast used as an animal feed ingredient, premixed mineral animal feed ingredients, mineral feed, trace minerals, manganous oxide, dry soybean meal, in bulk, meat meal, meat scraps, tankage, blood meal, bone meal, and poultry meal, in bulk, alfalfa meal and alfalfa pellets, in bulk, dry prepared animal fish and poultry feed, except in bulk, materials and supplies used or useful in the manufacture or production of feed ingredients (except in bulk or tank trailers), and meats, meat products, and meat by-products, in Sub-Nos. 2, 13, 15, 26, 35, 41, 44, 45, 50, 58, 64, 66, 72, 74, 81, 83, 88, 92, 94, 97, 101, 105, 106, 109, 117, 118, 122, 135, 148, 150, 151, 158, 160, E–7 through E–41, and E–43 through E–45; to (4) "lumber and wood products", from treated posts and ploes, and untreated posts and poles, when moving in the same vehicle and at the same time with the treated posts and poles, lumber, lumber products, and sawdust, in Sub-Nos. 1, 29 and 49; to (5) "chemicals and related products", from defluorinated phosphate (except in tank or hopper type vehicles), dry fertilizer, pot ash, dry fertilizer and dry fertilizer ingredients, in bags, dicalcium phosphate, deflouorinated phosphate, monocalcium phosphate, and sodium tripoly phosphate, dry fertilizer (except fertilizer derived from petroleum), dry phosphatic feed ingredients, ammonium nitrate, dry zinc sulphate and dry zinc oxide, dry urea, fertilizer ingredients, in bags, pot ash products and pot ash by-products, fertilizer materials, compounds, and ingredients, manganous oxide, materials and supplies used or useful in the manufacture or production of feed and fertilizer ingredients (except in bulk, in tank vehicles), copper sulphate, copper sulfate, and iron sulfate, (except in bulk, in tank vehicles), and bicarbonate of soda, in the base certificate and Sub-Nos. 2, 9, 14, 17, 20, 25, 30, 33, 51, 66, 74, 76, 81, 94, 109, 119, 125, 131, 143, 158, E–1 through E–6, and E–42; to (6) "rubber and plastic products", from the following commodity descriptions: plastic products, except in bulk, and polystryene products, in Sub-Nos. 44 and 50; to (7) "clay, concrete, glass or stone products", from dry feed and dry feed ingredients (except salt and urea), magnesite calcined, cement and plaster, in containers, smectitevermiculite, clay, clay products, related articles, fittings, jointing materials, and equipment, materials and supplies used in the manufacturing, packaging, transporting and distributing of clay products and jointing materials, bentonite clay, bentonite trace minerals, feed and fertilizer ingredients, and pigments, and materials and supplies used in the manufacture or distribution of those commodities, in Sub-Nos. 13, 34, 42, 69, 89, 104, 133, 157, 158 and E–8; to (8) "metal products", from fabricated concrete reinforcing materials and joints, steel tanks, parts and materials used in the construction and erection of steel tanks, iron and steel articles, materials handling and storage equipment, and parts and accessories, when moving with materials handling and storage equipment, iron and steel articles, architectural and structural metals, and accessories for architectural and structural metals, materials and supplies used in the manufacture of architectural and structural metals, metal articles, iron construction castings, and aluminum ingots, in Sub-Nos. 33, 44, 52, 79, 124, 126, 111, 130, 136, 140, and 156; to (9) "machinery", from livestock feeders, yard carts, boat trailers, fly control units and pond de-icers (except plastic containers and commodities in bulk), in Sub-Nos. 15, 21, 114 and 145; to (10) "waste or scrap materials", from aluminum dross and scrap, and materials and supplies used in processing aluminum dross and scrap, in Sub-No. 156; and to (11) "Mercer commodities", from oil well sealing mixture, dry oil well sealing mixture, well sealing mixture (except in bulk and tank vehicles), materials and supplies used in the manufacture and production of well sealing mixture (except in bulk and tank vehicles), and well drilling compounds and well sealing mixture, in Sub-Nos. 7, 21, 59, 113 and 142; (B) remove the facilities limitations and expand specific points to city or county wide authority as follows: in the base certificate from facilities in Houston, TX, to Houston, TX; in Sub-No. 1 from Denison, TX to Grayson County, TX; in Sub-No. 2 from facilities in Horn, MO to Jasper County, MO, and from facilities in Muskogee, OK to Muskogee County, OK, and from facilities in Pittsburg and Girard, KS to Crawford County, KS; in Sub-No. 7 from facilities in Gravette, AR to Benton County, AR; in Sub-No. 9 from Pittsburg, KS to Crawford County, KS, from Pratt, KS to Pratt County, KS, and from Dodge City, KS to Ford County, KS; in Sub-No. 13 from Carthage, MO to Jasper County, MO, and from McPherson, KS to McPherson County, KS; in Sub-No. 14 from facilities in Nebraska City, NE to Otoe County, NE; in Sub-No. 15 from Pittsburg, KS to Crawford County, KS; in Sub-No. 17 from facilities in Fort Worth, TX to Fort Worth, TX, and from Texarkana, AR to Miller County, AR; in Sub-No. 20 from Lawrence, KS to Douglas County, KS; in Sub-No. 21 from facilities in Barton County, MO to Barton County, MO, and from Gravette, AR to Benton County, AR; in Sub-No. 25 from Port Arthur, TX to Jefferson County, TX; in Sub-No. 26 from facilities in Liberal, KS to Seward County, KS; in Sub-No. 30 from Lawrence, KS to Douglas County, KS; in Sub-No. 34 from Freeport, TX to Brazoria County, TX; in Sub-No. 35 from Cameron, Abbeville, Morgan City and Empire, LA to Cameron, Vermillion, St. Martin and Plaquemines Parishes, LA, and from Moss Point and Pascagoula, MS to Jackson County, MS, and from Sabine Pass, Port Arthur and Galveston County, TX, to Jefferson County and Galveston County TX, and from Sherman, Wolfe City, Quanah, Richmond, Freeport, Stamford, Temple, Harlingen, Waxahachie, Bryan and Beaumont, TX to Grayson, Hunt Hardeman, Fort Bend, Brazoria, Jones, Bell, Cameron, Ellis, Brazos and Jefferson Counties, TX; from Guymon, Altus, Hollis and Clinton, OK to Texas, Jackson, Harmone and Custer Counties, OK; from Lubbock, Rotan, Hamlin, Lamesa, Plainview, Levelland, Sweetwater, El Paso, Abilene, Hereford, Friona, Etter, Pampa and Dumas, TX to Lubbock, Fisher, Jones, Dawson, Hale, Hockley, Nolan, El Paso, Taylor, Deaf Smith, Parmer, Moore, and Gray Counties, TX; in Sub-No. 41 from facilities in Jasper County, MO to Jasper County, MO; in Sub-No. 42 from Iola, KS to Allen County, KS; in Sub-No. 44 from Liberal, KS to Seward County, KS, and from Concordia and Springfield, MO to Lafayette and Greene Counties, MO, from facilities in Parsons, KS to Labette County, KS; in Sub-No. 45 from Van Buren, AR to Crawford County, AR; in Sub-No. 50 from facilities in Independence, KS to points in

Montgomery County, KS, and from facilities in in Pittsburg, KS to Crawford County, KS; in Sub-No. 52 from Parsons, KS to Labette County, KS; in Sub-No. 58 from Sherman, Wolfe City, Quanah, Richmond, Freeport, Stamford, Temple, Harlingen, Waxahachie, Bryan, Beaumont, Lubbock, Rotan, Hamlin, Lamesa, Plainview, Levelland, Sweetwater, El Paso, Abilene, Hereford, Friona, Etter, Pampa and Dumas, TX to Grayson, Hunt, Hardeman, Fort Bend, Brazoria, Jones, Bell, Cameron, Ellis, Brazos, Jefferson, Lubbock, Fisher, Jones, Dawson, Hale, Hockley, Nolan, El Paso, Taylor, Deaf Smith, Parmer, Moore and Gray Counties, TX, and from Guymon, Altus, Hollis and Clinton, OK to Texas, Jackson, Harmon, and Custer Counties, OK; from San Antonio and Abilene, TX to Bexar and Taylor Counties, TX; from Collinsville, OK to Tulsa County, OK; from Roswell and Clovis, NM to Chaves and Curry Counties, NM; in Sub-No. 59 from facilities in Gravette, AR to Benton County, AR; in Sub-No. 64 from Empire, LA to Plaquemines Parish, LA, and from Moss Point and Pascagoula, MS to points in Jackson County, MS; in Sub-No. 66 from facilities in Lawrence, KS to Douglas County, KS; in Sub-No. 69 from facilities in Buffalo and Chanute, KS to Wilson and Neosho Counties, KS; in Sub-No. 72 from Marshall, TX to Harrison County, TX; in Sub-No. 74 from facilities in Springfield, IL to Sangamon County, IL; in Sub-No. 79 from facilities in Oswego, KS to Labette County, KS, in Sub-No. 83 from facilities in Emporia, KS to Lyon County, KS, and from Plainview, Pampa, Hereford, Friona and Lubbock, TX to Hale, Gray, Deaf Smith, Parmer and Lubbock Counties, TX, and from facilities in Flagstaff, AZ to Coconino County, AZ; in Sub-No. 89 from Pittsburg, KS to Crawford County, KS; in Sub-No. 92 from Marshall, TX to Harrison County, TX; in Sub-No. 94 from Galena, KS to Cherokee County, KS; in Sub-No. 97 from facilities in Newton County, MO to Newton County, MO; from Olive Branch, MS to DeSota County, MS, and from Longview, TX to Gregg County, TX; in Sub-No. 101 from facilities in Dundee, KS to Barton County, KS; in Sub-No. 104 from facilities in Buffalo and Chanute, KS to Wilson and Neosho Counties, KS; in Sub-No. 105 from Empire, LA to Plaquemines Parish, LA, from Port Arthur, TX to Jefferson County, TX, and from Gulf Port, MS to Harrison County, MS; in Sub-No. 106 from facilities in Jasper County, MO to Jasper County, MO; in Sub-No. 109 from facilities in Springfield, IL to Sangamon County, IL; in Sub-No. 113 from Greenville, NC to Pitt County, NC; in Sub-No. 114 from facilities in Crawford County, KS to Crawford County, KS; in Sub-No. 119 from facilities in Gilbert, AZ to Maricopa County, AZ; in Sub-No. 124 from facilities in Joliet, IL to Will County, IL; in Sub-No. 129 from facilities in Labette County, KS to Labette County, KS; in Sub-No. 131 from facilities in Military, KS to Cherokee County, KS; in Sub-No. 133 from facilities in Phillips County, MT, Big Horn and Crook Counties, WY, and Bowman County, ND to Phillips County, MT, Big Horn and Crook Counties, WY and Bowman County, ND; in Sub-No. 136 from facilities in Houston, TX to Houston, TX, from facilities in Parker, AZ to Yuma County, AZ, from facilities in Santa Fe Springs, CA to Los Angeles County, CA, from facilities in Red Hook, NY to Dutchess County, NY, from facilities in South Bend, IN to South Bend, IN, and from facilities in Labette County, KS to Labette County, KS; in Sub-No. 140 from facilities in Lincoln, NE to Lincoln, NE; in Sub-No. 143 from Fostoria and Old Fort, OH to Seneca County, OH; in Sub-No. 145 from facilities in Carthage, MO to Jasper County, MO; in Sub-No. 150 from Pittsburg, KS to Crawford County, KS; in Sub-No. 151 from facilities in Neosho, MO to Newton County, MO; in Sub-No. 156 from facilities in Pittsburg, KS to Crawford County, KS; in Sub-No. 158 from facilities in Adams County, IL to Adams County, IL; in Sub-No. E-3 from facilities in Muskogee, OK to Muskogee County, OK; in Sub-No. E-4 from Lawrence, KS to Douglas County, KS; in Sub-No. E-5 from facilities in Fort Worth, TX to Fort Worth, TX; in Sub-No. E-6 from facilities in Horn, MO to Jasper County, MO; in Sub-No. E-7 from Moss Point and Pascagoula, MS to Jackson County, MS, from Empire and Cameron, LA to Plaquemines and Cameron Parishes, LA, and from Abbeville and Morgan City, LA to Vermilion and St. Martin Parishes, LA, and from Sabine Pass and Port Arthur, TX to Jefferson County, TX; in Sub-No. E-8 from Carthage, MO to Jasper County, MO; in Sub-No. E-9 from Levelland, TX to Hockley County, TX; in Sub-No. E-10 from Lamesa, TX to Dawson County, TX; in Sub-No. E-11 from El Paso, TX to El Paso County, TX; in Sub-No. E-12 from Dumas, TX to Moore County, TX; in Sub-No. E-13 from Hereford, TX to Deaf Smith County, TX; in Sub-No. E-14 from Etter, TX to Moore County, TX; in Sub-No. E-15 from Lubbock, TX to Lubbock County, TX; in Sub-No. E-16 from Sweetwater, TX to Nolan County, TX; in Sub-No. E-17 from Abilene, TX to Taylor County, TX; in Sub-No. E-18 from Hamlin, TX to Jones County, TX; in Sub-No. E-19 from Plainview, TX to Hale County, TX; in Sub-No. E-20 from El Paso, TX to El Paso County, TX; in Sub-No. E-21 from Rotan, TX to Fisher County, TX; in Sub-No. E-22 from Richmond, TX to Fort Bend County, TX; in Sub-No. E-23 from Wolfe City, TX to Hunt County, TX; in Sub-No. E-24 from Sherman, TX to Grayson County, TX; in Sub-No. E-25 from Freeport, TX to Brazoria County, TX; in Sub-No. E-27 from Harlingen, TX to Cameron County, TX; in Sub-No. E-28 from Bryan, TX to Brazos County, TX; in Sub-No. E-29 from Temple, TX to Bell County, TX; in Sub-No. E-30 from Stamford, TX to Jones County, TX; in Sub-No. E-31 from Beaumont, TX to Jefferson County, TX; in Sub-No. E-32 from Waxahachie, TX to Ellis County, TX; in Sub-No. E-33 from Guymon, OK to Texas County, OK; in Sub-No. E-35 from Altus, OK to Jackson County, OK; in Sub-No. E-36 from Clinton, OK to Custer County, OK; in Sub-No. E-37 from Hollis, OK to Harmon County, OK; in Sub-No. E-38 from Friona, TX to Parmer County, TX; in Sub-No. E-39 from Pampa, TX to Gray County, TX, in Sub-No. E-40 from Quanah, TX to Hardeman County, TX; in Sub-No. E-42 from Lawrence, KS to Douglas County, KS; in Sub-No. E-43 from McPherson, KS to McPherson County, KS; and in Sub-No. E-44 from Hereford, TX to Deaf Smith County, TX; (C) to eliminate unreasonable or excessively narrow territorial limitations by (1) removing restrictions against service to AK and HI on nationwide grants of authority in Sub-Nos. 21, 42, 50, 114, 126, 136, 157 and 158, (2) removing restrictions which preclude service at points or areas smaller than a county by deleting such restrictions against service to Kansas City, and Wichita, KS in Sub-No. 2; Omaha, NE, in Sub-No. 2; Pueblo, Colorado Springs, CO in Sub-No. 2; St. Louis, IL in Sub-Nos. 2, and 44; Lehigh, IA in Sub-No. 89; Springfield, Verona and Cabool, MO in Sub-No. 122; and Denver, CO in Sub-Nos. 2 and 14; and (3) by expanding its one-way authority to radial authority in all referenced authority except Sub-No. 150, between the counties named above and points throughout the U.S.; and (D) delete originating at and/or destined to restrictions in Sub-Nos. 14, 21, 35, 41, 44, 74, 109, 114, 124, 129, 130, and 133.

MC 136315 (Sub-147)X, filed July 7, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-Nos. 26, 33F, 34F, 43F, 66F, 86F, 109F and 117F

certificates to (1) broaden its commodity descriptions (a) in Sub-Nos. 26, 33F, 34F, and 86F, to "metal products, and machinery and supplies", from iron, steel, zinc, lead, and articles or products thereof (except in bulk), springs, construction materials, and materials, supplies and equipment (except in bulk) used in the manufacture and distribution thereof; cast iron pipe, fittings, valves, hydrants, castings, and materials, equipment, etc . . .; pipe, fittings, valve boxes, water boxes, and castings, and accessories thereof, and equipment, materials, etc . . . (except commodities in bulk, in tank vehicles); (b) in Sub-Nos. 43F, 66F, and 109F to "metal products", from iron and steel articles; and (c) in Sub-No. 117F, to "general commodities (except classes A and B explosives)", from general commodities (with exceptions); (2) remove the facilities restrictions in all of the above sub-numbers, and replace cities with county-wide authority (a) in Sub-No. 26, Ingham and Kent Counties, MI (for Lansing and Grand Rapids, MI); Cook and Will Counties, IL (for Blue Island and Joliet, IL); Howard, Allen, Elkhart and Hamilton Counties, IN (for Kokomo, Fort Wayne, Elkhart and Cicero, IN); Appanoose County, IA (for Centerville, IA); Hinds County, MS (for Jackson, MS); Franklin and Lucas Counties, OH (for Columbus and Toledo, OH); (b) in Sub-No. 33F, Jefferson County, AL (for Bessemer and Birmingham, AL); Hamilton County, TN (for Chattanooga, TN); (c) in Sub-No. 34F, Tuscaloosa County, AL (for Holt, AL); (d) in Sub-No. 43F, Mahoning, Belmont, and Jefferson Counties, OH (for Canfield, Martins Ferry, Mingo Junction, Steubenville and Yorkville, OH); Brooke, Marshall and Ohio Counties, WV (for Beechbottom, Benwood, Follansbee and Wheeling, WV); and Washington and Westmoreland Counties, PA (for Allenport and Monessen, PA); (e) in Sub-No. 66F, Porter County, IN (for Burns Harbour, IN); (f) in Sub-No. 86F, Will County, IL (for Joliet, IL); and Howard County, IN (for Kokomo, IN); (g) in Sub-No. 109F, Cook and Peoria Counties, IL (for Chicago and Peoria, IL); Montgomery County, IN (for Crawfordsville, IN); and Grayson County, TX (for Sherman, TX); (h) and in Sub-No. 117F, Harris County, TX (for Houston, TX); (3) change one-way to radial authority between points in the above specified counties, and points in several specified eastern and mid-eastern States in the U.S., in all of the above sub-numbers except Sub-No. 117F; and (4) eliminate (a) in Sub-Nos. 86F and 109F, the originating at and destined to named facilities restriction; (b) in Sub-No. 43F, the restriction against the transportation of pig iron and scrap metals in dump vehicles; and (c) in Sub-No. 117F, the restriction against the transportation to traffic having a prior or subsequent movement by water.

MC 138741 (Sub-130)X, filed July 14, 1981. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 914 East Highway H, Liberty, MO 64068. Representative: Tom B. Kretsinger, 20 East Franklin P.O. Box 258, Liberty, MO 64068. Applicant seeks to remove restrictions in its Sub-No. 98F certificate to (1) broaden the commodity description from iron and steel articles to "metal products"; (2) eliminate the facilities limitation; and (3) change one-way to radial authority between Butler County, OH, and, points in several States.

MC 141016 (Sub-2)X, filed July 10, 1981. Applicant: HARRINGTON TRUCKING, INC., P.O. Box 15771, Salt Lake City, UT 84115. Representative: Irene Warr, 311 S. State St., Suite 280 Salt Lake City, UT 84111 Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description to "general commodities, except classes A and B explosives," from general commodities (except classes A and B explosives, household goods as defined by the Commission, motor vehicles, and those commodities requiring the use of special equipment); and, (2) eliminate the restriction prohibiting the transportation of traffic having an immediately prior or subsequent movement by rail.

MC 144003 (Sub-3)X, filed July 13, 1981. Applicant: TIEDT TRUCKING CO., Lemont and Bluff Roads, Lemont, IL 60439. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden its commodity description to "clay, concrete, glass or stone products", from clay products and refractories, and materials and supplies used in the installation thereof (except commodities in bulk); (2) replace facilities located at Carol Stream, IL, with DuPage County, IL; and (3) change one-way to radial authority between the above-named county and points in several States.

MC 146071 (Sub-35)X, filed June 23, 1981 and noticed in the **Federal Register** of July 7, 1981, republished as corrected in this issue. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, 316 Oak St., Strum, WI 54770. Representative: Jack B. Wolfe, 1600 Sherman St. #665, Denver, CO 80203. Applicant seeks to remove restrictions in its certificates No. MC-83217 (Sub-Nos. 36, 52, and 63), No. MC-135874 (Sub-Nos. 65, 100F, 104, 121F, 122F, 135F, 136F, and 138F), and No. MC-146071 (Sub-No. 25F) acquired in MC-F-14232F, to (1) broaden the commodity descriptions to "food and related products" from (a) meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, in (Sub-Nos. 36 and 52, (b) confectionery, chocolate, and chocolate products in (Sub-No. 63, (c) foodstuffs in (Sub-Nos. 100F, 104, 121F, 135F, and 136F, and (d) frozen foods in (Sub-No. 138F, (2) broaden the territorial descriptions from (a) Huron, SD, to Beadle County, SD, and facilities at Austin, MN, to Mower County, MN, in Sub-No. 36, (b) facilities at Fargo, ND, to Cass County, ND, in Sub-No. 52, (c) facilities in Dauphin County, PA, to Dauphin County, PA, in Sub-No. 63, (d) Brookings, SD, to Brookings County, SD, in Sub-No. 65, (e) facilities at New Ulm, MN, to Brown County, MN, in Sub-No. 100F, (f) facilities at La Porte, IN, to La Porte County, IN, in Sub-No. 104, (g) facilities at Milton, PA, to Northumberland County, PA, and La Porte, IN, to La Porte County, IN, in Sub-No. 121F, (h) St. Paul, MN, to Anoka, Hennepin, Dakota, Ramsey, Washington, Scott, and Carver Counties, MN, in Sub-No. 122F, (i) Garden City Park, NY, to Nassau County, NY, in Sub-No. 135F, (j) facilities at Plover, WI, to Portage County, WI, in Sub-No. 136F, and (k) facilities at Deerfield, IL and New Hampton, IA, to Lake County, IL, and Chicasaw County, IA, in Sub-No. 138F, (3) expand its one-way authority to radial authority in all Sub-Nos., (4) eliminate various commodity exclusions, namely (a) commodities in bulk and hides in Sub-Nos. 36 and 52, (b) commodities in bulk, foodstuffs, and flat glass in Sub-No. 65, (c) commodities in bulk and tank vehicles in Sub-No. 25F, and (d) commodities in bulk in Sub-Nos. 100F, 104, 121F, 122F, 135F, 136F, and 138F, (5) eliminate the originating at and destined to restrictions in all Sub-Nos. with the exception of the facilities of Kraft, Inc. at unnamed points in Sub-No. 25F, and (6) eliminate vehicle restrictions in Sub-Nos. 100F, 122F, 135F, and 136F. The purpose of this republication is to delete certain commodity restrictions in applicant's Sub-No. 25F certificate which were omitted from the prior Federal Register notice.

MC 147312 (Sub-4)X, filed July 10, 1981. Applicant: DALOR TRANSIT, INC., 7520 West Ryan Road, Franklin, WI 53132. Representative: Stephen H.

Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from canned goods to "food and related products", and materials, equipment, and supplies used in the manufacture and distribution of foods and related products; and (2) broaden the territorial scope to between points in the U.S. under continuing contract(s) with a named shipper.

MC 147570 (Sub-1)X, filed July 13, 1981. Applicant: KABAT EXPRESS, INC., 1944 Scranton Road, Cleveland, OH 44113. Representative: Arthur E. Gogol, 7723 Greenwich Road, Lodi, OH 44254. Applicant seeks to remove restrictions in its lead certificate to (1) remove the restriction against the transportation of foodstuffs; and (2) delete the originating at and/or destined to restriction.

[FR Doc. 81-21790 Filed 7-24-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY-4-VOL-269]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: July 21, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an appliant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

MC 156146, filed July 7, 1981. Applicant: CONTRACT TRUCKING CORPORATION, Butternut Dr., P.O. Box 459, E. Syracuse, NY 13057. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566-5639. Transporting *such commodities* as are dealt in by grocery, food, and liquor establishments, between points in the U.S., under continuing contract(s) with Monarch Liquor, M. Litchtman Liquor and Company, and Paul-Jeffrey Co., Inc., all of Liverpool, NY.

Note.—This application is directly related to MC-F-14662, published in this same **Federal Register** issue.

[FR Doc. 81-21787 Filed 7-24-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

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 provides 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-139

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 152509 (Sub-II-12TA), filed July 16, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: Robert R. Harris, 1730 M Street, N.W.,

Suite 501, Washington, D.C. 20036. Contract Irregular: paint and related commodities (except commodities in bulk) between Bayonne, NJ and Chicago, IL under continuing contract(s) with Norton and Sons, Inc. of Bayonne, NJ for 270 days. Supporting shipper: Norton and Sons, Inc., 148 East 5th St., Bayonne, NJ 07002.

MC 156991 (Sub-II-1TA), filed July 15, 1981. Applicant: Joe Louis Gladney, T/A GLADNEY TRANSPORTATION, 2739 Greenmount Ave., Baltimore, MD 21218. Representative: Joe Louis Gladney, 4001 Colborne Rd., Baltimore, MD 21229. *Passengers and their baggage,* between MD and DC, on the one hand, and, on the other, pts. in the US, for 180 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 15 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 156506 (Sub-II-1TA), filed July 15, 1981. Applicant: LYNCHBURG STORAGE CO., INC., 1323 Jefferson St., Lynchburg, VA 24505. Representative: Joseph S. Krajewski (same as applicant). *Communication equipment and equipment and supplies used in the maintenance of communication equipment,* between Lynchburg, VA, on the one hand, and, on the other, pts. in VA., with prior or subsequent movement interstate, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Western Electric Co., 225 Schilling Circle, Cockeysville, MD 21030.

MC 157155 (Sub-II-1TA), filed July 15, 1981. Applicant: CARLTON V. MAYS, Rt. 4, Amherst, VA 24521. Representative: Carlton V. Mays (same as applicant). *Lumber,* from VA to pts. in NC and TN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Maddox Land & Lumber Co., Inc., P.O. Box 578, Amherst, VA 24521.

MC 157114 (Sub-II-1TA), filed July 14, 1981. Applicant: R.H.A. TRUCKING, INC., R.R. #2, Napoleon, OH 43545. Representative: Robert Arps (same as applicant). *Contract,* Irregular: *Animal feed, feed ingredients, material and supplies* used in the manufacturing and sale of feed and feed ingredients. Between Okolona, Ohio on the one hand, and, on the other points in the U.S., under continuing contract with Hudson Mills, of Okolona, Ohio, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hudson Mills, Inc., P.O. Box 146, Okolona, OH 43550.

MC 157154 (II-1-TA), filed July 15, 1981. Applicant: SCHOEN'S AUTOMOTIVE, INC., 826½ Front St., Berea, OH 44017. Representative: E. H. van Deusen, 220 W. Bridge St., Dublin, OH 43017. *Contract:* Irregular: *New and used truck-tractors and trucks,* in driveaway, towaway and truckaway service, between points in OH, on the one hand, and, on the other, points in the U.S. under contract(s) with GM Truck & Coach Division, General Motors Corporation of Pontiac, MI, 48053 for 270 days. Supporting shipper: GM Truck & Coach Division, General Motors Corporation, 660 S. Boulevard, Pontiac, MI 48053.

MC 157113 (Sub-II-1TA), filed July 14, 1981. filed July 14, 1981. Applicant: DEWEY DAVIS, d.b.a. SUPERIOR SERVICE, 503 Spruce St., Appalachia, VA 24168. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *General Commodities, except Class A and B Explosives,* (1) between Norton, VA and Kingsport, TN, from Norton, VA to Big Stone Gap, VA over U.S. Hwy 23, then over Alt U.S. Hwy 58 from Big Stone Gap, VA to Jonesville, VA, then U.S. Hwy 58 from Jonesville, VA to Jct. U.S. Hwy 23, then over U.S. Hwy 23 to Kingsport, TN and return over the same routes; (2) between Kingsport, TN and Norton, VA, from Kingsport, TN to Bristol, TN-VA over U.S. Hwy 11W, then over U.S. Hwy 11 from Bristol, TN-VA to Abingdon, VA, then over U.S. Hwy 19 from Abingdon, VA to Hansonville, VA, then over Alt U.S. Hwy 58 from Hansonville, VA to Norton, VA and return over the same routes. Serving all intermediate points on the above described routes and serving all points in Lee, Russell, Scott, Washington and Wise Counties, VA and Sullivan and Washington Counties, TN as off route points for 270 days. Applicant proposes to tack the above routes and interchange. An underlying ETA seeks 120 days authority. Supporting shipper: There are 9 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 155938 (Sub-II-2TA), filed July 16, 1981. Applicant: TRI-L TRANSPORT, INC., P.O. Box 558, Richmond, VA 23204. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Iron or steel pipe, equipment, materials and supplies used in the manufacture of iron or steel pipe* between East Troy, WI and Carrollton, GA, on the one hand, and, on the other, points in AL, GA, NJ, NY, NC, PA, SC, VA, and WV, for 270 days. Supporting shipper(s): Trent Tube Division-Colt Industries, 2188 South Church Street, East Troy, WI 53120.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 151395 (Sub-3-6TA), filed July 9, 1981. Applicant: SNEAKER FREIGHT LINE, INC., 4215 Thurman Rd., P.O. Box 768, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *General commodities (except Classes A and B explosives),* between Columbus, OH, and points in the Commercial Zone thereof, on the one hand, and, on the other, points in the U.S., restricted to traffic originating at or destined to facilities utilized by Franklin Chemical Industries, Inc., or Franklin Distributing, Division of Franklin Chemical Industries, Inc. Supporting shipper: Franklin Chemical Industries, Inc. and Franklin Distributing, a Division of Franklin Chemical Industries, P.O. Box 07802, Columbus, OH 43207.

MC 88300 (Sub-3-2TA), filed July 9, 1981. Applicant: DIXIE AUTO TRANSPORT COMPANY, 60 Talleyrand Avenue, Jacksonville, FL 32206. Representative: Richard A. Kerwin, 80 North La Salle Street, Chicago, IL 60601. *Motor vehicles:* From Chesapeake, VA to FL points. Supporting shipper: Volvo of America Corporation, Rockleigh Industrial Park, Bldg. B, Rockleigh, NJ 07647.

MC 145875 (Sub-3TA), filed July 14, 1981. Applicant: SWAIN AND SONS TRANSPORTS, INC., 208 Poplar Avenue, Memphis, TN 38103. Representative: William R. Swain, Jr. (same as above). *General commodities except classes A and B explosives, and articles in bulk,* between points in LA, MS, AR, and TN. Supporting shipper: Amstar Corp., 7415 N. Peters Street, New Orleans, LA 70043.

MC 153214 (Sub-3-3TA), filed July 13, 1981. Applicant: WILLIAMSON DISTRIBUTORS, INC., P.O. Box 3489, Wilson, NC 27893. Representative: Norman J. Philion, III, 1920 N Street, N.W., Washington, DC 20036. *Wooden baskets and hampers, and wirebound crates* between Murfreesboro, NC, on the one hand, and, on the other, points in VA, MD, DE, PA, NJ and NY. Supporting shipper: Georgia-Pacific Corporation, P.O. Box 1808, Augusta, GA 30903.

MC 136123 (Sub-3-19TA), filed July 9, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same as above). *Commodities as are dealt in or used by manufacturers and distributors of ceramic tile,* between the facilities of Wenczel Tile of Florida at Tampa, FL, and points in OK, AL, TN, OH, NJ, and GA. Supporting shipper:

Wenczel Tile of Florida, 6608 Westshore Blvd., Tampa, FL 33616.

MC 156513 (Sub-3–1TA), filed July 14, 1981. Applicant: TOWNSEND TRUCKING CO., Gen. Del., Leeco, KY. 41343. Representative: George W. Townsend (same as above). *131 Flood Aid and polymer chemicals* from Atlanta, Winder, and Columbus, GA, and Hammond, IN to Leeco, KY. Supporting shipper: The Wiser Oil Co., Box 67, Leeco, KY 41343.

MC 155725 (Sub-3–1TA), filed July 14, 1981. Applicant: JOHNNY SIMS, 309 Nixon St., Albertville, AL 35950. Representative: (same as applicant.) *Refrigeration and air conditioning parts and heat transfer equipment, electronic heating and air conditioning induction units, and fiberglass containers* from (1) Scottsboro, AL to all points in U.S. (except AK and HI) (2) Boaz, AL to Cleveland OH and Detroit, MI. Supporting shippers: Halstead Mitchell Co, P.O. Box 1110, Scottsboro, AL and Tocco-Alabama Inc., Sand Mountain Industrial Park, Boaz, AL.

MC 157052 (Sub-3–1TA), filed July 15, 1981. Applicant: J. A. BARNES & SON, INC., 1300 Raleigh Road, Wilson, NC 27893. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C. 20014. *Metal products* from Eufaula, AL to points in NC on and east of U.S. Hwy 15. Supporting shipper: ABCO, Inc., P.O. Box 3298, Wilson, NC, 27893.

MC 154713 (Sub-3–11TA), filed July 8, 1981. Applicant: DUMONT TRUCKING, INC., P.O. Box 2591, Anniston, AL 36202. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Metal products,* between points in Bedford County, VA, on the one hand, and, on the other, points in Calhoun County, AL. Supporting shipper: Hessco Industrial Supply, Inc., PO Box 1841, Anniston, AL 36202.

MC 143956 (Sub-3–20TA), filed July 10, 1981. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, 3400 Peachtree Rd, NE., Suite 1631, Atlanta, GA 30326. *General commodities (except classes A and B explosives)* between Millsboro, DE and Liberty, SC. Supporting shipper: NCR Corporation, 6500 Hamilton-Lebanon Road, Middleton, OH, 45042.

MC 156615 (Sub-3–2TA), filed July 13, 1981. Applicant: LAWSON LINES, INC., 170 Hillsdale Drive, Fayetteville, GA 30214. Representative: John E. Lee (same as above). *Plastic film or sheeting, materials, equipment and supplies relating thereto and used in the sale, manufacture and distribution thereof* between the facilities of Alchem Plastics, a division of Spartan manufacturing Corp., and it's customers located in Maryville, MO; Asheboro, NC; Johnson City and Memphis, TN; Milwaukee, WI; Dallas, TX; Fayette, AL; and Atlanta, GA Supporting shipper: Alchem Plastics, Division of Spartan Manufacturing Corp., 20 Enterprise Blvd., SW., Atlanta, GA.

MC 157095 (Sub-3–1TA), filed July 13, 1981. Applicant: MEMPHIS EXPRESS OF N.C., INC., 6202 Tri-Port Ct., Greensboro, N.C. 27409. Representative: Frank L. Marchese, 6202 Tri-Port Ct., Greensboro, N.C. 27409. *Such Commodities as are dealt in or distributed by public warehouse customers, consolidation customers or pool distribution customers of Tri-Port Terminals Inc., except Class A&B explosives, house hold goods, commodities in bulk or tank vehicles.* (1) Between Tri-Port Terminals, Inc's consolidation and warehousing facilities in Greensboro, NC and Knoxville, TN and (2) between Tri-Port Terminals, Inc.'s clients manufacturing locations, retail stores, vendors and customer location in NC, SC, TN and VA. Supporting shipper: Tri-Port Terminals Inc., 6202 Tri-Port Ct., Greensboro, NC. 27409.

MC 157084 (Sub-3–1TA), filed July 18, 1981. Applicant: TRAYLOR TRANSIT CORPORATION, 4461 Kendall Circle, Gulfport, MS 39501. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. *Passenger and their baggage in charter service* from all points on and south of Highway I–10 in the State of TX and all points in the States of LA and MS on one hand and on the other all points in the U.S. (except HI and AK). There are seven statements of support which may be examined at the I.C.C. Regional Office in Atlanta, GA.

MC 38320 (Sub-3–3TA), filed July 10, 1981. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Drawer C, Campbellsville, KY 42718. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Catalysts,* from Louisville, KY to points in TX, FL, AR, AZ, and MA. Supporting shipper: United Catalysts, Inc., 1227 S. 12th Street, Louisville, KY 40210.

MC 147019 (Sub-3–1TA), filed July 9, 1981. Applicant: LUMBEE TRUCKING COMPANY, INC., Route 2, Box 139, Maxton, NC 28364. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Empty shipping containers,* from Pembroke, NC to Crane, IN. Supporting shipper: Pembroke Machine Company, Inc., P.O. Box 625, 1 Union Chapel Road, Pembroke, NC 28372.

MC 38320 (Sub-3–2TA), filed July 9, 1981. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Drawer C, Campbellsville, KY 42718. Representative: John M. Nadar, 1600 Citizens Plaza, Louisville, KY 40202. *Fireplaces* and *fireplace accessories,* from the facilities of Marco Industries, Inc., at or near Louisville, KY to points in the U.S. in and east of MN, IA, NE, KS, MO, AR, LA, and TX. Supporting shipper: Marco Industries, Inc., 8191 National Turnpike, Louisville, KY 40214.

MC 157097 (Sub-3–1TA), filed July 9, 1981. Applicant: WENCZEL TILE COMPANY OF FLORIDA, INC., 6608 S. Westshore Blvd., Tampa, FL 33616. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328. *General Commodities, except those in bulk, those injurious to other commodities, Class A & B Explosives, Hazardous Waste, and Household Goods, as defined by the Commission,* from points and places in the States of AL, GA, MS, NJ, NY, NC, SC, OK, TN, and TX to points in the State of FL. There are 5 support statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 115841 (Sub-3–56TA), filed July 9, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Chester G. Groebel (same as above). *Paint Materials and related products,* between the facilities of United Coatings, Inc., at Charlotte, NC; Chicago, IL; Indianapolis, IN; and Memphis, TN on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, CO and AZ. Supporting shipper: United Coatings, Inc., 3050 N. Rockwell, Chicago, IL 60618.

MC 115841 (Sub-3–55TA), filed July 9, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Chester G. Groebel (same as above). *Bags and bagging and containers, container ends and container closures, plastic, paper or fabric, and materials, equipment and supplies used in the manufacture and distribution thereof,* between Nashville, TN on the one hand, and, on the other, points in the U.S. in and east of WI, IA, NE, KS, OK and TX. Supporting shipper: Werthan Industries, 1400 8th Ave., North, Nashville, TN.

MC 156902 (Sub-3–1TA), filed July 8, 1981. Applicant: CONTAINER TRUCKING, INC., 3410 North Edgewood

Avenue, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *General Commodities (except Classes A and B explosives)*, between Duval County, FL on the one hand, and, on the other, points in FL, GA, NC, SC and AL, restricted to movements having a prior or subsequent movement by rail or water. There are 5 supporting shipper statements attached to this application which may be reviewed at the Regional ICC office in Atlanta, GA.

MC 150706 (Sub-3–4TA), filed July 8, 1981. Applicant: NEELY TRANSPORT, INC., P.O. Box 5132, Birmingham, AL 35214. Representative: George M. Boles, Carlton, Boles, Clark, Vann, Stichweh & Caddis, 727 Frank Nelson Building, Birmingham, AL 35203. *Common carrier*, regular routes: *General commodities* (except Classes A & B explosives) (1) From the intersection of the MS–LA State Line and Interstate Hwy 10 and U.S. Hwy 90 over Interstate Hwy 10 and U.S. Hwy 90 to Jacksonville, FL, (2) From the intersection of the AL–GA State Line and Interstate Hwy 85 over Interstate Hwy 85 to its junction with Interstate Hwy 65, then over Interstate Hwy 65 to Mobile, AL, (3) From Vicksburg, MS, over Interstate Hwy 20 to Atlanta, GA, (4) From Meridian, MS, over U.S. Hwy 80 to Phenix City, AL, (5) From the intersection of the MS–AR State Line and U.S. Hwy 82 over U.S. Hwy 82 to Montgomery, AL, (6) From the intersection of the MS–TN State Line and U.S. Hwy 78 over U.S. Hwy 78 to Birmingham, AL, then over Interstate Hwy 59 to Gadsden, AL, then over U.S. Hwy 411 to its junction with AL Hwy 9, then over AL Hwy 9 to the AL–GA State Line, (7) From the intersection of the MS–TN State Line and U.S. Hwy 72 over U.S. Hwy 72 to its junction with U.S. Hwy ALT 72, then over U.S. Hwy ALT 72 to its junction with U.S. Hwy 431, then over U.S. Hwy 431 to Oxford, AL, (8) From Southhaven, MS, over Interstate Hwy 55 to Jackson, MS, then over U.S. Hwy 49 to Gulfport, MS, (9) From Corinth, MS, over U.S. Hwy 45 to Mobile, AL, (10) From the intersection of the AL–TN State Line and Interstate Hwy 65 over Interstate Hwy 65 to Montgomery, AL, then over U.S. Hwy 231 to its junction with Interstate Hwy 10, (11) From Jacksonville, FL, over Interstate Hwy 95 and U.S. Hwy 1 to Miami, FL, (12) From the intersection of the FL–GA State Line and Interstate Hwy 75 over Interstate Hwy 75 to Tampa, FL, (13) From Tallahassee, FL, over U.S. Hwy 27 to its junction with U.S Hwy 19, then over U.S. Hwy 19 to its junction with U.S. Hwy 41 near Palmetto, FL, then over U.S Hwy 41 to Miami, FL, (14) From St. Petersburg, FL, over Interstate Hwy 275 to its junction with Interstate Hwy 4, then over Interstate Hwy 4 to its junction with U.S. Hwy 92 near Daytona Beach, FL, then over U.S. Hwy 92 to Daytona Beach, FL, (15) From the junction of U.S. Hwy 27 and Interstate Hwy 75 near Ocala, FL, over U.S. Hwy 27 to South Bay, FL, then over U.S. Hwy 441 to Palm Beach, FL. Serving in conjunction with routes (1) thru (15) above all intermediate points and points in AL, FL, GA, and MS as off-route points. Applicant intends to interline with other carriers at Birmingham, Huntsville, Montgomery, Mobile and Phenix City, AL; Atlanta, Macon, Savannah, Augusta and Tifton, GA; Tallahassee, Jacksonville, Miami and Tampa, FL; Jackson, Hattiesburg, Biloxi and Tupelo, MS. Supporting shippers: There are 92 supporting shippers.

The following applications were filed in Region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 144822 (Sub-4–4TA), filed July 15, 1981. Applicant: WINTZ TRANSPORTATION CO., 1706 American National Bank Building, St. Paul, MN 55101. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Common, regular: General Commodities* (except Classes A and B explosives) (1) between St. Louis, MO and points in its commercial zone and Memphis, TN and points in its commercial zone. (a) from St. Louis over Interstate Hwy 55 to Memphis and return over the same route, serving all intermediate points and their commercial zones and points in Bollinger, Butler, Cape Girardeau, Dunklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scott, Stoddard, Washington, and Wayne Counties, MO as off-route points in connection with the above-described route; (b) from St. Louis over Interstate Hwy. 64 junction Interstate Hwy. 57, then over Interstate Hwy. 57 to junction Interstate Hwy. 55, then over Interstate Hwy. 55 to Memphis, serving all intermediate points and their commercial zones; and points on and south of Interstate 64 in IL as off-route points in connection with the above described routes; (2) between St. Louis, MO and points in its commercial zones and Nashville, TN and points in its commercial zone; (c) from St. Louis over Interstate Hwy. 64 to junction with U.S. Hwy 41, then over U.S. Hwy. 41 to Nashville and return over the same route, serving all intermediate points and their commercial zones; (d) from St. Louis over Interstate Hwy. 64 to junction with Interstate Hwy. 57, then over Interstate Hwy. 57 to junction with Interstate Hwy. 24, then over Interstate Hwy. 24 to Nashville and return over the same route, serving all intermediate points and their commercial zones. (3) between St. Louis, MO and points in its commercial and Champaign/Urbana, IL and points in their commercial zones; (a) from St. Louis over Interstate Hwy. 55 to junction with Interstate Hwy. 57, then over U.S. Hwy. 57 to Champaign/Urbana and return over the same route, serving all intermediate points and their commercial zones; (b) from St. Louis over Interstate Hwy. 55 to junction with Interstate Hwy. 72, then over U.S. Interstate Hwy. 72 to Champaign/Urbana, serving all intermediate points and their commercial zones; (4) between St Louis, MO and points in its commercial zone and Peoria, IL and points in its commercial zone; from St. Louis over Interstate Hwy. 55 to junction with IL Hwy. 121, then over IL Hwy. 121 to junction with Interstate Hwy. 74, then over Interstate Hwy. 74 to Peoria and return over the same route, serving all intermediate points and their commercial zones; serving points in Champaign, Clark, Clay, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Effingham, Fayette, Jasper, Lawrence, Logan, Macon, Marion, McLean, Morgan, Moultrie, Peoria, Piatt, Richland, Shelby, Tazewell, and Wabash Counties, IL as off-route points in connection with the above-described routes; (5) between Memphis, TN and points in its commercial zone and Evansville, IN and points in its commercial zone; (a) from Memphis over U.S. Hwy. 51 to junction with U.S. Hwy. 45, then over U.S. Hwy. 45 to junction U.S. Hwy. 60, then over U.S. Hwy. 60 to junction with U.S. Hwy. 41, then over U.S. Hwy. 41 to Evansville and return over the same route, serving all intermediate points and their commercial zones and points in Marshall, Henderson and Daviess Counties, KY and Gibson County, TN as off-route points; (b) from Memphis over Interstate 55 to junction U.S. Hwy. 60/62 then over U.S. Hwy. 60/62 to junction U.S. Hwy. 60, then over U.S. Hwy. 60 to junction with U.S. Hwy. 41 then over U.S. Hwy. 41 to Evansville and return over the same route, serving all intermediate points and their commercial zones and points in Mississippi County, AR as off-route points; (6) between Memphis, TN and points in its commercial zone and Jackson, MS and points in its commercial zone; from Memphis over

U.S. Hwy. 51 to Jackson and return over the same route serving all intermediate points and their commercial zones; (7) between Winona, MS and points in its commercial zone and Greenville, MS and points in its commercial zone; from Winona over U.S. Hwy. 82 to Greenville and return over the same route, serving all intermediate points and their commercial zones; serving points in Madison and Washington Counties, MS and those in MS on and north of MS Hwy. 8 and on and west of Interstate Hwy. 55 as off-route points in connection with Route (6) and (7) above, for 270 days. An underlying ETA for 120 days has also been filed. There are 64 statements in support; applicant intends to tack and to interline.

MC 157115 (Sub-4–1TA), filed July 10, 1981. Applicant: STEEL-TRUX, INC., 2787 Sandra Terrace, St. Joseph, MI 49085. Representative: Donald L. Bleich, Bleich and Peterson, 816 Ship Street, St. Joseph, MI 49085, 616–983–0151. *Contract* irregular *Iron and steel articles,* between points in Berrien County, MI on one hand and points in Lake and Porter Counties IN on the other, under continuing contract with Whirlpool Corporation of Benton Harbor, MI. Supporting shipper: Whirlpool Corporation, 2000 U.S. 33, North, Benton Harbor, MI 49022.

MC 99117 (Sub-4–2TA), filed July 14, 1981. Applicant: T.H. RYAN CARTAGE CO., 111 South Seventh St., Maywood, Illinois 60153. Representative: Vytas P. Ambutas, 10 South LaSalle St., Suite 1600, Chicago, Illinois 60603. *Contract; irregular: Metal products,* between points in the Chicago, IL Commercial Zone, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Gemini Metals Corporation. Supporting shipper: Gemini Metals Corporation, 300 Bond St., Elk Grove Village, IL, 60007.

MC 156946 (Sub-4–1TA), filed July 13, 1981. Applicant: TRANSPORT SERVICES, UNLIMITED, INC., 320 Front Street, Spooner, WI 54801. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Automotive parts,* from Minneapolis, MN to Spooner, Cumberland and Rice Lake and Superior, WI, and points in their commercial zones. An underlying ETA seeks 120 days authority. Supporting shipper: Welco Warehouse, 2130 Elm St. S.E., Minneapolis, MN 55414.

MC 143636 (Sub-4–7TA), filed July 13, 1981. Applicant: RON SMITH TRUCKING, INC., R.R. 1, Arcola, IL 61910. Representative: Douglas G. Brown, 913 South Sixth Street, Springfield, IL 62703. *Coal in bulk, in dump vehicles* from Linton, IN to Tuscola, IL. Supporting shippers: Great Lakes Coal Co., Chief Executive Officer, 505 N. Lake Shore Drive, Suite 606, Chicago, IL 60606; U.S. Industrial Chemicals Co., Traffic Supervisor, P.O. Box 218, Tuscola, IL 61953; Niemeyer Coal Broker, President, 711 Wheatland Road, Vincennes, IN 47591.

MC 157118 (Sub-4–1TA), filed July 13, 1981. Applicant: DIRK A. EINSWEILLER and KURT D. EINSWEILLER, d.b.a. E & E TRUCKING, 12250 Norris Road, Galena, IL 61036. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Contract, Irregular, Castings, foundary equipment, and materials and supplies used in the manufacture and distribution thereof,* between points in IL, IA, MI, OH, and WI, under continuing contracts with Lemfco Inc., Galena, IL. Supporting shipper: Lemfco Inc., 100 So. Commerce St., Galena, IL 61036.

MC 135764 (Sub-4–1TA), filed July 14, 1981. Applicant: WINTER TRUCK LINES, INC., d.b.a. WINTER TRUCK LINE, Box 19, Mahnomen, MN 56557. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. *Lumber* from Norman County, MN to the port of entry between the U.S. and Canada located at or near Noyes, MN. An underlying ETA seeks 120 days authority. Supporting shipper: Jim Wagner, Ada, MN 56510.

MC 145042 (Sub-4–8TA), filed July 13, 1981. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Avenue, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933. *Blast furnace briquets (iron or steel)* between Holland, MI, and its commercial zone, on the one hand, and, on the other, Chicago, IL and its commercial zone, Lake, St. Joseph, and Elkhart Counties, IN, and Cuyahoga County, OH. Supporting shipper: Louis Padnos Iron & Metal Company, Inc., P.O. Box 2018, Holland, MI 49423.

MC 157117 (Sub-4–1TA), filed July 13, 1981. Applicant: JAFAK TRANSPORT, INC., P.O. Box 54, Brillion, WI 54110. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Electrical machinery or equipment or supplies* between Appleton, WI and points in the U.S., under contract with Miller Electric Mfg. Company for 270 days. Supporting shipper: Miller Electric Mfg. Co., 718 Bounds Street, Appleton, WI 54911.

MC 147704 (Sub-4–4TA), filed July 13, 1981. Applicant: CARTER CARTAGE COMPANY, INC., 1818 Winchester Drive, Indianapolis, IN 46227. Representative: Robet W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. *Contract,* Irregular: *Pulp, paper and related products,* between the facilities of Technicarbon Company, Inc., located at Marion County, IN, on the one hand, and, on the other, points in IL, WI, MN, MI, OH, MO, IA, TN, KY and PA, under continuing contract(s) with Technicarbon Company, Inc., Indianapolis, IN. Supporting shipper: Technicarbon Company, Inc., 5930 W. 82nd Street, Indianapolis, IN.

MC 150281 (Sub-4–8), filed July 13, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Michigan St., Topeka, IN 46571. Representative: Keith G. O'Brien, 1729 H Street, N.W., Washington, D.C. 20006. *Contract;* irregular: *boats, boat parts and materials, supplies and equipment used in the manufacturing, transportation or distribution of boats or boat parts* between points in the U.S. under a contract(s) with Watkins Yachts, Inc. Supporting shipper: Watkins Yachts, Inc., 12645 49th St. N., Clearwater, FL 33520.

MC 144110 (Sub-4–TA), filed July 13, 1981. Applicant: KANE TRANSPORT, INC., P.O. Box 126, Sauk Centre, MN 56378. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract; irregular; Petroleum products, in bulk, in tank vehicles,* from the facilities of Murphy Oil Corp. at Superior WI to Cummings Oil, Inc., at Aitkin, MN and Deerwood Convenience Center, Inc., at Deerwood, MN under continuing contracts with Cummings Oil, Inc., Aitkin, MN and Deerwood Convenience Center, Inc., Deerwood, MN. Supporting shippers: Cummings Oil, Inc., 24 Second Street, N.E., Aitkin, MN 56431 and Deerwood Convenience Center, Inc., Deerwood, MN 56444.

MC 143280 (Sub-4–32TA), filed July 13, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack P.O. Box 6010 West St. Paul, MN 55118. *Plastic and related products,* between Floyd County, IN DeKalb County, GA, Dallas County, TX Sacramento County, CA, Polk County, MO, on the one hand, and, on the other, points in the U.S. Supporting Shipper: Teters Floral Products Company, 1425 Lillian Avenue, Bolivar, MO.

MC 146314 (Sub-4–7TA), filed July 13, 1981. Applicant: G & T TRUCKING COMPANY Co Rd 2 and I–35, Elko, MN 55020. Representative: Thomas Zwiers (same as applicant). *Construction equipment* between points in IL and TX. Restricted to the transportation of traffic

originating at and destined to points in named states. There are five supporting shippers.

MC 115975 (Sub-4–6TA), filed July 13, 1981. Applicant: C.B.W. TRANSPORT, SERVICE, INC., P.O. Box 48 Wood River, IL 62095. Representative: M. Burnell Watson (same as applicant). *Petroleum grease, in bulk, in tank vehicles* from Whiting, IN to AL, MI. OH, SC and VA. Supporting shipper: Amoco Oil Company, 200 E Randolph Drive, Chicago, IL 60601.

MC 146355 (Sub-4–3TA), filed July 13, 1981. Applicant: P-N-J KORNACKER, INC., 3030 West 10th Street, Waukegan, IL 60085. Representative: Albert A Andrin, 180 North La Salle Street, Chicago, IL 60601. *Malt beverages and related advertising materials, and materials, equipment and supplies used or useful in the manufacture and distribution of malt beverages and related advertising materials,* between Memphis, TN, on the one hand, and, on the other, points in IL, IN and MI. Supporting shipper: Jos. Schlitz Brewing Company, P.O. Box 614, Milwaukee, WI 53221.

MC 146355 (Sub-4–4 TA), filed July 13, 1981. Applicant: P-N-J KORNACKER, INC., 3030 West 10th Street, Waukegan, IL 60085 Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Malt beverages and related advertising materials and materials, equipment and supplies used or useful in the manufacture and distribution of malt beverages and related advertising materials,*between St. Louis, MO and Waukegan, IL. Supporting shipper: Anheuser-Bush Companies, Inc., 721 Pestalozzi Street, St. Louis, MO 63118.

MC 150746 (Sub-4–24 TA), filed July 13, 1981. Applicant: DFC TRANSPORTATION COMPANY, P.O. Box 929, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603 *Food and related products,* between St. Charles, IL, on the one hand, and, on the other, Denver, CO; Minneapolis, MN; Syracuse, NY; Houston, TX; and Seattle WA. Supporting Shipper: Uncle Ben's Frozen Foods, 3627 Stearn Drive, St. Charles, IL 60174.

MC 150746 (Sub-4–25 TA), filed July 13, 1981. Applicant: DFC TRANSPORTATION COMPANY, P.O. Box 929, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603 *General commodities, (except classes A & B explosives),* between Chicago, IL and points in its commercial zone, on the one hand, and, on the other, points in the U.S. Supporting shipper: C. B. Distribution, Inc., 356 North Halsted, Chicago, IL 60606.

MC 141318 (Sub-4–4TA), filed July 13, 1981. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., 531 North Eighth Street, Medford, WI 54451. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Contract;* irregular: *Glass and polysulphides,* from Carlton and Detroit, MI; Clarksburg, WV; Greenland, TN; Tulsa, OK; Wichita Falls, TX; Mount Holly, PA; Mount Zion, IL; Cinnaminson, NJ and Granville, NY to Medford, WI under a continuing contract(s) with Hurd Millwork Company, Division of Harlyn Industries, Incorporated, 520 South Whelen Ave., Medford, WI 54451.

MC 152756 (Sub-4–2 TA), filed July 13, 1981. Applicant: A.F. TRUCKING, LTD., Box 346, Grunthal Manitoba, CN ROA ORO. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Ground clay,* from Mounds, IL to ports of entry on the U.S.-Canada International Boundary line. Restriction: Restricted to traffic moving in foreign commerce. Supporting shipper: Absorbent Clay Products, Inc., 200 North Main, Anna IL 62906.

MC 15546 (Sub-4–2 TA), filed July 13, 1981. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1700 West Carroll Avenue, Chicago, IL 60612. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Commodities which are delt in or used by groceries, supermarkets and chain stores, other than commodities in bulk;* between points in IL, IN, IA, MI, MN, MO, OH AND WI, on the one hand, and, on the other, points in the U.S. Supporting shipper: Certified Grocers of Illinois, Inc., 6701 South La Grange Road, Hodgkins, IL 60525.

MC 136899 (Sub-4–15TA), filed July 13, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. *Agricultural twine products,* from Duluth, MN and Milwaukee and Superior, WI, to points in CO, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE ND, SD, TN and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Dubuque Twine Company, P.O. Box 65, Dubuque, IA 52001.

MC 140257 (Sub-4–1TA), filed July 13, 1981. Applicant: BENNETT & SON TRANSPORT, LTD., 47 Bothwell Crescent, Regina, Saskatchewan, Canada S4R 5Y7. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. (1) *Potash,* (2) *materials and supplies used in the manufacture and distribution of chemicals,* between ports of entry on the U.S.-Canada International Boundary line in ND and MT, on the one hand, and, on the other, points in ND, SD, MT, WY and CO. An underlyng ETA seeks 120 days authority. Supporting shippers: Panther Packaging & Chemicals, a division of Prairie Industrial Chemicals, Ltd, 2302 Hanselman Ave., Saskatoon, Saskatoon, Canada; Chem Tech Chemicals, Ltd., P.O. Box 1576, Regina, Sask. Canada.

MC 141382 (Sub-4–1TA), filed July 14, 1981. Applicant: DON'S MOVING & DELIVERY SYSTEM, INC., 527 South Fremont, Janesville, WI 53545. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Plastic products and materials, equipment and supplies* used in the distribution of such commodities between the facilities owned or used by Onvoy Corporation and M. Holland Company in the Chicago, IL, Commercial Zone, Cary, IL, Walworth, WI, on the one hand, and, on the other hand, points in NC, SC, VA, WV and WI. An underlying ETA seeks 120 days authority. Supporting shippers: Onvoy Corporation, 500 North Cary—Algonquin Road, P.O. Box 147, Cary, IL 60013; M. Holland Company, 601 Skokie Boulevard, Northbrook, IL 60062.

MC 134839 (Sub-4–1TA), filed July 16, 1981. Applicant: HANEFELD BROTHERS, INC., Route 1, Burnett, WI 53922. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Contract;* irregular; *meat and packinghouse products* between Green Bay, WI, on the one hand, and, on the other hand, points in FL, IA, IL, IN, MA, ME, MI, MN, NE, NY, and OH. Restriction: restricted to transportation to be performed under continuing contract(s) with Green Bay Dressed Beef, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Green Bay Dressed Beef, Inc., Box 8547, Green Bay, WI 54308.

MC 157122 (Sub-4–1TA), filed July 13, 1981. Applicant: M & S TRANSFER, 2371–34th Street Moline, IL 61265. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001 *Electrical motors, welders, equipment and supplies,* from Moline, IL, to points in IA. Supporting shipper: Lincoln Electric Company, 215—43rd Street, Moline, IL 61265.

MC 153114 (Sub-4–3TA), filed July 16, 1981. Applicant: OLYMPIC EXPRESS, INC., 2690 E. 81st Street, Bloomington, MN 55420 Representative: Stanley C.

Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Contract-irregular* (1) *Such commodities as are dealt in or used by retailers and wholesalers of flowers, green plants and gardening equipment and supplies;* (2) *Such commodities as are dealt in or used by manufacturers and distributors of food and beverage dispensing, packaging and bottling equipment;* (3) *Metal products;* (4) *Textile mill products and apparel;* Between points in the U.S. under continuing contract(s) in (1) above with Bachman's Inc.; in (2) above with The Cornelius Company; in (3) above with Vincent Brass and Aluminum Co.; and in (4) above with Munsingwear, Inc. Supporting shippers: Bachman's, Inc., 6010 Lyndale Avenue S., Minneapolis, MN 55419; The Cornelius Company, Highway 10 West, Anoka, MN 55303; Vincent Brass and Aluminum Co., 724 24th Avenue S.E., P.O. Box 360, Minneapolis, MN 55440; Munsingwear, Inc., 718 Glenwood Avenue, Minneapolis MN 55405.

MC 108453 (Sub-4–7TA), filed July 16, 1981. Applicant: G & A TRUCK LINE, INC., 404 W. Peck Ave., White Pigeon, MI 49099. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract* irregular: *General commodities (except in bulk, Classes A and B explosives, and household goods as defined by the Commission)* between all points in the U.S. under a contract with Motor Wheel, Inc. Supporting shipper: Motor Wheel, Inc., 1600 N. Larch St., Lansing, MI 48909.

MC 157171 (Sub-4–1TA), filed July 15, 1981. Applicant: RONALD G. HILL, d.b.a. R & H TRANSPORT P.O. Box 592, Portage, WI 53901. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, *contract* irregular: Primary and fabricated metal products between points in the U.S., under a continuing contract(s) with Mid-States Steel, Inc. of Stoughton, WI. Supporting shipper: Mid-States Steel, Inc., 400 Industrial Circle, Stoughton, WI 53589.

MC 58851 (Sub-4–5TA), filed July 16, 1981. Applicant: RUDOLDF EXPRESS CO., 1650 Armour Rd., Bourbonnais, IL 60914. Representative: Carl L. Steiner, 39 South La Salle St., Chicago, IL 60603. *Household Appliances* from Connersville, IN, to Kankakee and Chicago, IL. *Supporting shipper: Roper Appliance, 2207 W. Station St., Kankakee, IL 60901.*

MC 58851 (Sub-4–6TA), filed July 16, 1981. Applicant: RUDOLF EXPRESS CO., 1650 Armour Rd., Bourbonnais, IL 60914. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. *Contract: Food and Related Products* between Momence, IL, on the one hand, and, on the other, points in the U.S. under contract with Ko Pak, Incorporated of Momence, IL. Supporting shipper: Ko Pak, Incorporated, Momence, IL.

MC 156352 (Sub-4–1TA), filed July 17, 1981. Applicant: MUELLER CONTRACTING CO., INC., 219 North Prospect Street, Roselle, IL 60172. Representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, IL 60601. *General commodities* (except Classes A and B explosives), between points in the United States, for 270 days. Supporting shipper: Container Corporation of America, 500 East North Avenue, Carol Stream, IL 60187.

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 9644 (Sub-5–3TA), filed July 13, 1981. Applicant: HAYES TRUCK LINE, INC., 1410 Intercity Trafficway, Kansas City, MO 64101. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Food and related products,* between Lancaster County, NE, on the one hand, and, on the other, points in MO. Supporting shipper: Martha Gooch Foods, Inc., a Division of Archer Daniels Midland Corporation, P.O. Box 80808, 570 South Street, Lincoln, NE 68501.

MC 31879 (Sub-5–5TA), filed July 13, 1981. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, INC., 101 West 10th Avenue, North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *General commodities (except Classes A and B explosives and hazardous wastes),* (1) between points in IA and Rock Island County, IL and (2) between points in IA and Rock Island County, IL, on the one hand, and, on the other, points in MO, KS, NE, points in Boone and Carroll Counties, AR; Weld, Adams, Denver, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Benton, Prowers and Baca Counties, CO; Laramie and Goshen Counties, WY; Bond, Calhoun, Christian, Clinton, Fayette, Greene, Jersey, Macon, Macoupin, Madison, Marion, Monroe, Montgomery, Morgan, Perry, Pike, Randolph, St. Clair, Sangamon, Scott, Shelby, and Washington Counties, IL; and Bernalillo, Colfax, Curry, De Baca, Guadalupe, Harding, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Socorro, Taos, Torrance, Union and Valencia Counties, NM. Applicant intends to interline. Supporting shippers: 265.

MC 105566 (Sub-5–21TA), filed July 13, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. *Electric Machinery, Equipment or Supplies* between Louisville, KY, on the one hand, and, on the other, points in Maricopa County, AZ and San Diego County, CA. Supporting shippers: Edwards Distributing/Edwards Wholesale Co., 2949 E. Washington Street, Phoenix, AZ 85034; The Collins Company, P.O. Box 32240, Louisville, KY 40232.

MC 109818 (Sub-5–8TA), filed July 13, 1981. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *(1) Primary metal products, (2) fabricated metal products, (3) machinery, (4) electrical machinery, equipment, and supplies, (5) transportation equipment, and (6) materials, equipment, and supplies used in the manufacture, distribution, and sale of the commodities in (1) through (5),* between pts in the U.S. Supporting shippers: 10.

MC 125386 (Sub-5–1TA), filed July 13, 1981. Applicant: BULLOCK'S INC., East Monroe Street, Maquoketa, IA 52060. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Iron and steel articles,* between pts in Clinton County, IA, on the one hand, and, on the other, pts in U.S.A. Supporting shipper: Central Steel Tube Co., P.O. Box 551, Clinton, IA 52732.

MC 128544 (Sub-5–2TA), filed July 13, 1981. Applicant: IOWA STEEL EXPRESS, INC., 1600 C Avenue NW, Cedar Rapids, IA 52405. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Metal Products* between Chicago, IL and its commercial zone, on the one hand, and, on the other, pts in MN. Supporting shippers: 5.

MC 136816 (Sub-5–3TA), filed July 13, 1981. Applicant: THE UNIVERSE COMPANY, INC., 3523 "L" Street, Omaha, NE 68117. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Food and related products,* between NE, IA, SD, and Chicago, IL on the one hand, and, on the other, pts. in NY, NJ, CT and PA. Supporting shipper: Mid Island Provision

Co., Inc., 146 Willis Ave., Mineola, NY 11501.

MC 144982 (Sub-5–12TA), filed July 13, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Bucket and dipper teeth, and garden shears,* From Riverside County, CA to Pana, IL. Supporting shipper: Corona Clipper Co., 14200 E. 6th St., Corona, CA 91720.

MC 145955 (Sub-5–14TA), filed July 13, 1981. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *General commodities (except Classes A & B explosives),* from Henry County, IL, on the one hand, and, on the other, pts in the U.S. Supporting shipper: General Paint and Chemical Co. and General Power Equipment Co., Cary, IL.

MC 148194 (Sub-5–3TA), filed July 13, 1981. Applicant: LARRY D AND PATRICIA CHICK, 1319 San Miguel, Springdale, AR 72764. Representative: Patricia Chick (same as above). Contract Irregular; *coal, carbon and other foundry related products. Electrically calcined anthracite and materials, supplies and machinery used in the manufacturing or distribution thereof,* between points in the U.S. (except AK and HI) under continuing contract with IMC, Mundelein, IL Supporting shipper: International Minerals & Chemical Corp. (IMC), 421 E. Hawley St., Mundelein, IL 60060.

MC 151383 (Sub-5–9TA), filed July 13, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Rahal & Anderson, A Professional Corporation, Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: (1) *Air cooled and shell and tube heat exchangers,* (2) *iron and steel articles,* and (3) *materials and supplies used in the production and distribution of the commodities named in* (1) *and* (2) *above,* between points in the U.S. under continuing contract(s) with Fabsco, Inc. of Sapulpa, OK. Supporting shipper: Fabsco, Inc., P.O. Box 988, 8100 New Sapulpa Road, Sapulpa, OK 74066.

MC 151788 (Sub-5–6TA), filed July 13, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Avenue, Salina, KS 67401. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66601. *Electric storage batteries and materials and supplies used in the manufacturing and distribution of electric storage batteries,* Between the facilities of General Battery Corporation, on the one hand, and, on the other, points in the US. Supporting shipper: General Battery Corporation, P.O. Box 1262, Reading, PA 19603

MC 151819 (Sub-5–18TA), filed July 13, 1981. Applicant: CARGO MASTER, INC., 917 S. Harewood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Food and related products:* between Stillwell, OK on the one hand, and, on the other, points in KS, MO, IL, KY, TN, GA, FL, AL, MS, LA, and TX. Supporting shipper(s): Stillwell Foods, Inc., P.O. Box 432, Stillwell, OK 74960.

MC 153283 (Sub-5–3TA), filed July 13, 1981. Applicant: REID WOODWARD CO., 3327 W. Hillsboro, El Dorado, AR 71730. Representative: Joe D. Woodward, P.O. Box 727, Magnolia, AR 71753. *Pipe and pipe fabricating materials and supplies* between Columbia County, AR, on the one hand, and points in LA, TX, OK, MO, MS, TN and NM, on the other. Supporting shipper: Can-Tex Industries, P.O. Box 5001, Magnolia, AR 71753.

MC 153283 (Sub-5–4TA), filed July 13, 1981. Applicant: REID WOODWARD CO., 3327 W. Hillsboro, El Dorado, AR 71730. Representative: Joe D. Woodward, P.O. Box 727, Magnolia, AR 71753. *Oil field equipment and supplies* between points in AR, LA, and TX. Supporting shipper(s): Ark-La Pipe and Supply, 4415 W. Hillsboro, El Dorado, AR; U.S. Steel Corp., 4910 Weeping Willow, Houston, TX; Williamson Tool and Die Co., 702 Pecan, El Dorado, AR; AmerCable Co., 1200 Bailey Rd., El Dorado, AR.

MC 154765 (Sub-5–3TA), filed July 13, 1981. Applicant: NORTHSTAR TRANSPORTATION, INC., 10951 Lakeview Ave., Lenexa, KS 66219. Representative: Stanley O. Wilson (same as applicant). *Contract:* Irregular, *general commodities,* between points in the U.S. Supporting shipper: Chloride Industrial Batteries, 3250 Brinkerhoff St., Kansas City, KS 66115; Robbie Manufacturing Co., 10810 Mid-American Ave., Lenexa, KS 66219; Seaboard Allied Milling Corp., 9000 W. 67th St., Shawnee Mission, KS 66201; Tobin Lawn & Garden Supply Co., 1317 St. Louis Ave., Kansas City, MO 64101.

MC 156695 (Sub-5–1TA), filed July 13, 1981. Applicant: FURMAN-DAWES, INC., Rt. 3, Box 15S, Stillwater, OK 74074. Representative: Danny L. Furman (same as above). *Contract,* Irregular. *Cosmetics, chemicals and related supplies used in the mfg of Aloe Vera products, viz liquid, gel cosmetics, toilet preparations, equipment and supplies used in the manufacture and distribution thereof; Printed forms and advertising matter, novelty and/or promotional items used in conjunction with the distribution thereof* between points in OK, TX, AR, GA, CA, TN, WI, IN, FL, CO, AZ, UT, WA, MT, NM, ID, NV, OR and WY. Supporting shipper(s) Sasco Cosmetics, Inc., Carrollton, TX; Cosmetic Specialty Labs, Lawton, OK.

MC 157080 (Sub-5–1TA), filed July 13, 1981. Applicant: RONEL CORPORATION, 1800 S. Portland, Oklahoma City, OK 73108. Representative: Dean Williamson, Dykeman, Williamson & Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Mercer Commodities* between Oklahoma City, OK, on the one hand, and, on the other, points in AR, CA, IA, KS, LA, MO, and TX. Supporting shipper: Readd Supply, Div. of Readd Metals Co., 2336 United Founders Life Tower, Oklahoma City, OK 73112.

MC 157081 (Sub-5–1TA), filed July 13, 1981. Applicant: DONALD & LENDA MOONEYHAM, INC., Route 2, Box 344, Marionville, MO 65705. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Meat and packinghouse products (except hides and commodities in bulk),* between the facilities of Dold Foods, Inc., at or near Wichita, KS, on the one hand, and, on the other, points in the States of KS, MO, NE, OK, and TX. Supporting shipper: Dold Foods, Inc., 2929 North Ohio, Wichita, KS 67204.

MC 157093 (Sub-5–1TA), filed July 13, 1981. Applicant: ROY SCRIBNER, d.b.a. BIG ROY'S FREIGHT, 5432 44th Street, Lubbock, TX 79414, (806) 797–4230. Representative: Dennis W. McGill, Travis D. Shelton & Associates, 1507 13th Street, Lubbock, TX 79401, (806) 763–5201. *General commodities, except household goods as defined by the Commission,* from Lubbock, Texas, to Clovis, New Mexico, Anton, Texas, Littlefield, Texas, Farwell, Texas and Muleshoe, Texas. Applicant intends to interline. Supporting shippers: 41.

MC 40757 (Sub-5–3TA), filed July 16, 1981. Applicant: CREECH BROS. TRUCK LINES, INC., 100 Industrial Drive, Troy, MO 63379. Representative: Francis W. McInerny, 1000 Sixteenth Street, NW, Suite 502, Solar Building, Washington, DC 20036. *General commodities (except classes A and B explosives)* between points in the U.S. (except AK and HI). Supporting shippers: 23.

MC 52460 (Sub-37TA), filed July 17, 1981. Appplicant: ELLEX TRANSPORTATION, INC., P.O. Box

9637, Tulsa, OK 74107. Representative: Don E. Kruizinga, P.O. Box 9637, Tulsa, OK 74107. *Food and Related Products,* from San Francisco County, CA to points in AL, AZ, AR, CO, FL, GA, IA, IL, IN, KS, KY, MS, MO, NE, NM, NC, OK, SC, TN, TX, VA, and WI. Supporting shipper: Hill Bros. Coffee Inc.—P.O. Box 33149, 2 Harrison St., San Francisco, CA 94119.

MC 57257 (Sub-5–1TA), filed July 17, 1981. Applicant: CARR TRUCK SERVICE, INC., 1402 E. Napoleon Street, Sulphur, LA 70663. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024. *Oil and gas drilling rigs and parts and accessories therefor* Between LA on the one hand and OK on the other. Supporting shippers: 5.

MC 75320 (Sub-5–8TA), filed July 16, 1981. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. *Common,* regular. *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),* serving points in Shawnee County, KS as off-route points in connection with carrier's authorized regular-route operations. Supporting shipper: Volume Shoe Corporation, P.O. Box 1189, Topeka, KS 66601.

Note.—Applicant intends to tack and interline.

MC 125254 (Sub-5–11TA), filed July 16, 1981. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Malt beverages,* from Memphis, TN, and Omaha, NE, to Clinton, IA. Supporting shipper: Clinton Beverage Company, Inc., 1445 S. 18th Street, P.O. Box 841, Clinton, IA 52732.

MC 134783 (Sub-5–6TA), filed July 16, 1981. Applicant: DIRECT SERVICE, INC., P.O.B. 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80230. *(1) Chemicals and related products, (2) such commodities as are dealt in or used by manufacturers and distributors of toilet preparations, beauty aids, cosmetics, cleaning compounds, deodorizers, drugs and store displays; and (3) materials, equipment and supplies used in the manufacture, distribution and installation of the commodities named in (1) and (2) above,* between Port Jervis, NY, Lakewood, NJ and Cockeysville, MD and their commercial zones, on the one hand, and, on the other, points in the U.S. Supporting shipper: Noxell Corporation, P.O. Box 1799, Baltimore, MD 21203.

MC 138772 (Sub-1TA), filed July 16, 1981. Applicant: ALL WAYS FREIGHT LINES, INC., P.O. Box 2426, Kansas City, KS 66110. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Common, Regular; *General Commodities, (except articles of unusual value, commodities requiring special equipment, household goods as defined by the Commission, and class A and B explosives,* Between Junction City, KS and Lincoln, NE via U.S. Hwy 77 with service to all intermediate points; Between Blaine, KS and Junction City, KS via KS Hwy 13–113 to Manhattan, KS then via KS Hwy 18 to Junction City, KS and return over the same route with service to all intermediate points. Applicant intends to tack and interline. Supporting shippers: 16.

MC 141865 (Sub-5–20TA), filed July 17, 1981. Applicant: ACTION DELIVERY SERVICE, INC., 2401 West Marshall Drive, Grand Prairie, TX 75051. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor; Fort Worth, TX 76104. Contract; Irregular. *Food and related products* from points in WI to points in TX, TN, MO, LA and AR. Supporting shipper: Sanna, Subsidiary of Beatrice Foods Co., P.O. Box 8046, Madison, WI 53708.

MC 142508 (Sub-5–54TA), filed July 17, 1981. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 68137. *Fiberglass, fiberglass products, and equipment, materials, and supplies used in the manufacture thereof* between pts in NY and TX and pts in the U.S. restricted to traffic originating or terminating at facilities of Fiber Glass Industries, Inc. Supporting shipper: Fiber Glass Industries, Inc., Homestead Place, Amsterdam, NY 12010.

MC 142508 (Sub-5–55TA), filed July 17, 1981. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 68137. *Corrugated cardboard and paperboard boxes, KD, and equipment, materials, and supplies used in the manufacture thereof* between pts in the U.S. restricted to traffic originating or terminating at the facilities of Robertson Paper Box Company. Supporting shipper: Robertson Paper Box Company, Montville, CT 06353.

MC 145154 (Sub-5–5TA), filed July 14, 1981. Applicant: YOUNG'S TRANSPORTATION CO., P.O. Box 7200, Houston, TX 77008. Representative: Joseph L. Steinfeld, Jr., Meierhoefer, Steinfeld & Mohr, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *Textile mill products,* between Houston and Dallas, TX, and points in their commerical zones, on the one hand, and, on the other, points in Orange county, CA. Supporting shipper(s): Customweave Carpets, Inc., 2018 Midlothian, Kingwood, TX 77339.

MC 145441 (Sub-45TA), filed July 15, 1981. Applicant: A.B.C. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same as above). *General Commodities (except commodities in bulk, and classes A and B explosives),* between points in the U.S. restricted to transportation originating at or destined to facilities utilized by Montgomery Wards, Inc. Supporting shipper: Montgomery Wards, Inc., 1304 E. 13th St., North Little Rock, AR.

MC 149244 (Sub-5–5TA), filed July 16, 1981. Applicant: PEAKE, INC., 2022 Avenue A, Kearney, NE 68827. Representative: E. Check, Attorney, P.O. Box 855, Des Moines, IA 50304. *(1) Fly ash, and (2) bulk sodium sulfate,* (1) from Douglas and Otoe Counties, NE, to KS, MO, IA and SD; and (2) from Seagraves, TX, to NE. Supporting shipper: Plains Pozzolanic, P.O. Box 80268, Lincoln, NE 68501.

MC 149533 (Sub-5–6TA), filed July 16, 1981. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 78572. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. (1) *Such merchandise as is dealt in by wholesale and retail chain grocery and food business houses;* and (2) *materials, equipment and supplies used in the manufacture, sale, and distribution of products referred to in above* from (1) Oklahoma City, OK to points in AR, TX, LA, and NM and from (2) points in PA, OH, MI, IN, IA, IL, and KY to points in Oklahoma City, OK. Restricted to the transportation of traffic for Ralston Purina Company. Supporting shipper: Ralston Purina Company, 13700 N. Lincoln; Edmond, OK 73034.

MC 154234 (Sub-5–1TA), filed July 16, 1981. Applicant: LAMBERT TRANSFER CO., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, Attorney, P.O. Box 855, Des Moines, IA 50304. To transport *garden, lawn, turf and golf course care equipment, including snow throwers and chain saws, and materials, equipment and supplies used in the manufacture,*

distribution and sale of such commodities, between the plantsites and distribution centers of The Toro Company, on the one hand, and, on the other, pts in the U.S. Supporting shipper: The Toro Company, 8111 Lyndale Avenue South; Minneapolis, MN 55420.

MC 154883 (Sub-5–3TA), filed July 16, 1981. Applicant: LOGGINS TRUCKING COMPANY, P.O. Box 6676, Tyler, TX 75711. Representative: Larry Loggins (same as applicant). Contract; Irregular. *General Commodities (except Classes A and B explosives),* between Kearney, NJ, on the one hand, and, on the other Dallas and Houston, TX. Supporting shipper: Eastern Shippers Asso., Inc., 1300 Newark Turnpike, P.O. Box 481, Kearney, NJ 07032.

Note.—Applicant intends to tack.

MC 157164 (Sub-5–1TA), filed July 16, 1981. Applicant: HOWARD LIGHT, d.b.a. HOWARD'S TRUCKING, Route 2, Box 152, Flint, TX 75762. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Machinery, Oil Field Equipment and Related Articles* between Gregg Co., TX on the one hand, and, on the other, points in AR, CO, LA, NM, OK and WY. Restricted to shipments originating at or destined to the facilities of Bryarly Equipment Co. Supporting shipper: Bryarly Equipment Co., P.O. Box 733, Kilgore, TX 75662.

MC 157179 (Sub-1TA), filed July 17, 1981. Applicant: WARRIOR TRANSPORT, INC., 2334 Havenhurst, Farmers Branch, TX 75234. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *General commodities* (except Classes A and B explosives) *in containerized shipments,* between points in AR, KS, LA, OK and TX, restricted to shipments having a prior or subsequent movement by water. Supporting shippers: 5.

MC 157181 (Sub-5–1TA), filed July 17, 1981. Applicant: WASHINGTON TRUCKING OF NEW ORLEANS, INC., P.O. Box 1411, Gretna, LA 70053. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Bananas,* from Galveston, TX to CO and KS. Restricted to shipments originating at or destined to the facilities of Castle & Cooke Foods. Supporting shipper: Castle & Cooke Foods, 2900 Vetrans Blvd., Metairie, LA 70002.

MC 157181 (Sub-5–2TA), filed July 17, 1981. Applicant: WASHINGTON TRUCKING OF NEW ORLEANS, INC., P.O. Box 1411, Gretna, LA 70053. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Malt Beverages and Related Advertising Materials, Empty Used Beverage Containers and Materials and Supplies used in and dealt with by breweries* between Jefferson City, CO on the one hand, and, on the other, points in AR, LA, MS and TN. Restricted to shipments originating at or destined to the facilities of The Adolph Coors Company. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 156827 (Sub-6–1TA), filed July 14, 1981. Applicant: RALPH H. BENSON, d.b.a. BENSON TRUCKING, 6813 San Luis, Paramount, CA 90723. Representative: Ralph H. Benson (same address as applicant). *(1) Fireplaces, barbeques, grills and ventilators and (2) parts and accessories for the commodities in (1) above* from Fullerton CA to Edmonton Alberta CD for 270 days. Supporting shipper: Superior Fireplace Distributors, Ltd., 8617 63rd Ave., Edmonton Alberta, CD.

MC 147845 (Sub-6–1TA), filed July 13, 1981. Applicant: R. J. CHRISTENSEN TRUCKING, P.O. Box 794, Warden, WA 98857. Representative: Robert J. Christensen (same as applicant). *Machinery, processing equipment, steel articles, ores and minerals, lumber, sand-blasting abrasives, farm and agriculture equipment, scrap materials, metal products,* between points in WA, on the one hand, and between points in WA, OR, AZ, CA, ID, NV, UT, MT, WY, CO, NM, SD, ND, NE, KS, OK, MN, TX, AK, with intent to interline at points on the U.S. International Boundary Line in WA, ID, MT, CA, AZ, NM, TX, and water ports in WA, OR, CA, for Export for 270 days. Supporting shippers: There are seven (7) shippers. Their statements may be examined at the Regional Office listed.

MC 128685 (Sub-6–4TA), filed July 10, 1981. Applicant: DIXON BROS., INC., P.O. Box 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. *Cement,* between points in Larimer and Boulder Counties, CO on the one hand, and on the other, points in WY, for 270 days. Supporting shippers: Casper Concrete Co., Inc., 1525 E St., Casper, WY 82602; Eagle Engineering, Inc., Douglas, WY 82633; Falcon Concrete Co., 1120 Falcon Ave., Mills, WY 82644.

MC 152330 (Sub-6–4TA), filed July 13, 1981. Applicant: GLACIER CARRIERS, P.O. Box 490, Columbia Falls, MT 59912. Representative: John T. Wirth, 717–17th St., Ste. 2600, Denver, CO 80202. *Metal products,* between points in Box Elder County, UT on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY, for 270 days. Supporting shipper: Nucor Corporation, 4425 Randolph Rd., Charlotte NC 28211.

MC 144079 (Sub-6–2TA), filed July 9, 1981. Applicant: LAS VEGAS TOWING CORPORATION, 5725 N. Riley, Las Vegas, NV 89108. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Wrecked, Disabled, Stolen, Recovered or Impounded Motor Vehicles, and Trailers designed to be towed by Motor Vehicles,* between points in Inyo, San Bernardino and Riverside Counties, CA, Mohave County, AZ, Beaver, Iron and Washington Counties, UT on the one hand, and Clark County, NV on the other hand, for 270 days. Supporting shippers: There are eight (8) shippers. Their Statements may be examined at the Regional Office listed.

MC 136228 (Sub-6–3TA), filed July 13, 1981. Applicant: LUISI TRUCK LINES, INC., P.O. Box "H", Milton-Freewater, OR 97862. Representative: Philip G. Skofstad, Logus Block, 529 S.E. Grand Ave., Portland, OR 97214. *Salt* from Newark, CA and Salt Lake City, UT to points in OR and WA for 270 days. Supporting shipper: Leslie Salt Company, P.O. Box 364, Newark, CA 94560.

MC 157116 (Sub-6–1TA), filed July 10, 1981. Applicant: MARTIN FEINBERG, d.b.a. MARTIN BUS LINES, 138 N. Sweetzer Ave., Los Angeles, CA 90048. Representative: Martin Feinberg (same as applicant). *Passengers and their baggage,* in round trip movements, by charter buses, between Los Angeles and Orange Counties, CA, on the one hand, and, points in AZ and NV, on the other, for 180 days. Supporting shippers: There are eight Supporting Shippers. Their Statements may be examined at the Regional Office listed.

MC 144572 (Sub-6–26TA), filed July 13, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O.B. G, Greeley, CO 80632. Representative: John T. Wirth, 717—17th St., Ste. 2600, Denver, CO 80202. *Malt beverages,* between Jefferson County, CO on the one hand, and, on the other, points in IA and NE, for 270 days. Supporting shipper: Adolph Coors Co., Golden, CO 80401.

MC 142847 (Sub-6–4TA), filed July 13, 1981. Applicant: LESLIE OAKLEY AND BARRY D. OAKLEY, d.b.a. OAKLEY BROTHERS TRUCKING, P.O.B. 338, Fairfield, MT 59436. Representative: William E. Seliski, 2 Commerce St., P.O.B. 8255, Missoula, MT 59807. *Plastic pipe, pipe fittings and accessories* from the facilities of Johns-Manville Corp. in

Umatilla County, OR to points in MT, ND, SD, ID, and UT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Johns-Manville Sales Corporation, Regional Traffic Manager, 2600 Campus Drive, San Mateo, CA 94403.

MC 157131 (Sub-6–1TA), filed July 13, 1981. Applicant: REDWOOD COAST TRUCKING, INC., 2210 Samoa Road, Arcata, CA 95521. Representative: Frank N. Blagen (same as applicant). *Contract Carrier*, Irregular Route: *Lumber and Wood Products; Pulp, Paper, and Related Products; Metal Products; Building Materials, and Commodities used in the Manufacture of the Above*, between points in Or and CA, on the one hand, and on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, for 270 days. Restricted to the shipments moving for the account of Louisiana-Pacific Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Louisiana-Pacific Corporation, P.O. Box 158, Samoa, CA 95564.

MC 157112 (Sub-6–1TA), filed July 10, 1981. Applicant: SIMONICH TRUCKING, 3455 15th Ave., South, Great Falls, MT 59405. Representative: Mr. F. B. Simonich (same as applicant). *Flour, Grain, Bulk and in Bags*, from Great Falls, MT to points in CA for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: ConAgra, Inc., P.O. Box 2548, Great Falls, MT 59403.

MC 98327 (Sub-6–4TA), filed July 14, 1981. Applicant: SYSTEM 99, 8201 Edgewater Dr., Oakland, CA. Representative: Bruce H. Howe (same as applicant). *Contract carrier*, irregular routes: *Specially equipped trailer for feeding U.S. Forest Service Personnel while fighting forest fires*, between Redding, CA; Redmond, OR; Seattle, WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: OK's Company, 2900 Fourth Ave., Seattle, WA 98134.

MC 156878 (Sub-6–1TA), filed July 13, 1981. Applicant: U–CO TRANSPORT, INC., 1613 Cherrywood, Pueblo, CO 81005. Representative: Patricia A. Zember, 1½ Oxford, Apt. 2, Pueblo, CO 81005. *Contract carrier*, irregular routes: *Machinery, equipment, materials, supplies and other related oil field equipment*, from Grand Junction, CO, to points in CO and UT for the account of Polaris Crane & Equipment Company of Grand Junction, CO, and N L Acme Tool of Grand Junction, CO, for 270 days. Supporting shippers: Polaris Crane & Equipment Company, 2583½ Hwy 6 & 50, West, Grand Junction, CO, N L Acme Tool Company, 2785 D. Road, Grand Junction, CO.

MC 148445R (Sub-6–3TA), filed July 10, 1981. Applicant: WLD TRUCKING COMPANY, P.O. Box 32458, Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. *Contract carrier*, irregular routes: *Metallic ores (STCC Grouping 10), nonmetallic minerals; except fuels (STCC Grouping 14), chemicals or allied products (STCC Grouping 28), primary metal products; including galvanized; except coating or other allied processing (STCC Grouping 33) and fabricated metal products; except ordnance (STCC Grouping 34)*, from points in NJ, and Palmerton, PA, to points in the U.S., for the account of Natural Resources Group, New Jersey Zinc and Chemicals Division, Gulf + Western Industries, Inc., for 270 days. Supporting shipper: Natural Resources Group, New Jersey Zinc and Chemicals Division, Gulf + Western Industries, Inc., One Commerce Place, Nashville, TN 37239.

MC 156028 (Sub-6–1TA), filed July 10, 1981. Applicant: WOODWARD LUMBER CO., INC., P.O. Box 190, Las Cruces, NM 88001. Representative: William J. Lippman, Steele Park, Suite 330, 50 S Steele St., Denver, CO 80209. *Building materials*, between points in AZ, CA, NM and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Clifford Tile Company, 7114 Hawn Freeway, Dallas, TX 75217; Allied Drywall Manufacturing Co. of Texas, 3715 Buckner, El Paso, TX 79925; Wholesale Building Materials Co., 1701 Magoffin Ave., El Paso, TX 79901.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–21785 Filed 7–24–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 22, 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.

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.

Volume No. OPY-3-125

MC 15975 (Sub-51), filed July 7, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant), (217) 324-2141. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 106074, (Sub-182), filed July 1, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221 S, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256-4320. Transporting *food and related products*, between the facilities of Fast Food Merchandizers, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. in and east of MN, IA, NE, CO, UT, NV, and CA.

MC 128235 (Sub-27), filed July 7, 1981. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall St., NE, Minneapolis, MN 55413. Representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, MN 55413, (612) 781-6653. Transporting *malt beverages*, between St. Louis, MO, Chester, MN, and Superior, WI, on the one hand, and, on the other, points in the U.S.

MC 135605 (Sub-19), filed July 10, 1981. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: Billy L. Wilkinson (same address as applicant), (501) 572-9689. Transporting *general commodities*, (except classes A and B explosives), between the facilities of Ralston Purina Company, and it subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143394 (Sub-26), filed July 7, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant) (717) 249-2425. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Transportation Systems International, Inc., of Minneapolis, MN.

MC 145485 (Sub-6), filed July 7, 1981. Applicant: DAVIS CARTAGE COMPANY, 230 Sleeseman Dr., Corunna MI 48817. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 737-1030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Davis Cartage Company Warehouse, of Corunna, MI.

MC 146435 (Sub-5), filed July 7, 1981. Applicant: SMITH TRUCK BROKERAGE, INC., P.O. Box 974, Willmar, MN 56201. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Lincoln Electric Company, of Cleveland, OH.

MC 146475 (Sub-1), filed July 7, 1981. Applicant: EITEL'S TOWING SERVICE, INC., 7163 Harrisburg Pike, Orient, OH 43146. Representative: Gerald P. Wadkowski, 85 E. Gay St., Columbus, OH 43215, (614) 221-6771. Transporting *wrecked or disabled vehicles and replacement vehicles*, between points in the U.S.

MC 148634 (Sub-1), filed July 6, 1981. Applicant: COMPASS TRANSPORTATION COMPANY, 3585 Corporate Court, San Diego, CA 92123. Representative: David P. Downey (same address as applicant), (714) 751-1549. Transporting *such commodities* as are dealt in by chain grocery, food business and discount houses, between points in the U.S., under continuing contract(s) with The San Diego Distribution Center (A division of the Fed Mart Corporation), of San Diego, CA.

MC 149014 (Sub-4), filed July 7, 1981. Applicant: EAGLE LINES INC., P.O. Box 902, Merrimack, NH 03054. Representative: Henry Sepessy, 10 Canterbury Way, Merrimack, NH 03054, (603) 424-7030. Transporting *transportation equipment*, between points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada.

MC 150235 (Sub-5), filed July 7, 1981. Applicant: POWELL TRUCKING COMPANY, INC., Route 3, Box 13, P.O. Box 346, Sumrall, MS 39482. Representative: Fletcher W. Cochran, 1338 Gause Blvd., Suite 300, P.O. Box 741, Slidell, LA 70459, (504) 641-7630. Transporting (1) *forest products*, between points in AL, AR, FL, GA, KY, LA, MS, TN and TX, on the one hand, and, on the other, points in AZ, CO, GA, IL, IN, IA, KS, LA, MI, MN, MO, NE, NJ, NM, NC, OH, OK, PA, SC, TN, TX, VA, WI, and WV, (2) *lumber and wood products*, between points in AL, AR, FL, GA, KY, LA, MS, TN, and TX, on the one hand, and, on the other, AZ, GA, IL, IN, IA, KS, MN, MO, NE, NM, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI, (3) *building materials;* between points in AL, AR, FL, GA, LA, MS, TN, and TX, on the one hand, and, on the other, points in IL, IN, KY, NC, and SC, (4) *metal products*, (5) *machinery*, and (6) *Mercer Commodities*, between points in AL, AR, FL, GA, IA, IL, KY, LA, MI, MO, MS, MT, NJ, OH, OK, PA, TN, TX, WI, and WY.

MC 151395 (Sub-8), filed July 9, 1981. Applicant: SNEAKER FREIGHT LINE, INC., 4115 Thurman Rd., P.O. Box 768, Conley, GA 30027. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345, (404) 321-1765. Transporting *General commodities* except classes A and B explosives), between the facilities of Franklin Chemical Industries, Inc., and Franklin Distributing, Division of Franklin Chemical Industries, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151984, filed July 7, 1981. Applicant: WILLIAM SPARKS, d.b.a. SPARKS TRUCKING, P.O. Box 96, Calvin, ND 58323. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108, (701) 237-4223. Transporting *food and related products*, between points in ND, on the one hand, and, on the other, points in the U.S.

MC 155314 (Sub-1), filed July 8, 1981. Applicant: R. C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33853. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *food and related products*, between points in AL, DE, IA, KS, MO, IL, IN, OH, TN, KY, MN, SD, OK, TX, PA, VA, FL, SC, LA, MS, on the one hand, and, on the other, points in GA, IN, NC, SC, LA, NS, and FL.

MC 155614 (Sub-2), filed July 10, 1981. Applicant: ALL CARGO TRANSPORTATION, INC., P.O. Box 100301, Nashville, TN 37210. Representative: Francis J. Orscheln, 5065 Lebanon Rd., Old Hickory, TN 37138, (615) 754-5700. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MT, WY, CO, and NM.

MC 157034, filed July 7, 1981. Applicant: PHIL TONEY TOURS, R-4, Box 83, Forest City, NC 28043. Representative: Phillip A. Toney (same address as applicant), (704) 245-9707. As a *broker*, located in Rutherford County, NC, in arranging for the transportation

by motor vehicle, of *passengers and their baggage,* in special and charter operations, beginning and ending at points in Rutherford, Cleveland, McDowell, Mitchell and Yancey Counties, NC, and extending to points in the U.S.

MC 157054, filed July 9, 1981. Applicant: WILLIAM J. BROWN TRUCKING, INC., R.D. #2, Valencia, PA 16059. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *coal and coal products,* between points in Armstrong County, PA, on the one hand, and, on the other, points in NY on and west of U.S. Hwy 15, points in OH, and points in Brooke, Hancock, Marshall, and Ohio Counties, WV.

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MC 525 (Sub-1), filed July 8, 1981. Applicant: BAY TRANSPORTATION CO., INC., P.O. Box 2268, Dothan, AL 36302. Representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2881. Over *regular routes,* transporting *general commodities* (except classes A and B explosives), (1) between Altanta, GA and Panama City, FL, over U.S. Hwy 29 to LaGrange, GA, then over U.S. Hwy 27 to Columbus, GA, then over U.S. Hwy 431 to Dothan, AL, then over U.S. Hwy 231 to Panama City, FL; (2) between Atlanta, GA and Jackson, MS, over Interstate Hwy 85 and U.S. Hwy 29 to Montgomery, AL, then over U.S. Hwy 80 to Meridian, MS, then over U.S. Hwy 80 and Interstate Hwy 20 to Jackson, MS; (3) between Atlanta, GA and Gulfport, MS, over U.S. Hwy 78 and Interstate Hwy 20 to Birmingham, AL, then over U.S. Hwy 11 and Interstate Hwys 20 and 59 to Hattiesburg, MS, then over U.S. Hwy 49 to Gulfport, MS; (4) between Birmingham, AL and Dothan, AL, over U.S. Hwy 31 and Interstate Hwy 65 to Montgomery, AL, then over U.S. Hwy 231 to Dothan, AL; (5) between Birmingham, AL and Mobile, AL, over U.S. Hwy 11 and Interstate Hwys 20 and 59, to junction AL Hwy 5, then over AL Hwy 5 to junction U.S. Hwy 43, then over U.S. Hwy 43 to Mobile, AL; (6) between Montgomery, AL and Mobile, AL, over U.S. Hwy 31 and Interstate Hwy 65 to Mobile, AL; (7) between Apalachicola, FL to Jackson, MS, over U.S. Hwy 98 to Hattiesburg, MS, then over U.S. Hwy 49 to Jackson, MS; (8) between Donaldsonville, GA and Laurel, MS, over U.S. Hwy 84 to Laurel, MS; (9) between Troy, AL and Brewton, AL, over U.S. Hwy 29 to Brewton; (10) between Birmingham, AL and Ft. Walton Beach, FL, over U.S. Hwy 280 to Sylacauga, AL, then over U.S. Hwy 231 to Montgomery, AL, then over U.S. Hwy 331 to Forala, AL, then over FL Hwy 85 to Ft. Walton Beach, FL; (11) between Marianna, FL and Gulfport, MS, over U.S. Hwy 90 and Interstte Hwy 10 to Gulfport, MS, serving all intermediate points, and off-route points in connection with routes (1) through (11) serving points in GA, AL, MS and FL on and west of the Apalachicola River.

MC 15735 (Sub-34), filed July 13, 1981. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant) (312) 681–8378. Transporting *automobiles,* between points in the U.S.

MC 44605 (Sub-59), filed July 1, 1981. Applicant: MILNE TRUCK LINES, INC., 2500 West California Ave., Salt Lake City, UT 84104. Representative: Ann M. Pougiales, 100 Bush St., 21st Floor, San Francisco, CA 94104, (415) 986–5778. Over regular routes, transporting *general commodities* (Except classes A and B explosives), (1) Between Denver, CO and Beaumont, TX: From Denver over Interstate Hwy 25 to junction U.S. Hwy 84, then over U.S. Hwy 84 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 54, then over U.S. Hwy 54 to junction U.S. Hwy 285, then over U.S. Hwy 285 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Beaumont and return over the same route; (2) Between Denver, CO and Laredo, TX: From Denver over Interstate Hwy 70 to junction Interstate Hwy 135, then over Interstate Hwy 135 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction Interstate Hwy 35W, then over Interstate Hwy 35W to junction Interstate Hwy 35, then over Interstate Hwy 35 to Laredo and return over the same route; (3) Between Phoenix, AZ and Marshall, TX: From Phoenix over U.S. Hwy 60 to junction Interstate Hwy 25 at or near Socorro, NM, then over Interstate Hwy 25 to Albuquerque, NM, then over Interstate Hwy 40 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Marshall and return over the same route; (4) Between Phoenix, AZ and Albuquerque, NM: From Phoenix over Interstate Hwy 17 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Albuquerque, and return over the same route; (5) Between Tucson, AZ and Fort Stockton, TX, over Interstate Hwy 10; (6) Between Flagstaff, AZ and Amarillo, TX: From Flagstaff over U.S. Hwy 89 to junction U.S. Hwy 160, then over U.S. Hwy 160 to junction NM Hwy 504, then over NM Hwy 504 to junction U.S. Hwy 550, then over U.S. Hwy 550 to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction U.S. Hwy 87, then over U.S. Hwy 87 to Amarillo, and return over the same route; (7) Between junction Interstate Hwy 40 and U.S. Hwy 180 at or near Holbrook, AZ and junction U.S. Hwy 180 and Interstate Hwy 10 at or near Deming, NM, over U.S. Hwy 180; (8) Between Socorro and Las Cruces, NM, over Interstate Hwy 25; (9) Between Las Vegas and Albuquerque, NM, over Interstate Hwy 25; (10) Between Shiprock and Gallup, NM, over U.S. Hwy 666; (11) Between Wichita, KS and El Paso, TX, over U.S. Hwy 54; (12) Between Las Cruces, NM, and junction U.S. Hwy 64 and Interstate Hwy 35: From Las Cruces over U.S. Hwy 70 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction Interstate Hwy 35, and return over the same route; (13) Between junction Interstate Hwy 25 and U.S. Hwy 60 at or near Bernardo, NM, and junction Interstate Hwy 20 and U.S. Hwy 84 at or near Roscoe, TX: From junction Interstate Hwy 25 and U.S. Hwy 60 at or near Bernardo, over U.S. Hwy 60 to junction U.S. Hwy 84, then over U.S. Hwy 84 to junction Interstate Hwy 20 near Roscoe, and return over the same route; (14) Between junction Interstate Hwy 70 and U.S. Hwy 83 at or near Oakley, KS and Brownsville, TX, over U.S. Hwy 83; (15) Between junction Interstate Hwy 25 and U.S. Hwy 160 at or near Walsenburg, CO and junction U.S. Hwys 60 and 285 at or near Encino, NM: From junction Interstate Hwy 25 and U.S. Hwy 160 at or near Walsenburg over U.S. Hwy 160 to junction U.S. Hwy 285, then over U.S. Hwy 285 to junction U.S. Hwy 60 at or near Encino, and return over the same route; (16) Between junction U.S. Hwys 64 and 84 at or near Chama, NM and junction U.S. Hwys 84 and 285 at or near Espanola, NM, over U.S. Hwy 84; (17) Between junction U.S. Hwys 54 and 82 at or near Alamogordo, NM and junction U.S. Hwys 59 and 82 at or near Wake Village, TX, over U.S. Hwy 82; (18) Between El Paso and Fort Worth, TX, over U.S. Hwy 180; (19) Between junction Interstate Hwys 10 and 20 and Dallas, TX, over Interstate Hwy 20; (20) Between Amarillo, TX and Oklahoma City, OK, over Interstate Hwy 40; (21) Between Amarillo and Port Lavaca, TX: From Amarillo over Interstate Hwy 27 to junction U.S. Hwy 87, then over U.S. Hwy 87 to Port Lavaca, and return over the same route; (22) Between junction U.S. Hwy 83 and Interstate Hwy 10 at or near Junction, TX and junction U.S. Hwy 87 and Interstate Hwy 10 at or near Comfort, TX, over Interstate Hwy 10; (23) Between junction U.S. Hwys 82 and

59 at or near Wake Village, TX, and Laredo, TX, over U.S. Hwy 59; (24) Between Fort Stockton and San Antonio, TX: From Fort Stockton over U.S. Hwy 285 to junction U.S. Hwy 90, then over U.S. Hwy 90 to San Antonio, and return over the same route; (25) Between Oklahoma City, OK and McAllen, TX: From Oklahoma City over U.S. Hwy 277 to junction U.S. Hwy 281, then over U.S. Hwy 281 to McAllen and return over the same route; (26) Between junction Interstate Hwy 30 and U.S. Hwy 82 at or near New Boston, TX and Presidio, TX: From junction Interstate Hwy 30 and U.S. Hwy 82 at or near New Boston over Interstate Hwy 30 to junction U.S. Hwy 67, then over U.S. Hwy 67 to Presidio, and return over the same route; (27) Between Denton and Galveston, TX: From Denton over Interstate Hwy 35E to junction Interstate Hwy 45, then over Interstate Hwy 45 to Galveston and return over the same route; (28) Between Waco and Brownsville, TX, over U.S. Hwy 77; (29) Between junction Interstate Hwy 40 and U.S. Hwy 283 at or near Sayre, OK and Brady, TX, over U.S. Hwy 283; (30) Between Seymour and Carizzo Springs, TX, over U.S. Hwy 277; (31) Between junction Interstate Hwy 35 and U.S. Hwy 79 at or near Round Rock, TX and Panola, TX, over U.S. Hwy 79; (32) Between San Antonio and Orange, TX, over Interstate Hwy 10; (33) Between Limon, CO and junction U.S. Hwys 385 and 67: From Limon, over U.S. Hwy 287 to junction U.S. Hwy 385, then over U.S. Hwy 385 to junction U.S. Hwy 67 and return over the same route; (34) Between junction U.S. Hwys 59 and 96 at or near Carthage, TX and Port Arthur, TX, over U.S. Hwy 96; (35) Between Fort Stockton, TX and junction U.S. hwy 385 and TX Hwy 118, over U.S. Hwy 385; (36) Between junction Interstate Hwy 10 and U.S. Hwy 90 at or near Van Horn, TX and junction U.S. Hwys 285 and 90 at or near Sanderson, TX: From junction Interstate Hwy 10 and U.S. Hwy 90 at or near Van Horn over U.S. Hwy 90 to junction U.S. Hwy 285 at or near Sanderson, TX, and return over the same route; (37) Between junction Interstate Hwy 25 and U.S. Hwy 56 at or near Springer, NM and junction U.S. Hwy 56 and Interstate Hwy 35 near Admire, KS, over U.S. Hwy 56; (38) Between junction Interstate Hwy 37 and U.S. Hwy 281 and Corpus Christi, TX, over Interstate Hwy 37; (39) Between San Antonio and Corpus Christi, TX, over U.S. Hwy 181; and (40) Between Pueblo, CO and Bucklin, KS: From Pueblo over U.S. Hwy 50 to junction U.S. Hwy 154, then over U.S. Hwy 154 to Bucklin and return over the same route. Serving in (1) through (40) above points in Barton, Butler, Clark, Clay, Cowley, Dickinson, Edwards, Ellis, Ellsworth, Ford, Gove, Graham, Grant, Gray, Harvey, Haskell, Hodgeman, Kingman, Kiowa, Lincoln, Logan, Marion, McPherson, Meade, Morton, Ottowa, Pawnee, Pratt, Reno, Rice, Russell, Saline, Sedgwick, Seward, Sheridan, Sherman, Stafford, Stevens, Sumner, Thomas, and Trego Counties, KS, Alfalfa, Beckham, Blaine, Caddo, Canadian, Carter, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grant, Grady, Greer, Jackson, Kay, Kiowa, Logan, Love, Major, Marshall, McClain, Murray, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Washita, and Woodward Counties, OK, and those points in NM and TX as off-route points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 127625 (Sub-41), filed July 1, 1981. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, SC 29059. Representative: Frank B. Hand, Jr., 523 South Cameron Street, Winchester, VA 22601, (713) 662-0927. Transporting (1) *clay, concrete, glass or stone products* (2) *lumber and wood products*, (3) *forest products*, (4) *pulp, paper and related products*, (5) *rubber and plastic products*, and (6) *building materials*, between those points in the U.S. in and east of MN, LA, MO, AR, and LA.

MC 130555 (Sub-1), filed July 10, 1981. Applicant: INSTITUTIONAL FINANCIAL SERVICES, INC., d.b.a. NANCY & UDEAN CHRISTIAN TOURS, 21 Audubon Dr., Asheville, NC 28804. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893-3050. As a *broker* at points in Buncombe and Catawba Counties, NC, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 152045 (Sub-3), filed July 10, 1981 Applicant: CASON COMPANIES, INC., d.b.a. CASON BUILDERS SUPPLY, 1880 Spartanburg Hwy., Hendersonville, NC 28739. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th Street NW., Washington, DC 20006, (202) 833-1170. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with United Freight, Inc., of Morrow, GA, and Distribution Services of America, Inc., of Boston, MA.

MC 155805, filed July 10, 1981. Applicant: GOVER TRANSPORT, INC., 206 West Jefferson, Clinton, MO 64735. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781-6000. Transporting *petroleum, natural gas and their products*, between points in the U.S. under continuing contract(s) with G & G Oil Company, and Lowe Oil Company, both of Clinton, MO.

MC 156494, filed July 10, 1981 Applicant: KEVIN S. KRUMWIEDE, d.b.a. KRUMWIEDE TRUCKING 410 S. Walnut, Box 324, Bancroft, IA 50517. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *forest products*, between points in ID, MT, OR, SD, and WA, on the one hand, and, on the other, points in IA and MN.

MC 156845, filed July 13, 1981 Applicant: WINN'S HAULING, INC., 6805 School Avenue, Richmond, VA 23228. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282-23229. Transporting *solar systems and component parts thereof*, between the facilities of Reynold Metals Company, at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 157094, filed July 8, 1981 Applicant: THE GOOD EARTH ORGANICS CORP., 5960 Broadway, Lancaster, NY 14086. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202, (716) 853-0200. Transporting *petroleum, natural gas and their products, food and related products*, and *chemicals and related products*, between points in the U.S., under continuing contract(s) with Morton Salt Division, Morton-Norwich Products, Inc., of Chicago, IL, International Salt Company, of Clarks Summit, PA, and Davis-Howland Oil Corp., of Rochester, NY.

[FR Doc. 81-21851 Filed 7-24-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States of America* v. *Kerford Limestone Company*, Civil Action No. 81-0-34, was lodged with the United States District Court for the District of Nebraska. The proposed consent decree will require Kerford Limestone Company to pay $775.00 in penalties for failure to meet the terms and conditions of the Nebraska Air Pollution Control Rules and Regulations, Rule 14, Duty to Prevent Escape of Dust.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice written comments related to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Kerford Limestone Company*, D.J. Ref. 90–5–1–1–1523.

The proposed consent decree may be examined at the office of the United States Attorney, United States Courthouse, Omaha, Nebraska 68101, at the Region VII Office of the Environmental Protection Agency, Enforcement Division, 324 East 11th Street, Kansas City, Missouri 64106, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-21831 Filed 7-24-81; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329 OM & OL—50-330 OM & OL]

Consumers Power Co. (Midland Plant, Units 1 and 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for the construction permit modification and operating license proceedings to consist of the following members: Christine N. Kohl, Chairman, Dr. John H. Buck.

Dated: July 20, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-21884 Filed 7-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-389 OL]

Florida Power & Light Co., (St. Lucie Plant, Unit No. 2); Order

July 21, 1981.

Administrative Judges: Alan S. Rosenthal, Chairman; Dr. John H. Buck; Christine N. Kohl.

Oral argument on the pending appeals from the Licensing Board's June 3, 1981 order in this operating license proceeding will be heard at *9:30 a.m. on Thursday, August 20, 1981* in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland. Each side is being allotted a total of 40 minutes for the presentation of argument [1] to be divided equally between the parties on that side unless they agree to some other division of time. In preparing for argument, counsel may assume that the members of this Board will be fully familiar with their respective positions on the appeals (as set forth in their briefs now on file).

The parties are to notify the secretary to this Board, by letter mailed no later than August 10, of the names of the counsel who will present argument on their behalf.

It is so ordered.

For the Appeal Board.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-21885 Filed 7-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-315]

Indiana and Michigan Electric Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR–58, issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit No. 1 (the facility) located in Berrien County, Michigan. The amendment is effective as of the date of issuance.

The amendment revises the F_Q peaking factor limit.

The application for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 26, 1981, (2) Amendment No. 48 to License Nos. DPR–58 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. 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 21st day of July, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-21886 Filed 7-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-463 CP & 50-464 CP]

Philadelphia Electric Co. (Fulton Generating Station, Units 1 & 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members: Alan S. Rosenthal, Chairman, Dr. W. Reed Johnson, Christine N. Kohl.

Dated: July 20, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-21887 Filed 7-24-81; 8:45 am]

BILLING CODE 7590-01-M

[1] As indicated in our June 26, 1981 order, the two appeals have been consolidated for consideration and determination. Thus, the appellants constitute one side and the applicant and the NRC staff the other.

Advisory Committee on Reactor Safeguards, Subcommittee on Decay Heat Removal Systems; Meeting Rescheduled

The August 4, 1981 meeting of the Decay Heat Removal Systems has been rescheduled to September 8, 1981, Room 1046, 1717 H Street, NW, Washington, DC, 1:00 p.m.

Notice of this meeting was published in the **Federal Register** on July 17, 1981 (46 FR 37104) and all items remain the same except for the date as indicated above.

Dated: July 21, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-21878 Filed 7-24-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

July 22, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether Section 3504(h) of Pub. L. 96-511 applies;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627.

New

• Bureau of the Census
October 1981 School Enrollment Supplement
CPS-1
Annually
Individuals or households
Interviewed Households in the October 1981 CPS
Other advancement and regulation of commerce: 58,000 responses; 6,300 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

This supplement provides basic data on school enrollment for individuals 5 years old and over who are enrolled in elementary, high school, college, and special schools as well as or persons 3 and 4 years of age enrolled in nursery schools and kindergarten.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

• Centers for Disease Control
Infection Control Procedures in Oral Surgery Offices
Nonrecurring
Businesses or other institutions
Oral surgeons
SIC: 802
Health: 1,200 responses; 400 hours; $15,000 Federal cost; $4,000 public cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla; 202-395-6880

This study will examine the infection control practices and disinfection techniques employed by oral surgeons in their office or clinic practices. It will also attempt to correlate the use of the procedures with risk of acquiring hepatitis B virus infection.

• Social Security Administration
Request to Obtain Data From Applicants for Social Security Disability Benefits Concerning Other Payments They May Receive Due to Disability
Nonrecurring
Individuals or households
Applicants for title II disability insurance benefits (DIB)
General retirement and disability insurance: 1,000,000 responses; 8,334

hours; $281,204 Federal cost; 1 form; not applicable under 3504(h)
Barbara F. Young, 202–395–6880

In order to identify potentially affected workers, District offices will be instructed to ask all DIB applicants whether they are receiving another disability benefit. Responses will be noted in the "remarks" section of the SSA–16, and depending on the type of other disability benefit received, the case will be coded. Upon enactment of Megacap legislation, the allowed claims listed under the code would be reviewed for further development and possible imposition of "Offset."

Revisions

• Health Care Financing Administration
Summary of Deficiencies Not Corrected
HCFA–2567E
Annually
Businesses or other institutions
Medicare and medicaid providers and suppliers of services
SIC: 805, 806
Small businesses or organizations
Health: 7,100 responses; 568 hours; $44,588 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Used when deficiencies noted during routine survey remain uncorrected. Information from this form is used to make decisions concerning certification of health care facilities participating in medicare/medicaid programs.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Land Management
43 CFR Part 3250—Utilization of Geothermal Resources
Nonrecurring
Individuals or households/State or local governments/businesses or other ins
Geothermal lease applicants or geothermal leasees
SIC: multiple
Conservation and land management: 6 responses; 72 hours; $6,000 Federal cost; 0 form; NPRM under 3504(h)
Robert Shelton, 202–395–7340

The proposed rulemaking would eliminate unnecessary, burdensome, incorrect, unclear or outdated provisions. It would also allow licensing of nonelectrical geothermal use projects under the regulations already used for electrical projects.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Urban Mass Transportation Administration
Maintenance of Effort Requirement
Annually
State or local governments/businesses or other institutions
Public and private mass transportation agencies in urban areas
SIC: 411
Ground transportation: 250 responses; 2,000 hours; $12,500 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

Transit operations must show that the total of State and local funds and certain nonfare box mass transit revenues applied to eligible operating expenses in the funding year are not less than the average contribution for the previous two local fiscal years.

• Urban Mass Transportation Administration
Supporting Services—Cost Allocation Plan
On occasion
State or local governments
Local governments, transit authorities, some State agencies
SIC: 411
Ground transportation: 100 responses; 8,000 hours; $50,000 Federal cost; 0 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

This plan/proposal must be submitted if a grantee wishes to claim administrative costs as allowable costs under a grant. Plans are submitted to the cognizant agency for review and approval. Revisions are needed for significant changes.

ACTION

Agency Clearance Officer—Mr. Don Romine—202–254–8523

New

• Action/Title I, Part C Project Progress Report
Action A–1035
Quarterly, annually
State or local governments/businesses or other institutions
Low-income, socio-econ. poor people needing self-sus., etc.
SIC: multiple
Small businesses or organizations
Social services: 2,980 responses; 5,960 hours; $20,000 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880

This form is to be used on a quarterly basis by the sponsoring organization for the express purpose of measuring project well-being or defining deficiencies (where applicable) as stated in the sponsor's goal and objectives cited in the project work plan.

COMMODITY FUTURES TRADING COMMISSION

Agency Clearance Officer—Joseph G. Salazar—202–254–9735

New

• Regulation of Domestic Exchange—Traded Commodity Options
1–FR
Monthly
Business or other institutions
Commodity option exchanges & futures com. merchants, etc.
SIC: 622
Other advancement and regulation of commerce; 1 response; 1 hour; $858,640 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Reporting and recordkeeping requirements are being imposed by this proposal to assure that the commodity option exchanges and the commission have the information needed to safeguard these markets and that the investing public receives adequate disclosure of data on commodity options investments.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202–452–3512

Extensions (No Change)

• Advance Report of Deposits From Large Banks
FR 2000 FR 2001
Weekly
Businesses or other institutions
Commercial banks
SIC: 602
Small businesses or organizations
General Government: 61,620 responses; 55,032 hours; $2,718,180 Federal cost; 2 forms; $825,480 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Report collect information on selected items reported on the FR 2900 in advance of the FR 2900 schedule from a sampler of large commercial banks. This report provides preliminary deposit data used to construct early estimate of the monetary aggregates.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

New

• Caseload Planning Projection
Nonrecurring
Businesses or other institutions

NRC licensees
SIC: 493
Energy information, policy, and regulation: 170 responses; 680 hours; $20,000 Federal cost; 1 form; not appliable under 3504(h)
Jefferson B. Hill, 202-395-7340

NRC management requests licensees to provide information on their anticipated activities (i.e., new applications) to be used for internal planning, budgeting and control.

- Technical Specification for Class 1E Vital Instrument Buses

Nonrecurring
Businesses or other institutions
NRC licensees (PWR facilities)
SIC: 483
Energy information, policy, and regulation: 45 responses; 1,800 hours; $216,000 Federal cost; 2 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

NRC plans to issue a letter requesting additional data from licensees on technical specifications for class 1E vital instruments buses.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

- Retention of Fingerprint Cards (17 CFR 240, 17F-2(D)

On occasion
Businesses or other institutions
Mbrs. of a Nat'l Sec. Exchange, Brokers, Dealers, Etc.
SIC: 621, 628
Small businesses or organizations
Other advancement and regulation of commerce: 123,149 responses; 10,263 hours; $102,630 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Processed fingerprint cards, together with criminal histories (if any) returned by the FBI to the entities. This requirement serves several purposes: (1) An employer receives and retains the information in order to make informed employment decisions and (2) the cards and other records illustrate compliance or non-compliance with rule 17F-2. These rules were adopted 3/16/76.

- Fingerprinting Plans of Self-Regulatory Organizations (17 CFR 240, 17F-2(C)

Nonrecurring
Businesses or other institutions
Nat'l Sec. exchangers: The Amer., Boston, Midwest, etc.
SIC: 621, 628
Small businesses or organizations
Other advancement and regulation of commerce: 1 response; 1 hour; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Paragraph (c) of Rule 17f-2 (adopted 3/16/76) allows a national securities exchange or association to file with, and get approved by, the Commission plans allowing these entities to act as centers for collecting and disseminating fingerprint cards. This process in more effective and efficient because the FBI is not required to deal on a individual basis with thousands of submitting institutions.

- Application for and Registration of a National or an Affiliated Securities Association—Rule 15aa-1 and Form X-15aa-1

15aa-1 X-15aa-1 893
Nonrecurring
State or local governments
Organizations seeking registration as a NSA Assc.
SIC: 623
Small businesses or organizations
Other advancement and regulation of commerce: 1 response; 150 hours; $5,400 Federal cost; 1 form; $6,000 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Under Sections 15A and 19 of the Securities Exchange Act of 1934 (the "act"), the Commission must make certain specified findings before it can grant an application for registration as a national securities association or as an affiliated securities association. Rule 15aa-1 and form X-15aa-1 adopted in 1939, are designed to provide the Commission with information which is necessary to enable it to make the required findings.

- Notice Pursuant to Rule 17f-2 (17 CFR 240.17f-2(e)

On occasion
Business or other institutions
Members of NSE and registered clearing agency
SIC: 621, 628
Small business or organizations
Other advancement and regulation of commerce: 150 responses; 75 hours; $1,350 Federal cost; 1 form; $750 public cost; not applicable under 3504 (h)
Robert Veeder, 202-395-4814

Rule 17f-2(e), adopted on March 16, 1976, requires covered entities (see No. 23 below) to submit a notice identifying cases of persons claimed to be exempt from the statutory fingerprinting requirement. The information is used to ensure that appropriate persons are fingerprinted and that only fingerprinted persons have access to the handling and processing of securities, monies and original books and records relating thereto.

- Registratioin of Reporting Institutions in the Lost and Stolen Securities Program (17 CFR 240.17f-1(b))

Nonrecurring
Businesses or other institutions
NSE and members and banks insured by FDIC
SIC: 621, 623, 628
Small businesses or organizations
Other advancement and regulation of commerce: 1,400 responses; 700 hours; $6,853 Federal cost; 1 form; $30,800 public cost; not applicable under 3504 (h)
Robert Veeder, 202-395-4814

Rule 17f-1(b), adopted on May 23, 1979, requires approximately 18,000 entitites involved in the securities industry to register in the lost and stolen securities program in order to obtain access to a confidential data base set up to fulfill a mandatory statutory requirement that those entities repost and inquire to missing, lost, stolen or counterieit securities. This information is needed to determine compliance with rule 17f-1.

- Fingerprinting Requirements for Securities Professionals (17 CFR 240.17f-2(a))

On occasion
Individuals or households/businesses or other institutions
Partners, dir., ofr., and employ. of mbrs of nat'l sec., etc.
SIC: 621, 628
Small businesses or organizations
Other advancement and regulation of commerce: 123,149 responses; 61,575 hours; $1,490,600 Federal cost; 1 form; $923,625 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 17f-2(a), which was adopted by the Commission on March 16, 1976, requires that securities professionals be fingerprinted. This requirement serves (1) to identify security risk personnel, (2) to allow an employer to make fully-informed employment decisions and (3) to deter possible wrongdoers from seeking employment in the securities industry.

- Records To Be Made by Broker-Dealers Rule 17a-3 (17 CFR 240.17a-3)

Other—see SF83
Businesses or other institutions
Registered broker-dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 1,750,000 responses; 3,500,000 hours; $40,595 Federal cost; 1 form; $50,000,000 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

• Recordkeeping Requirement of the Lost and Stolen Securities (17 CFR 240.17f–1(g))
Businesses or other institutions
Nat'l Sec. Exch., and their mbrs., nat'l sec. assoc., etc.
SIC: 621, 623, 628
Small businesses or organizations
Other advancement and regulation of commerce: 701,103 responses; 11,685 hours; 1 form; $116,850 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Paragraph (g) of Rule 17f–1 requires reporting institutions to retain all documents that are necessary for the purposes of monitoring compliance with the registration, reporting and inquiry requirements of the rule. Paragraph (g) was adopted on December 6, 1976, and subsequently was amended on May 23, 1979.

• Quarterly Security Counts To Be Made by Certain Exchange Members, Brokers and Dealers. Rule 17a–13 (17 CFR 240.17a–13)
Quarterly
Businesses or other institutions
Brokers and dealers in securities
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 20,000 responses; 500,000 hours; $200,000 Federal cost; 1 form; $12,500,000 public cost; not applicable under 3504(H)
Robert Veeder, 202–395–4814

Rule 17A–13 was adopted in 1971. The rule was adopted to ensure that each broker and dealer has the securities of which its record show it has possession or control, or knows where the securities are that it should be receiving or delivering. It is an inventory control device. Any short differences must be recorded in the records of the broker or dealer.

• Reporting of Missing, Lost, Stolen or Counterfeit
17 CFR
249,100)
On occasion
Businesses or other institutions thereof, Nat'l Sec. Assoc., etc.
SIC: 621, 623, 628
Small businesses or organizations
Other advancement and regulation of commerce: 233,701 responses; 19,475 hours; $6,853 Federal cost; 1 form; $111,600 public cost; not applicable under 3504(H)
Robert Veeder, 202–395–4814

Paragraph (C) of rule 17F–1 requires all reporting institutions to report missing, lost, counterfeit or stolen securities to a central data base. The short, standardized reporting form, Form X–17F–1A, facilitates efficient and accurate reporting for the reporting institution and immediate and precise data entry by the commission's designee into the computerized system. Both paragraph (C) and Form X–17F–1A were adopted on December 6, 1976.

• Reporting Requirement for Third Market Makers Receiving Exempt Credit, Rule 17A–16, and Form X–17A–16(1) 1172
On occasion
Businesses or other institutions
Certain market makers in third market for listed securities
SIC: 621
Other advancement and regulation of commerce: 100 responses; 25 hours; $233 Federal cost; 1 form; $1,250 public cost; not applicable under 3504(H)
Robert Veeder, 202–395–4814

Rule 17A–16 and form X–17A–16(1), adopted in September 1972, implement a filing requirement of regulation U promulgated by the Federal Reserve Board, and used to determine third market eligibility for exempt credit under the third market maker exemption of regulation U.

• Reporting Requirements for Block Positioners Receiving Exempt Credit, rule 17A–17, form X–17A–17
1121
Quarterly
Businesses or other institutions
Block positioning securities firms
SIC: 621
Other advancement and regulation of commerce: 8 responses; 24 hours; $233 Federal cost; 1 form; not applicable under 3504(H)
Robert Veeder, 202–395–4814

Rule 17A–17 and form X–17A–17, adopted in September 1972, implement a filing requirement of regulation U promulgated by the Federal Reserve Board, and are used to determine eligibility for exempt credit under the block positioner exemption of regulation U.

• Quarterly reporting Requirement for Third Market Maker
Receiving Exempt Credit, Rule 17A–16, Form X–17A–16(2)
1210
Quarterly
Businesses or other institutions
Certain broker-dealers making on over-the-counter market in
SIC: 621
Other advancement and regulation of commerce: 12 responses; 12 hours; $233 Federal cost; 1 form; $800 public cost; not applicable under 3504(H)
Robert Veeder, 202–395–4814

Form X–17A–16(2), adopted in September 1972, implements a filing requirement of regulation U promulgated by the Federal Reserve Board, and are for use in determining eligibility for exempt credit under the third market maker exemption of Regulation U.

• Form ADV–W (17 CFR 279.2) and Rule 203–2 under the Investment Advisers Act of 1940 (17 CFR 275.203–2)
SIC 777
Nonrecurring
Businesses or other institutions
Investment advisers
SIC: 620
Other advancement and regulation of commerce: 555 responses, 555 hours, $14,300 Federal cost; 1 form; $16,600 public cost; not applicable under 3504(H)
Robert Veeder, 202–395–4814

Information furnished enables commission to decide whether, and under what terms and conditions, to permit a registered investment adviser to withdraw from registration.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–21866 Filed 7–24–81; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 17956/July 21, 1981]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

In the matter of the Pacific Stock Exchange, Incorporated, 301 Pine Street, San Francisco, California (SR–TSE–81–10), Order approving proposed rule change.

On May 19, 1981, the Pacific Stock Exchange, Incorporated, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), and Rule 19b–4 thereunder, copies of a proposed rule change which amends its rule concerning the resolution of uncompared options transactions. The amendment requires only the party who intends to file a claim for damages to enter into a new transaction, requires member organizations to have an authorized representative available to

resolve uncompared trades no later than 6:15 a.m. on the busines day following the trade date and authorizes the exchange to remove from its permanent record any transactions that have been matched in error but which are actually uncompared trades.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17861, 22 SEC Docket 1280 (June 30, 1981)) and by publication in the **Federal Register** (46 FR 32120 (June 19, 1981)). Comments were solicited on the proposed rule change but none were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-21853 Filed 7-24-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 05/05-0159]

Miami Capital Corp.; Application for License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), under the name of Miami Capital Corporation, 106 West Ash Street, Piqua, Ohio 45356, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors, and shareholders of the Applicant are as follows:

Name and address	Title and relationship	Percent of ownership
Robert M. Davis, 2006 Clayton Rd., Piqua, OH 45356.	Chairman and Director.	1.3.
Ken K. Feinthel, 625 Lincolnshire Dr., Troy, OH 45373.	President, Treasurer and Director.	.....
Frederick D. Freed, 303 Ron Aire Dr., Piqua, OH 45356.	Secretary and Director.	2.0.
John D. Scarbrough, Jr., 10596 Hetzler Rd., Piqua, OH 45356.	Director	6.7.
Raymond C. Hemm, Jr., 1100 Maplewood Dr., Piqua, OH 45356.	Director	2.0.
Thomas H. Blalock, 6343 Mad River Rd., Dayton, OH 45459.	Director	3.3.
Donovan E. Karnes, 2373 W. Swailes Rd., Troy, OH 45373.	Director	3.3.
Miami Citizens National Bank and Trust Company, 401 N. Main St., Piqua, OH 45356.		33.3.

Miami Citizens National Bank & Trust Company will be the only 10 percent or more owner of the Applicant, and there are no 10 percent or more owners of the Bank's voting shares.

The Applicant proposes to begin operations with a capitalization of $725,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns. The Applicant intends to provide advisory and consulting services to small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is hereby given that any person may (not later than 15 days from the publication of this Notice) submit written comments on the proposed company to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Piqua, Ohio.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 21, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-21865 Filed 7-24-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Pitts Aerobatics (Doyle F. Child is Type Certificate holder) Model S-2S Airplane Certification and Availability of Documents

The formal type certification process of the Pitts Aerobatics Model S-2S airplane has been completed. Type Certificate No. A8SO has been amended to add the Model S-2S.

The Director of the Federal Aviation Administration (FAA) Rocky Mountain Region has conducted a review of the issues involved in the Model S-2S type certification program and the findings of the FAA certification team. He has also reviewed and discussed with his staff a document entitled "Decision Basis for Type Certification of the Pitts Aerobatics S-2S." Based on this review, the Director approved the amendment of Type Certificate A8SO for the Model S-2S. This amendment was dated May 29, 1981.

A copy of the "Decision Basis for Type Certification of the Pitts Aerobatics Model S-2S" is on file in the FAA Rules Docket. The bulk of the "Decision Basis" reviews the purpose, structure, conduct, and significant highlights of the certification program wherein the manufacturer demonstrated compliance with the certification basis for the Model S-2S. It provides a brief overview of the type inspection test results and a compliance checklist showing the means of compliance with each paragraph of the certification basis. Other appendices and attachments pertaining to the Model S-2S type certification program are also included in the document. The document is available for examination and copying at the Rules Docket, and may be obtained from the Office of the Regional Director, FAA Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010.

Issued in Aurora, Colorado, on July 14, 1981.

Arthur Varnado,

Director, Rocky Mountain Region.

[FR Doc. 81-21798 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-13-M

Skypower Model GBN-41-1000 Balloon Certification and Availability of Documents

The formal type certification process of the Skypower Model GBN-41-1000 balloon has been completed. Balloon Type Certificate No. B1RM has been issued for the Model GBN-41-1000.

The Director of the Federal Aviation Administration (FAA) Rocky Mountain Region has conducted a review of the issues involved in the Model GBN–41–1000 type certification program and the findings of the FAA certification team. He has also reviewed and discussed with his staff a document entitled "Decision Basis for Type Certification of the Skypower Model GBN–41–1000 Balloon." Based on this review, the Director approved the issue of Type Certificate B1RM for the Model GBN–41–1000 on April 6, 1981.

A copy of the "Decision Basis for Type Certification of the Skypower Model GBN–41–1000 Balloon" is on file in the FAA Rules Docket. The bulk of the "Decision Basis" reviews the purpose, structure, conduct, and significant highlights of the certification program wherein the manufacturer demonstrated compliance with the certification basis for the Model GBN–41–1000. It provides a brief overview of the type inspection test results and a compliance checklist showing the means of compliance with each paragraph of the certification basis. Other appendices and attachments pertaining to the Model GBN–41–1000 type certification program are also included in the document. The document is available for examination and copying at the Rules Docket, and may be obtained from the Office of the Regional Director, FAA Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010.

Issued in Aurora, Colorado, on July 14, 1981.

Arthur Varnado,

Director, Rocky Mountain Region.

[FR Doc. 81-21797 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Carthage, Smith County, Tenn.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Carthage, Smith County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. E. G. Oakley, Division Administrator, Federal Highway Administration, Federal Building, U.S. Courthouse, 801 Broadway, Suite A–926, Nashville, Tennessee 37203, telephone (615) 251–5394.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Tennessee Department of Transportation will prepare an environmental impact statement EIS on a proposal to construct the proposed Carthage Bypass in Smith County, Tennessee. The proposed improvement would involve the construction of a new four-lane bypass including a new bridge over the Cumberland River or an improvement generally along the existing locations of State Routes 24 and 25, also including a new bridge over the Cumberland River. The proposed improvement would extend from the junction of State Routes 24 and 53 south of Carthage to State Route 25 northwest of Carthage near Tanglewood Road. The proposed improvement would have a length of approximately 4.5 to 5.7 miles, depending on the alternative selected. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration include (1) taking no action; (2) using alternative travel modes; (3) postponement; (4) reduced facility design; (5) constructing a four-lane limited access roadway on new location; and (6) widening the existing routes.

Two public meetings have been held in Carthage in 1973 and 1978. Letters describing the proposed action and soliciting comments were sent to appropriate federal, state and local agencies in 1979. In addition, a corridor public hearing and a design public hearing will be held. Public notice will be given of the time and place of the public hearings. The draft EIS will be available for public and agency review and comment. These activities are providing input regarding the scope of the EIS.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and suggestions concerning the proposed action and the EIS should be directed to the FHWA at the address provided above.

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

Issued on: July 17, 1981.

Edward G. Oakley,

Division Administrator, Tennessee Division, Nashville, Tenn.

[FR Doc. 81-21690 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[Docket No. FRA 505–81–2]

Purchase of Trustee Certificates Receipt of Application

Project: Notice is hereby given that Richard B. Ogilvie, Trustee of the property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Applicant), having its principal business address at 516 West Jackson Boulevard, Chicago, Illinois 60606, has filed an application with the Federal Railroad Administration (FRA) under Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 825, seeking financial assistance through the sale to the United States of a trustee's certificate from Applicant in the principal amount of $5,718,410. Applicant proposes to redeem the principal amount of the certificate, and to pay interest thereon such that 150% of the principal amount will be redeemed with annual payments commencing in 1992 and continuing through 2011. Applicant further proposes that the trustee's certificate would be convertible into redeemable preference shares upon implementation of a reorganization plan.

The project to be financed consists of the rehabilitation of several segments totaling 69.8 track miles on Applicant's main line from Mile Post 88.0 to Mile Post 227.0 between Milwaukee, Wisconsin and Camp Douglas, Wisconsin.

The project consists of Element III and is broken down into 8 Sub-Elements, A through H, identified as follows:

A—Installation of 37,202 crossties in 57.8 track miles	$1,542,250
B—Installation of 171,026 yards of granite ballast in 69.8 track miles	1,823,565
C—Rehabilitation of 1,076 feet of existing crossings	183,895
D—Track rearrangement at Grand Avenue interlocking at Milwaukee	396,475
E—Installation of six turnouts in 6.82 track miles of welded rail	182,760
F—Installation of 6.82 track miles of new 132# continuous welded rail	1,163,385
G—Support staff for Element III	204,085
H—Contingencies for Element III	221,995
Total	5,718,410

Justification for Project: The Applicant states that upon completion of the project Amtrak on-time performance will be enhanced, and Applicant will be able to efficiently move and schedule trains. Applicant further states that this rehabilitation will reduce derailment, employee accidents and grade crossing accidents, as well as enhance the operating efficiencies and revenues of the Applicant.

Comments: Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, SW, Washington, D.C. 20590 not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the person supports or opposes the application and the reasons therefore.

To the extent permitted by law, the application will be made available for inspection during normal business hours in Room 5410 at the above address of the FRA in accordance with the regulations of the Office of the Secretary of Transportation set forth in Part 7 of Title 49 of the Code of Federal Regulations.

The comments will be considered by the FRA in evaluating the application. Any person who wishes to have FRA acknowledge the receipt of his or her comments should include a self-addressed, stamped post card with the comments. No other acknowledgement of comments will be provided.

The FRA has not approved or disapproved the application, nor has it passed upon the accuracy or adequacy of the information contained therein.

Comment closing date: August 26, 1981.

William E. Loftus,

Associate Administrator for Federal Assistance.

[FR Doc. 81-21690 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. 1P81-5; Notice 2]

Ford Motor Co.; Grant of Petition for Inconsequential Noncompliance

This notice grants the petition by Ford Motor Co., of Dearborn, Michigan to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381, *et seq.*) for a noncompliance with 49 CFR 571.101–80, Motor Vehicle Safety Standard No. 101–80, *Controls and Displays.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on March 2, 1981, and an opportunity afforded for comment (46 FR 14880).

Paragraph S5.2.1 and Table I of Standard No. 101–80 require that a hand-operated defroster and defogging system control, on any passenger car manufactured on or after September 1, 1980, be identified with the appropriate International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide the identifying word "Defrost". Use of an identifying word was mandatory before September 1, 1980, and no symbols were allowed.

Ford has produced over 5,000 of its Fiesta model since September 1, 1980, in which the defroster control is identified only by the word "Defrost", compliant with Standard No. 101, but noncompliant with Standard No. 101–80. As a matter of economics, the cost of rewording the control is estimated at $85,000. Ford argues that use of the previously acceptable wording creates no safety hazard as it is readily understandable by the public.

One comment was received on this petition in support of it.

The true issue is whether failure to supply the sumbol is inconsequential as it relates to motor vehicle safety. In this instance, because the manufacturer has supplied the optional wording, and that wording was the mode of compliance before September 1, 1980, the agency has determined that no safety hazard is present, and that the noncompliance is inconsequential as it relates to motor vehicle safety. The petition by Ford Motor Co. is hereby granted.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 21, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-21843 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP81-2; Notice 2]

Mercedes-Benz of North America, Inc.; Grant of Petition for Determination of Inconsequentiality

This notice grants the petition by Mercedes-Benz of North America, Inc., of Montvale, N.J., to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.110, Motor Vehicle Safety Standard No. 110, *Tire Selection and Rims for Passenger Cars,* on the basis that it is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on February 12, 1981, and an opportunity afforded for comment (46 FR 12182).

Approximately 500 1981 model Mercedes-Benz 380 SL Coupes may carry tire inflation placards (required by Standard No. 110) with an incorrect seating capacity. The placards indicate that the rear seating capacity is two persons when the correct capacity is three, that the occupant capacity is four when actually it is five.

Mercedes-Benz argued that the incorrect seating capacity noncompliance is inconsequential because it is obvious to anyone comparing the tire placard with the actual rear seating accommodations that the placard must be in error. Since the label carries the correct vehicle capacity weight and tire sizes, as well as the cold tire pressure front and rear, "there is no possibility of overloading or underinflating based on a fair reading of the label".

No comments were received on the petition.

The error by petitioner understates the actual capacity of a 380 SL Coupe for both the rear seat and total occupancy. But adequate tire pressure and vehicle load capacity are correct for five passengers. Further, since there is a sufficient number of seat belts to restrain five persons the error poses no increased risk of injury in a crash. Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 21, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-21842 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-59-M

[Docket NO. 1P81-8; Notice 2]

Toyota Motor Co., Ltd.; Grant of Petition for Inconsequential Noncompliance

This notice grants the petition by Toyota Motor Co., Ltd. of Secaucus, New Jersey, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381, *et seq.*) for a noncompliance with 49 CFR 571.101–80, Motor Vehicle Safety Standard No. 101–80, *Controls and Displays.* The basis of the petition is that the noncompliance was inconsequential as it related to motor vehicle safety.

Notice of the petition was published on April 19, 1981 (46 FR 21376), and an opportunity afforded for comment.

Paragraph S5.2.3 and Table 2 of Standard No. 101–80 require that certain internal displays on any passenger car manufactured on or after September 1, 1980, be identified with the appropriate International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide identifying words. Use of an identifying word was mandatory before September 1, 1980, and no symbols were required.

Toyota has produced over 6,200 of its Celica Supra models since September 1, 1980, in which the seat belt tell-tale and high beam tell-tale are identified only by words, compliant with Standard No. 101, but noncompliant with Standard No. 101–80. The noncompliance resulted from the inadvertent use of the display panel employed before September 1, 1980. Toyota argues that use of the previously acceptable wording creates no safety hazard as it is readily understandable by the public.

One comment was received on the petition, in support of it. The true issue is whether failure to supply the symbol is inconsequential as it relates to motor vehicle safety. In this instance because the manufacturer has supplied the optional wording, and that wording was the mode of compliance before September 1, 1980, the agency has determined that no safety hazard is presented and that the noncompliance herein described is inconsequential as it relates to motor vehicle safety. The petition is hereby granted.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 21, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–21844 Filed 7–24–81; 8:45 am]

BILLING CODE 4910–59–M

Sunshine Act Meetings

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Vol. 46, No. 143
Monday, July 27, 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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CIVIL AERONAUTICS BOARD.

[M-323 Amdt 2, July 21, 1981]

Notice of Addition and deletion of items for the July 23, 1981 Board Meeting

TIME AND DATE: 9:30 a.m., July 23, 1981.

PLACE: Room 1027 (Open) Room 1012 (Closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

Deletion: 9. Docket 37470, *Alaska International Air, Inc. Acquisition of Control of Great Northern Airlines, Inc.*, Petition of Great Northern Pilots for Exercise of Jurisdiction. (BDA, OGC, BCCP)

SUBJECT:

Deletion: 10. Docket 38108—Exemption of small aircraft operators from oversales rule. (OGC, BDA)

Addition: 10a. Dockets 38955 and 38330, Global International Airways Corporation Fitness Investigation, United States-Jordan Show Cause Proceeding—Final Order and Opinion (OGC)

STATUS: 1-13 (Open) 14-16 (Closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1137-81 Filed 7-23-81; 3:11 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD.

[M-323 Amdt. 4, July 22, 1981]

Notice of Addition of Item to the July 23, 1981 Board Meeting

TIME AND DATE: 9:30 a.m., July 23, 1981.

PLACE: Room 1027 (Open) Room 1012 (Closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 5a. Dockets 39671 and 36864—Aspen Airways' request to reduce service in the West Yellowstone-Salt Lake City market and for modification of their subsidy rate. (BDA)

STATUS: 1-13 (Open) 14-16 (Closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1136-81 Filed 7-23-81; 3:10 pm]

BILLING CODE 6320-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 1:00 p.m. on Wednesday, July 22, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met by telephone conference call to consider certain matters which it determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director Charles E. Lord (Acting Comptroller of the Currency), required its consideration on less than seven days' notice to the public.

The Board met in open session to consider a recommendation of the Legal Division regarding the liquidation of assets acquired by the Corporation from Livingston State Bank, Livingston, New Jersey.

The Board than met in closed session to consider the following matters:

A recommendation of the Division of Bank Supervision regarding Bank of the Commonwealth, Detroit, Michigan.

A recommendation of the Legal Division regarding the liquidation of assets acquired by the Corporation from State Bank of Clearing, Chicago, Illinois.

A recommendation of the Legal Division regarding the liquidation of assets acquired by the Corporation from Franklin National Bank, New York, New York.

In considering the matters in closed session, the Board determined, by the same majority vote, that the public interest did not require consideration of the matters in a meeting open to public observation and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The Board further determined, by the same majority vote, that no earlier notice of the meeting was practicable.

Dated: July 22, 1981.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S-1135-81 Filed 7-23-81; 12:12 pm]

BILLING CODE 6714-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 37433, July 20, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., July 22, 1981.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CP-11. CP80-17-000, CP80-17-001 and CP80-17-002, Trans-Anadarko Pipeline System.

Kenneth F. Plumb,

Secretary.

[S. 1134-81 Filed 7-23-81; 8:43 am]

BILLING CODE 6450-85-M

5

NUCLEAR REGULATORY COMMISSION

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Week of July 27, 1981 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Monday, July 27

2:00 p.m.

Budget Session (Markup) (Closed—Ex. 2, 6, 9) (As Announced)

Tuesday, July 28

10:00 a.m.

Budget Session (Markup) (Closed—Ex. 2, 6, 9) (Tent.) (As Announced)

Wednesday, July 29

3:15 p.m.

Affirmation/Discussion Session (Public Meeting)

Items to be affirmed and/or discussed:

a. Petition for Review of ALAB-642—In the Matter of South Carolina Electric and Gas Co., et al.

ADDITIONAL INFORMATION:

The Budget Session (Markup), closed session, scheduled for July 23 was not held.

At 10:00 a.m. on July 23, the Budget Session was continued from July 22 and held as an open meeting.

By a vote of 4–0 on July 22, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107a of the Commission's Rules that Commission business required that the affirmations of Selection of Hearing Panel for Susquehanna Part 70 Proceeding, Diablo Canyon Order, and Disposition of Request of Shoreham Opponents Coalition to Institute a Hearing on the Application of Long Island Lighting Company for an Extension of Its Construction Permit, held that day, be held on less than one week's notice to the public. Affirmation of Physical Security Requirements for Nonpower Reactor Licensees Possessing a Formula Quantity of SSNM, scheduled for July 22, was cancelled.

Automatic telephone answering service for schedule update: (202) 634–1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S–1138–81 Filed 7–23–81; 8:45 am]

BILLING CODE 7590–01–M

federal register

Monday
July 27, 1981

Part II

Department of Transportation

Federal Aviation Administration

Hang Gliders and Other Ultralight Vehicles; Proposed Operating Requirements

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91 and 101

[Docket No. 21631; Notice No. 81-6]

Hang Gliders and Other Ultralight Vehicles; Proposed Operating Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish rules governing the operation of hang gliders and other ultralight vehicles in the United States. The proposal would apply the new rules to single occupant, lightweight designs that are less than 155 pounds, with a fuel capacity of 15 pounds or less, and which have no U.S. or foreign airworthiness certificate. The proposed rules would govern the operations of ultralight vehicles, including specification of daylight operations and those areas that would require prior authorization of air traffic control (ATC). The rules for ultralight vehicles are needed to achieve an acceptable level of air safety by reducing potential conflict with other airspace users and to provide protection to persons and property on the ground. Under the proposal, ultralight vehicles which weigh 155 pounds or more, have a fuel capacity of more than 15 pounds, or have a U.S. or foreign airworthiness certificate are subject to existing regulations, including the certification and operating requirements for aircraft and operators.

The regulatory objectives of the proposed rule are consistent with, and achieve the purposes of, Executive Order 12291 issued February 17, 1981 (46 FR 13193; February 19, 1981), and have been chosen to maximize the net benefits to society at the least possible cost.

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

ADDRESS: Send comments on this proposal in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21631, 800 Independence Avenue SW., Washington, D.C. 20591;

OR deliver comments in duplicate to:

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

Comments may be examined in the Rules Docket on weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Ken Peppard, Air Traffic Rules Branch (AAT-220), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 426-3128;

or

Arthur C. Jones, Operations Branch (AFO-820), General Aviation and Commercial Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 426-8196.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. In addition, the FAA is particularly interested in comments pertaining to the proposed weight and fuel capacity limitations for ultralight vehicles, since those limitations will determine whether or not the vehicle must be certificated as an aircraft. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address indicated above. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21631." The postcard will be date/time stamped and returned to the commenter. All communications received by the FAA before the date specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

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

Synopsis of Proposal

This notice proposes to establish operating requirements and limitations applicable to all "ultralight vehicles." The proposed definition of "ultralight vehicle" includes those vehicles used or intended to be used for manned flight by a single occupant, that weigh less than 155 pounds (dry, empty weight), with a fuel capacity of 15 pounds or less, and which have no U.S. or foreign airworthiness certificate. Ultralight vehicles not conforming to those criteria, and their operators, will be subject to applicable certification and operating requirements for aircraft and operators under existing regulations. The rule, as proposed, identifies the specific airspace areas in which ATC authorization will be required prior to operating "ultralight vehicles" in that airspace. Those areas include prohibited and restricted areas, control zones, airport traffic areas, terminal control areas, and positive control areas. Additionally, the operation of ultralight vehicles would be prohibited over any congested area of a city, town, or settlement, and over any open air assembly of persons.

Also proposed are rules governing operations near aircraft and other ultralight vehicles, including requirements for the operator to maintain vigilance necessary to see and avoid both aircraft and ultralight vehicles. To ensure safety of flight operations, this notice proposes right-of-way rules, rules governing the dropping of objects, and rules which prohibit operating ultralight vehicles in a manner that creates a potential hazard of collision.

Other proposals involve requirements concerning flight visibility and distance from clouds, visual reference to the surface, and authorization for daylight operation only. To determine compliance with the rules, a section of the rule indicates that any ultralight vehicle may be inspected by the FAA, including inspections at the launch or recovery site.

This proposal represents a minimal and limited regulatory approach which would impose the least burden on the user. It borrows from a number of self-

policing programs already established by hang glider and other ultralight vehicle clubs and associations but for which an adequate level of voluntary compliance has not been achieved. The proposal seeks to implement only those requirements considered necessary to maintain flight safety for all airspace users. Under the provisions of Executive Order 12291, its implementation would not have a major economic effect on consumers, industries, Federal, State, and local government agencies, or geographic regions.

Although the FAA intends to continue monitoring ultralight vehicle activities to determine whether additional regulatory action is needed, it is hoped that the proposals contained in this notice will be adequate to ensure enhanced safety of flight operations. The FAA, however, will not hesitate to consider imposing additional requirements on ultralight operations if it is determined that the problems of safety and efficient use of the navigable airspace are not adequately resolved.

Background

During the late 1960s and early 1970s, a renewed interest in sport flying occurred throughout the country. This interest, sparked by the advent of high strength, lightweight space age materials, allowed the development of a variety of lightweight sport flying vehicles, including powered designs of fixed and rotary wing configurations. In particular, the almost forgotten art of powerless flight called "hang gliding" or "sky sailing" developed a considerably large following of enthusiasts with manufacturer associations and operator clubs forming across the country.

In January 1974, a team of FAA personnel began gathering information on hang glider activities, including data on design, construction, and flight operations. The team's goal was to assemble available data and develop a recommended policy position encompassing the broad range of hang gliders, and to determine what degree of regulation, if any, was necessary. The FAA team met with individuals, operator clubs, and representatives of a newly formed manufacturer association. As a result, the FAA determined that the formal regulation of hang gliders and hang glider operations was not needed at that time. Instead, the FAA continued to work with hang glider operators, associations, and manufacturers to promote safety and self-policing within the sport. The FAA has continued to monitor the growth of the sport and development of various hang gliding devices.

Advisory Circular No. 60-10, entitled "Recommended Safety Parameters for Operation of Hang Gliders," was published on May 16, 1974. The Advisory Circular defines "hang glider" as "an unpowered, single place vehicle whose launch and landing capability depends on the legs of the occupant and whose ability to remain in flight is generated by natural air currents only." The hang glider operators are advised to become familiar with the relevant portions of Part 101 and §§ 91.17 and 91.18 of the Federal Aviation Regulations concerning towing operations. In addition, the Advisory Circular contains safety suggestions for the manufacture and operation of hang gliders.

In the Advisory Circular, operators are urged to limit their altitude to 500 feet above ground level; to be alert for aircraft; to avoid controlled airspace and especially airport traffic areas; to avoid flying within 100 feet horizontally of, or at any altitude over, buildings, populated places, or assemblages of persons; to remain clear of clouds; and to discuss any questions on operations with the nearest FAA district office.

Also, the FAA recommended to manufacturers that they develop criteria for materials and construction techniques; implement quality control procedures; establish training programs for hang glider operators; and provide adequate instructions in "do-it-yourself" kits to ensure use of proper materials and construction techniques. The Advisory Circular recommends to operators that they wear protective clothing; coordinate with local government and landowners on recognized flying sites; establish safety programs and distribute related material to clubs, associations, and individual operators; and work closely with the FAA.

In an effort to monitor more closely the growth of hang gliding, the FAA, in March of 1975, amended the General Aviation Operations Inspectors Handbook (FAA Order 8440.5A) to provide a chapter on hang gliding, which included procedures for reporting incidents or accidents involving hang gliders. In addition to gathering information on activities within the United States, the FAA followed developments abroad, including proposed policies and regulations in other countries. The problem areas associated with hang glider operations in other countries have been found to be similar to those experienced in the United States. Canada, Australia, New Zealand, South Africa, and New Guinea already have either proposed or adopted rules regulating hang gliders (ultralight vehicles).

Need For Regulation

As the sport of hang gliding developed, designers, assemblers, and operators improved designs and added powerplants to some of their hang gliders. Those advances have moved well beyond the state of the art contemplated by the Advisory Circular. At the time Advisory Circular No. 60-10 was published, the FAA had intended to treat powered hang gliders as aircraft, subject to aircraft certification and registration, and to require operators to obtain pilot certificates. However, as time passed, hang gliding became a sport activity and the FAA sensitive to the needs of the sport, decided to review the need for such stringent measures.

In addition to the use of powerplants to increase speed, altitude, and distance capabilities, hang glider operators began to use landing gear and moveable control surfaces, and started to operate two-place or passenger-carrying hang gliders. They have been operated into regulated airspace, such as airport traffic areas, terminal control areas, control zones, positive control areas, prohibited and restricted areas and Federal airways. Many operations have also taken place over congested areas, over spectators, and into adverse weather conditions reserved for operators qualified for instrument flight (IFR conditions). As a result of these new developments, many hang gliding vehicles and their operations no longer fall within the scope of Advisory Circular 60-10. Further, by adding powerplants and controllable aerodynamic surfaces, the designers and manufacturers have developed designs closely resembling the operational capabilities of fixed-wing and rotary-wing aircraft for which current regulations apply. These design concepts were not envisioned or intended to be eligible to operate within the scope of the Advisory Circular. Moreover, some operators are exceeding the suggested safety limitations of the Advisory Circular, particularly with respect to operations at altitudes and in controlled airspace and airport traffic areas where they can more readily create a conflict with, or hazard to, the flight of certificated aircraft.

The growing popularity of the hang gliding sport, coupled with the advancing technology and increased capability of hang gliding vehicles, permits an increasing number of flights at altitudes and in areas previously utilized only by certificated aircraft and operators. As interest has increased, the

number of hang gliders operating in the United States has also grown and the potential for midair collisions becomes more likely. The specific operational and airspace requirements for hang gliding and other ultralight vehicle activity are necessary to minimize the likelihood of conflicts and to enhance the safety of flight in the United States for all airspace users. This proposed rule does not deal with the airworthiness of the ultralight vehicle. The FAA is proposing a rule that requires, among other things, ATC authorization for operations that take place within certain controlled airspace and airport traffic areas.

To illustrate the potential for hazardous situations that can arise, the FAA has recorded data detailing numerous instances of hang gliders in controlled airspace causing near-miss situations with aircraft. The following examples highlight the problem:

(1) On April 11, 1981, a Western Airlines 727 captain reported a near-miss with an ultralight vehicle in the vicinity of Phoenix Sky Harbor Airport.

(2) On March 24, 1981, an MU–2 flew between two ultralights operating off the end of the runway at Winter Haven, Florida. Both ultralights were equipped with floats and were operating at night without lights.

(3) A NASA Alert Bulletin (AB–79–86) described an air carrier flight on downwind for landing at Raleigh-Durham, North Carolina, which flew between two hang gliders without time for evasive action.

In order to prevent similar events from continuing to occur (perhaps with tragic results), it is essential that regulatory action be taken. Allowing hang gliders to operate without regulatory restrictions is not consistent with the responsibility of ensuring the safety of air carrier and other aircraft. It is for this reason that these operating rules are proposed. If adopted, the regulation will act to deter flights with hang gliders that would present a serious danger to aircraft operating in their vicinity. Additionally, it would give the FAA a regulatory basis for enforcement action, if necessary.

Notwithstanding the potential for creating unsafe situations, the FAA recognizes the sport activity qualities of the ultralight vehicles and desires to keep those vehicles and their flight activities free from the airworthiness and pilot certification requirements when operated under appropriate operating rules, such as those proposed.

Historically, the need to have a regulating influence over the use of airspace in the vicinity of active airports and in controlled airspace has already been well documented. Air traffic control towers with their associated services have been established at many of those airports along with specifically designated airspace in which control of air traffic is exercised. Airport traffic areas are part of that airspace, and are generally defined as airspace within a horizontal radius of 5 statute miles from the geographical center of an airport at which a control tower is operating; they extend from the surface up to, but not including, an altitude of 3,000 feet above the elevation of the airport.

The controlled airspace identified for regulation under this proposal includes areas in which some or all aircraft are subject to air traffic control, such as control zones, terminal control areas, and positive control areas. General description of those airspace areas are provided under the following discussion of the proposed rules and their definitions can be found in the Federal Aviation Regulations, on aeronautical charts, in the Airman's Information Manual, and other pertinent materials. Operators of ultralight vehicles, like pilots of certificated aircraft, must become familiar with those rules and materials in order to comply with the proposed rules and to ensure safe operations.

Discussion of the Proposed Rule

The primary objectives of this proposed rulemaking action are to define the sport-type, ultralight vehicle and to establish safety related operating requirements for them. The purpose of the rules is to provide maximum safety for all users while imposing the least amount of regulatory control consistent with maintaining flight safety. These objectives are consistent with, and achieve the purposes of, Executive Order 12291, issued February 17, 1981.

Necessarily, those vehicles to which the existing rules have not been applied and that do not fall under the proposed definition of "ultralight vehicles" would be, or become, subject to the existing regulations. That is, some would be "aircraft," classified as airplanes, gliders, or rotorcraft and would be treated accordingly. This notice, therefore, also proposes that result, even though specific rule changes may not be necessary to achieve it.

The FAA specifically invites comments on a number of issues contained in the proposal. We also solicit information on the experiences of ultralight vehicle operators as they relate to the specific features of the proposed rules. Detailed comments are particularly requested on the proposed definition of an ultralight vehicle.

General

The necessary amendment would be made to part 91 to exclude from the requirements of that part those ultralight vehicles that are operated under the proposed amendments to Part 101. However, other powered or unpowered vehicles not defined in the proposed rules as "ultralight vehicles" (because of their weight, fuel capacity, occupancy capability, or having an airworthiness certificate) are not excluded. Thus, unless the vehicle falls under the proposed definition of "ultralight vehicle," that vehicle is, or will become, subject to the certification and operating requirements specified under Parts 21, 45, 47, 61, and 91 of the Federal Aviation Regulations.

Definition

The title of Part 101 would be amended to include "ultralight vehicles" and a new paragraph (a)(3) would be added to Part 101.1 to prescribe the definition of the term "ultralight vehicle" as used in that part and Part 91. Hang glider manufacturers, operators, and associations in the United States have adopted terms such as "ultralight," "microlight," and other similar terms to describe hang gliders and powered hang gliders. The FAA proposes to adopt, with appropriate definition, the term "ultralight vehicle" as the generic regulatory term, embracing all varieties of hang gliders and powered hang gliders of current and future design. The proposed definition of "ultralight vehicle" encompasses those vehicles used or intended to be used for manned flight by a single occupant, that weigh less than 155 pounds (dry, empty weight), with a fuel capacity of 15 pounds or less, and which have no U.S. or foreign airworthiness certificate.

In defining an ultralight vehicle, the FAA seeks to achieve a realistic criteria that can be easily understood and determined by even the least experienced individual involved in the activity. In the past, the primary criteria for classifying an unpowered hang glider was the vehicle's capability of being foot-launched and landed. As innovation and design advanced, this criteria has become more and more difficult to determine and apply, especially with the introduction of complex and powered vehicles. Thus, it has been rejected as the basis for classifying ultralight vehicles under this proposal.

The factors considered regarding the definition of an "ultralight vehicle," include the total weight, engines, horsepower, and wing loading, or a

combination of them with weight. The common element in each factor is the weight of the vehicle. Limiting the weight will have much the same effect as regulating the other factors but without the complexities. Therefore, the FAA proposes to use "weight" as one criteria for defining an ultralight vehicle. Use of weight as a limiting factor will not unduly inhibit innovative and reasonable design developments; however, it does not meet the need for being simple, easily understood, and readily determined.

The FAA proposes to use an empty weight which includes the frame, sailcloth, all fixtures and attachments, and if appropriate, the powerplant. The empty weight would not include the operator, liquids and fuel, harnesses, or a parachute recovery device. An empty weight of less than 155 U.S. pounds has been specified for ultralight vehicles operating exclusively under Part 101, as proposed. That weight is a close equivalent to the 70 kilograms used by other countries and allows for greater commonality in application and marketing without permitting too large a vehicle to be operated under the rule. Further, the empty weight criteria imposes the least amount of restriction on current ultralight designs. The FAA is not aware of any unpowered ultralight vehicle (hang glider) that would not be governed by the rule solely because it exceeds that weight. Further, a large majority of powered ultralights currently being operated are below the proposed 155 pounds empty weight limit.

The FAA is concerned that current or future developments could create a hazardous situation if a reasonable fuel capacity limitation is not specified. The FAA is considering a maximum fuel limit of 15 pounds (approximately 2.5 U.S. gallons of gasoline). That maximum capacity would have the practical effect of limiting both the range the vehicle can operate under power and the hazard of fire posed by the ultralight vehicle. Those vehicles are being treated as sport vehicles under the proposal, and their operators, are not required to be certificated nor must their operators demonstrate a pilot's knowledge of navigational technique or weather; thus, extended range and endurance capability should be reasonably limited. Neither should the vehicles be permitted to present an undue hazard of fire to the operator or to other persons and their property.

The FAA's objective is to provide safety for the public as well as safety in aviation. In that light, careful consideration has been given to "ultralight vehicles" carrying persons or cargo. While the restriction may be opposed for those individuals and organizations currently offering passenger or cargo services or dual airborne instruction in the use of ultralights, the carriage of persons or property and the operation of commercial activities would be prohibited. It is essential that persons who conduct operations beyond those involving the sport activities, have the demonstrated airman knowledge and skill prescribed in Part 61 for certification.

A final qualitative factor would be added to the definition in § 101.1(a)(3) to provide that the proposed rule would cover only those vehicles that do not have an airworthiness certificate. Operators may, at their option, apply for airworthiness certification even though the ultralight vehicle otherwise qualifies under the Part 101 definition. Those individuals would, as a result of that option, be required to follow the certification process prescribed under Part 21, the pilot certification requirements under Part 61, the operating rules under Part 91 and other applicable rules of the Federal Aviation Regulations. The FAA recognizes that circumstances, such as competition in air shows, may arise which make it desirable for those certificated aircraft to be operated for limited purposes under the "ultralight vehicle" rules of Part 101. If found appropriate, such an operation could be conducted under the terms and conditions of a certificate of waiver issued by the Administrator on a case-by-case basis under §§ 91.63 and 101.3. The waiver would permit deviation from the otherwise applicable provisions of the certification or general operating rules for aircraft and operators.

The vast majority of hang gliders and ultralight vehicles now operating would fall within the proposed limitations and, thus, would be exempted from the certification requirements of the regulations. The range, altitude capability, and passenger capacity of some ultralight-type vehicles now on the market, however, make them indistinguishable from aircraft. Those ultralight vehicles which do not meet the proposed weight, passenger-carrying, and fuel capacity limitations would necessarily be subject to the certification requirements for aircraft under FAR Parts 23 and 27. Those "vehicles" would be treated in the same manner as other aircraft with similar characteristics. It must be noted that many of those aircraft could utilize the experimental certification provisions contained in FAR Section 21.191 which would reduce their regulatory requirements.

Flight Operations

To provide for the safety of aircraft operating within a restricted area and provide for the security of those areas designated as prohibited areas, the proposed rule includes ultralight vehicles under the provisions § 101.5: "Operations in prohibited or restricted areas." That would prohibit the unauthorized flight of ultralight vehicles in those areas. Prohibited areas are designated for reasons generally associated with national security. Restricted areas are designated, where necessary, to confine or segregate activities considered to be hazardous to nonparticipating aircraft.

In all aspects of aviation, the flight rules prohibit operating aircraft in a manner which would create a hazard to other persons or their property. Similarly, the dropping of any object from an aircraft is prohibited unless it can be accomplished in a manner that does not create a hazard to persons or property. The purpose of those restrictions is to provide for the safety of persons and their property on the ground or in the air. Ultralight vehicle operators should be treated in the same manner and comply with current § 101.7: "Hazardous operations." Therefore, the FAA proposes to extend the applicability of § 101.7 to all ultralight vehicles governed by Part 101.

A new Subpart E to Part 101, entitled "Ultralight Vehicles," would contain specific rules governing the applicability (§ 101.41) and other specific operational requirements for ultralight vehicles under Part 101.

In keeping with similar operating requirements for aircraft designs that possess experimental or special airworthiness certificates, under proposed § 101.43 ultralight vehicles would be authorized to operate only between the hours of official sunrise to sunset. The operating period under the provisions of this proposed rule is described in this manner because (1) it is easily understood and can be directly observed by the operator and (2) the times of sunrise and sunset are widely reported occurances which do not require special knowledge or published tables.

Proposed § 101.45 identifies those airspace areas in which a person would be required to receive air traffic control authorization to operate any ultralight vehicle. The airspace areas identified in the proposal (except for airport traffic areas) are already designated "controlled airspace" and are depicted

on aeronautical charts. Thus, all the airspace specified under the proposal are areas in which some or all aircraft are subject to air traffic control. Unauthorized operations of ultralight vehicles in those areas would conflict with the authorized uses of that airspace and could create unsafe conditions or inefficient use of that airspace for all airspace users.

Specifically, control zones are controlled airspace which extends upward from the surface of the earth and terminates at the base of the continental control area (generally 14,500 feet MSL; however, control zones that do not underlie the continental control area have no upper limit). Control zones are normally circular areas within a 5-statute-mile radius of an airport (although some are larger or smaller) with any rectangular extensions at various distances from runways necessary to include the airspace needed for the flight paths of instrument approaches and departures.

Terminal control areas (TCAs) are controlled airspace with designated shapes extending upward from the surface and from tiers at higher altitudes, to specified upper altitudes. All aircraft within a TCA are subject to the pilot, operating, and equipment requirements of § 91.90 of Part 91 of the Federal Aviation Regulations. A TCA includes at least one primary, high traffic activity airport where the TCA is located.

As previously discussed, airport traffic areas are that airspace within a horizontal radius of 5 statute miles from the geographical center of any airport having an operating control tower; they extend from the surface up to, but not including, an altitude of 3,000 feet above the elevation of the airport.

Finally, the other areas in which prior air traffic control authorization would be required to operate an ultralight vehicle are positive control areas (PCA). Aircraft are under positive control by air traffic control in this higher altitude airspace where flight is conducted only by qualified pilots and normally under instrument flight rules (IFR). PCA is designated throughout most of the conterminous United States at altitudes that pilots and air traffic control would not expect to find or readily see and avoid ultralight vehicles. The presence of airborne vehicles must be known for air traffic control to meet its responsibilities in that positively controlled environment. Those PCA altitudes include that airspace from 18,000 feet MSL to and including 60,000 feet MSL. In Alaska, where the surface reaches above 18,000 feet MSL, the PCA does not include the airspace less than 1,500 feet above the surface, nor west of longitude 160°00'00"W.

Proposed § 101.47 prohibits operations of ultralight vehicles over congested areas and any open air assembly of persons to protect persons and property on the ground. Currently, aircraft having an experimental airworthiness certificate may not be flown over a densely populated area because, like ultralight vehicles, their designs are unproven. Aircraft of that nature vary from highly complex, newly designed aircraft to proven designs that have received various degrees of modification. Similarly, the FAA proposes to limit the operation of (uncertificated) ultralight vehicles over any congested area of a city, town, or settlement. The operation of an ultralight vehicle (which does not otherwise create a hazard) within the confines of open areas within a congested area, such as an unoccupied, open field, would not generally be considered an operation over a "congested area." To further clarify one aspect of "congested area," this notice proposes to expressly prohibit the operation of ultralight vehicles from operating over any open air assembly of persons. However, persons directly associated with the ultralight operations (such as ground crews, and operators and crew members of other vehicles), would not be considered an assemblage of persons under this proposal. Spectators not directly associated with the operation would be considered as an assemblage of persons and precautions should be taken by ultralight operators to ensure operating well clear of them at all times.

The purpose of the Federal Aviation Regulations is, in part, to provide for the prevention of collision between aircraft. The proposed § 101.49 employs the "see and avoid" concept as the basis for right of way rules for ultralight vehicle operations. Persons operating ultralight vehicles under the proposed provisions of Part 101 would be required to "see and avoid" by taking appropriate action to remain clear of, and yield the right of way to, all aircraft and other ultralight vehicles. The right of way rules would apply to all operations regardless of whether they are over water or land. Ultralight vehicles having a U.S. or foreign airworthiness certificate would continue to comply with, among other rules, the Part 91 right of way rules for the aircraft category under which the vehicle is certificated; e.g., glider, airplane, etc.

Minimum Flight Requirements

Further, to reduce the potential for collisions and to ensure the safe operation of ultralight vehicles, the FAA proposes in § 101.51 to require ultralight vehicle operators to maintain visual reference with the surface. Those requirements would preclude all operations "over the top" of any layer of clouds or other obscuring weather phenomena. It would ensure that the operator of an ultralight vehicle has the opportunity to safely descend and return to the surface without entering the obscuring conditions or experiencing the hazards of spatial disorientation associated with the loss of visual orientation.

An important operational safety consideration for the operators of ultralight vehicles, as well as aircraft, is to see and avoid other aircraft, obstructions, and airborne objects. Therefore, proposed in § 101.53 are flight visibility and clearance from cloud requirements. These provisions are similar to those for other users of the airspace and require operators to distinguish between operations in "controlled" airspace and "uncontrolled" airspace. Operators of ultralight vehicles would be required to be able to identify which airspace is "controlled" and which is "uncontrolled." As with certificated aircraft, ultralight vehicles may not be operated in uncontrolled airspace, with a flight visibility of less than one statute mile. In other cases, flight visibility of three or five miles is required. For easier identification of the visibility and cloud clearance requirements, a table format is utilized to prescribe those parameters. Since visibility and clearance from clouds are important safety factors for all users of the airspace within the United States, the FAA specifically solicits comments concerning the experience of ultralight vehicle operators during times of reduced visibility, including darkness or inadvertent flight into or near clouds. All controlled airspace included within this rule is currently depicted in published aeronautical charts. Interested persons need only contact the nearest FAA facility for information on the location and extent of controlled airspace in their area.

Inspection Requirements

Proposed § 101.55 expressly informs all operators of ultralight vehicles that the Administrator or the Administrator's designated representative, has the authority to inspect any ultralight vehicle to determine compliance with the proposed rules, including inspection of the vehicle in operation, at the launch or the recovery site.

The Proposed Amendments

Accordingly, the Federal Aviation Administration proposes to amend Parts 91 and 101 of the Federal Aviation Regulation (14 CFR Parts 91 and 101) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.1 [Amended]

1. By amending § 91.1(a) to add "ultralight vehicles" to the exception clause in the applicability provision by removing the words within the parentheses and substituting for them the words "other than moored ballons, kites, ultralight vehicles, unmanned rockets, and unmanned free ballons governed under Part 101 of this chapter."

PART 101—MOORED BALLOONS, KITES, ULTRALIGHT VEHICLES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS

2. By revising the title of Part 101 to read—"Part 10-Moored Ballons, Kites, Ultralight Vehicles, Unmarned Rockets, and Unmanned Free Balloons."

3. By amending § 101.1 as follows:

a. By redesignating paragraphs (a)(3) and (a)(4) as paragraphs (a)(4) and (a)(5), respectively, and by adding a new paragraph (a)(3) to read as follows:

§ 101.1 Applicability.

(a) This part prescribes rules governing the operation in the United States of the following:

* * * * *

(3) Except as provided for in § 101.7, any ultralight vehicles, which for the purposes of this part, means any powered or unpowered vehicle that—

(i) Is used or intended to be used for manned flight in the air by a single occupant;

(ii) Weighs less than 155 pounds dry, empty weight;

(iii) Has a fuel capacity not exceeding 15 pounds; and

(iv) Does not have any U.S. or foreign airworthiness certificate.

* * * * *

§§ 101.5 and 101.7 [Amended]

4. By amending § 101.5 and paragraphs (a) and (b) of § 101.7, in each case, after the comma following the word "kite" by adding the words "ultralight vehicle" followed by a comma.

5. By adding a new Subpart E to read as follows:

Subpart E—Ultralight Vehicles

Sec.

§101.41 Applicability.

This subpart applies to the operation of the ultralight vehicles (as defined under § 101.1(a)(3)) in the United States.

§ 101.43 Daylight operations.

No person may operate an ultralight vehicle except between the hours of sunrise and sunset.

§ 101.45 Operations in certain airspace.

In addition to the requirements under §§ 101.5 and 101.7 of this part, no person may operate an ultralight vehicle within an airport traffic area, control zone, terminal control area, or positive control area unless that person has appropriate prior authorization from the air traffic control facility having jurisdiction over that airspace.

§ 101.47 Operations over congested areas.

No person may operate an ultralight vehicle over any congested area of a city, town, or settlement, or over any open air assembly of persons.

§ 101.49 Operations near aircraft and other ultralight vehicles; right of way rules.

(a) Each person operating an ultralight vehicle shall maintain vigilance so as to see and avoid aircraft and other ultralight vehicles and shall yield the right of way to all aircraft.

(b) No person may operate an ultralight vehicle in a manner that creates a potential collision hazard with any aircraft or other ultralight vehicles.

§ 101.51 Visual reference to the surface.

No person may operate an ultralight vehicle except by visual reference with the surface sufficient for the safe operation of that ultralight vehicle.

§ 101.53 Flight visibility and cloud clearance requirements.

No person may operate an ultralight vehicle when the flight visibility or distance from clouds is less than that in the following table, as appropriate:

Flight altitudes	Minimum flight visibility	Minimum distance from clouds
(a) 1,200 feet or less above the surface regardless of MSL altitude:		
(1) Within controlled airspace	3 statute miles	500 feet below; 1,000 feet above; 2,000 feet—horizontal.
(2) Outside controlled airspace	1 statute mile	Clear of clouds.
(b) More than 1,200 feet above the surface but less than 10,000 feet MSL:		
(1) Within controlled airspace	3 statute miles	500 feet below; 1,000 feet above; 2,000 feet—horizontal.
(2) Outside controlled airspace	1 statute mile	500 feet below; 1,000 feet above; 2,000 feet—horizontal.
(c) More than 1,200 feet above the surface and at or above 10,000 feet MSL:	5 statute miles	1,000 feet below; 1,000 feet above; 1 statute mile—horizontal.

§ 101.55 Inspection requirements.

Each person operating an ultralight vehicle under this part shall, upon request, make the vehicle available to the Administrator, or the Administrator's designee, for inspection (including inspection of the vehicle in operation at the launch and recovery site) to determine compliance with the requirements of this part.

(Secs. 307, 313(a), 601(a), 602, and 603, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421(a), 1422, and 1423; Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.45)

Note.—The FAA has determined that this document involves a proposed regulation which is not a major rule under Executive Order 12291, nor a significant rule pursuant to the Department of Transportation Regulatory Policies and procedures (44 FR 11034; February 26, 1979). Under the provisions of Executive Order 12291, its implementation would not have a major economic effect on consumers, industries, Federal, State, and local government agencies, or geographic regions. There would be no significant effects on competition, employment, investment, productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets. The total projected costs of this rule may be found in a copy of the draft regulatory evaluation

contained in the public docket. A copy of that evaluation may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities. Because many of the costs related to implementation of this proposed rule are voluntary, most small entities will not be affected by the proposed rule. Businesses which are required to meet additional standards should find the cost of compliance is minimal.

Issued in Washington, DC, on May 1, 1981.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 81-21709 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-13-M

federal register

Monday
July 27, 1981

Part III

Department of Transportation

Federal Aviation Administration

Use of Alcohol or Drugs

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61, 63, 65, and 91

[Docket No. 21956; Notice No. 81.9]

Crewmembers; Use of Alcohol or Drugs

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes rules applicable to operation of aircraft by crewmembers with alcohol or drugs in the blood. The proposed amendments are needed to facilitate the enforcement of the present alcohol and drug regulations. They are intended to reduce aircraft accidents and incidents attributed to consumption of alcoholic beverages and the use of drugs.

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

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21956, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 21956. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Marilyn Sidwell, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of this proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice numbers and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-204, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before November 25, 1981, will be considered by the Administrator before taking action on the proposed rule. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 21956." The postcard will be date/time stamped and returned to the commenter. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

Discussion of the Proposed Rule

A. Background

The present rules relating to use of drugs and consumption of alcoholic beverages in connection with aircraft operations are set out in § 91.11(a) of the Federal Aviation Regulations (14 CFR 91.11(a)). That section provides that no person may act as a crewmember of a civil aircraft (1) within 8 hours after the consumption of any alcoholic beverage, (2) while under the influence of alcohol, or (3) while using any drug that affects the faculties in any way contrary to safety. "Crewmember" is defined to include any pilot, flight engineer, flight navigator, flight attendant, or other person assigned to perform duty in an aircraft during flight.

The FAA has reviewed these rules in the light of Executive Order 12291. As noted in this preamble, there is clearly a need to strengthen their enforceability, and, at the same time, relieve any unfair burden they may impose.

The FAA is concerned about the serious hazard to safe aircraft operations resulting from the impairment of a pilot's faculties due to alcohol. For a number of years it has expended a substantial amount of time and funds trying to educate the flying public to this danger. As part of this effort, the agency has worked closely with groups such as the Aircraft Owners and Pilots Association and the Airline Pilots Association in educational programs. Although these programs have been beneficial the problem still remains. There continue to be a significant number of accidents each year in which alcohol is a cause or a factor. The FAA now believes that it must take steps in accordance with this proposal to reduce the frequency of these accidents by strengthening the rules relating to the consumption of alcohol.

The current rules have been difficult to enforce. Without the blood alcohol standard and the required breath test proposed by this notice, there is no simple and reliable evidence available to establish that a pilot is under the influence of alcohol. While a witness may indicate that a pilot has been drinking, the pilot may not exhibit the mannerisms or physical indications of an intoxicated person. On the other hand, even the common indications of intoxication may not convince an enforcement tribunal that a violation has occurred without scientific evidence.

Safety is further jeopardized by the fact that under the current rule the FAA may not take enforcement action until the intoxicated pilot actually operates the aircraft. This proposal would allow an FAA inspector to request a breath test of a person attempting to operate an aircraft. In most cases this can be expected to deter such a pilot from operating an aircraft.

The potential benefits to society from the proposed revisions outweigh any inconvenience to airmen suspected of violating the rules. Some costs would be incurred by the FAA for technical equipment. A minor cost would be incurred by suspected violators if asked to produce a copy of an existing medical record, but no other costs or economic burdens would be imposed on airmen as a result of compliance. The means of enforcement proposed in this notice has been determined to be the least offensive or burdensome interference with the person of the airman that will still result in positive identification of violators.

While the FAA considers that stricter enforcement is needed to enhance its already extensive educational program, commenters are invited to suggest alternative means of coping with this safety problem.

B. NTSB Recommendations

On May 13, 1977, the NTSB issued two safety recommendations (A-77-24 and

25) relating to the use of alcohol by flight crewmembers. In discussing its recommendations, the NTSB noted that each year it determines alcohol to be a cause or factor in about 40 aircraft accidents, almost all of which are fatal. In 1978 the NTSB recorded 50 general aviation accidents involving alcohol as a cause or factor, 46 of which were fatal.

The role of alcohol in a fatal accident is easily established because a blood sample is routinely tested for alcohol during the autopsy. However, after a survivable accident, the NTSB is unable to obtain blood alcohol test unless the person consents. For this reason, the NTSB believes many more aviation accidents may have been alcohol-related than is currently known.

The NTSB also noted that all 50 states have established motor vehicle violations relating to alcohol by referring to blood alcohol levels. In addition to these laws, which are frequently called "implied consent" laws, some states can also require a pilot to submit to a blood alcohol test.

In view of the effectiveness of these laws, the NTSB made two recommendations to the FAA. First, it recommended that the FAA amend § 61.3 to include an implied consent clause as a condition for the issuance of a pilot certificate to require an airman to submit to testing. The Board's recommendation was to amend § 91.11 to specify alcohol levels at which a pilot is considered to be under the influence of alcohol.

C. GAO Recommendations

The GAO made similar recommendations in a Report to Congress by the Comptroller General, entitled "Stronger Federal Aviation Administration Requirements Needed to Identify and Reduce Alcohol Use Among Civilian Pilots" (CED–78–58; March 20, 1978). The report recommended a maximum alcohol level for pilots and mandatory testing for blood alcohol level. The GAO report pointed out that from 1965 to 1975 the NTSB cited alcohol impairment of pilot judgment and efficiency as probable cause or contributing factor in 485 general aviation accidents, of which 430 resulted in fatalities. During this same time period, there were 53,627 total general aviation aircraft accidents of which 7,041 were fatal. Thus, approximately 1 percent of the total accidents in that time period were alcohol-related and approximately 6 percent of the total fatal accidents were alcohol-related. Moreover, of those accidents determined to be alcohol-related, approximately 89 percent were fatal, with approximately three deaths per accident. The accident data for the period 1976 to 1978 exhibit slight decreases in these percentages, but the percentage of alcohol-related accidents which are fatal remains high, varying from 70 percent in 1976 to 83 percent in 1977.

D. Effects of Alcohol

Even small amounts of alcohol affect judgment, coordination, performance, and reaction time. Vision, hearing, touch, information processing, memory, reasoning, and attention span may also be affected by alcohol consumption. Inflight testing of experienced professional aviators has shown that even 40 milligrams percent by weight of alcohol in the blood exerts detrimental effects on performance which are imcompatible with flight safety. (Report on "The Effects of Alcohol on Pilot Performance During Instrument Flight," by Aviation Medicine Research Laboratory, Ohio State University; FAA Report No. FAA–AM–72–4.) Moreover, the effects of alcohol are accentuated by altitude, since the retardation of oxidation in the cells of the body caused by alcohol has a more critical effect as the oxygen available decreases with altitude.

E. Proposal

The ability of a crewmember to function without impairment of performance is an essential element in the safety of flight and in the effectivenes of the air traffic system. Since alcohol can affect the ability of a crewmember to function and thus is detrimental to aviation safety, the FAA must make every reasonable effort to prevent those who are under the influence of alcohol from flying. The agency has a far reaching educational program to warn those involved in aviation of the dangerous effects of alcohol on crewmembers. This program has been partially successful, but the problem continues to exist. While the agency will continue with its educational effort, steps must also be taken which will more readily identify those under the influence of alcohol and which will prevent their continued violation of the regulations.

The purpose of these amendments is to facilitate the enforcement of the present alcohol and drug regulations by providing an objective standard and thereby serve as a deterrent to crewmembers who may consider drinking or using drugs before or during flight. These amendments will also assist the FAA and the NTSB in determining whether an accident or incident was caused by, or related to, consumption of alcoholic beverages or use of drugs.

F. Minimum Blood Alcohol Content Level

The FAA proposes to strengthen enforcement of the present alcohol regulation by adding a prohibition against acting, or attempting to act, as a crewmember of a civil aircraft while having 40 milligrams percent or more by weight of alcohol in the blood. [40 milligrams percent by weight can be understood as the equivalent of 40 milligrams of alcohol in a sample of 100 milliliters of blood.] Forty milligrams percent has been chosen as the prohibited level because it is the level at which definite impairment of a person's performance has been scientifically demonstrated. It must be emphasized, however, that any person who acts, or attempts to act, as a crewmember within 8 hours after the consumption of *any* alcoholic beverage would violate § 91.11.

While the new provision is needed in conjunction with the current 8-hour time limit on drinking before flight, it must also be noted that mere compliance with the 8-hour rule may not be enough to ensure that a crewmember's blood alcohol level is below the prohibited level at takeoff. Since the normal human metabolizing rate of alcohol by the liver is only approximately 15 milligrams percent per hour, a person could ingest a large amount of alcohol even 8 hours prior to flying and still have a blood alcohol content at takeoff that would be at or above the prohibited level and could impair his or her performance as a crewmember.

By proposing this regulation, the FAA does not in any manner condone the operation of an aircraft by anyone with a blood alcohol level in any amount above zero percent and considers it imprudent to do so. Even though a person may not have consumed any alcohol within 8 hours before flying, there may be alcohol remaining in the blood from consumption beyond the 8-hour period. Evidence of significant impairment with alcohol concentrations of less than 40 milligrams percent is inconclusive, but there is no alcohol level at which possible impairment can be completely discounted.

G. Breath Test and Alcohol Test Results

The FAA also proposes to establish criteria for requiring a crewmember to submit to a chemical breath test. The breath test can be administered on the spot by an authorized representative of the Administrator and will indicate reliably the person's blood alcohol level.

The use of such a test is more objective and accurate than mere observance of a person's appearance and conduct.

In circumstances where a crewmember is unconscious or physically unable to take a breath test as the result of an aircraft accident, the crewmember would be required to furnish the Administrator with results of any medical test taken to indicate blood alcohol level. However, the rule would not require the crewmember to submit to a blood test for the specific purpose of determining blood alcohol level. The proposed rule is limited to tests taken within 4 hours after acting as a crewmember, since tests taken after this period are not likely to produce useful evidence of intoxication.

Whenever a breath test is taken or other test results are requested, the Administrator's action would be based on reasonable grounds for believing that the person acted, or has attempted to act, as a crewmember of a civil aircraft within 8 hours after the consumption of any alcoholic beverage, while under the influence of alcohol, or while having a blood alcohol level of 40 milligrams percent or higher.

The proposed rule also prescribes substantial penalties for any crewmember who refuses to submit to a breath test or to furnish the results of medical tests, as well as for violations of § 91.11(a).

H. Attempting to Act as a Crewmember

An essential element of any violation of the current regulation is that the person involved actually act as a crewmember. Persons fully intending to act as crewmembers while under the influence of alcohol or a drug do not commit a violation if they are stopped before actually doing so. Thus, situations can occur where the attention of an FAA inspector has been called to a person who is obviously under the influence, and the inspector must choose between trying to dissuade a person from operating an aircraft and waiting for that person to actually operate the aircraft so that a violation can be established. The former action would result in no violation and therefore lack the value of a deterrent against future violations; the latter could result in a serious compromise of safety.

To avoid this dilemma and to further facilitate the enforcement of the regulation, it is proposed also to prohibit attempting to act as a crewmember under any of the circumstances specified in § 91.11. While it may be difficult to establish when a person is attempting to act as a crewmember, clear enough circumstances do exist, such as when a pilot enters an aircraft after filing a flight plan, to warrant this change in the regulation.

I. Requests for Drug Test Results

Since there is no simple test for drugs similar to the chemical breath test for alcohol, the FAA has not proposed to require crewmembers to submit to tests for drugs. However, under the proposed rule, a crewmember may be required to furnish the Administrator with results of tests that have been taken. The Administrator's request would be based on reasonable grounds for believing that the person acted, or attempted to act, as a crewmember of a civil aircraft while using a drug affecting the person's faculties in a way contrary to safety.

Substantial penalties are also proposed for refusal to furnish medical test results that indicate the presence of drugs and for the use of drugs in violations of § 91.11(a)(3).

J. Drug Violations Unrelated to Aircraft Operations

Sections 61.15, 63.12, and 65.12 provide that no person who is convicted of violating any Federal or State statute relating to the growing, processing, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, or depressant or stimulant drugs or substances is eligible for any certificate or rating issued under Parts 61, 63, or 65, respectively, for a period of 1 year and that such a conviction is grounds for suspension or revocation of any airman certificate issued under those parts. When a conviction does not in any way relate to the operation of an aircraft or illegal use of an aircraft, it is questionable whether these activities indicate a disposition toward irresponsible exercise of airman privileges. While the FAA by no means condones illegal activities relating to drugs, its principal concern is the use of aircraft in smuggling operations that may involve hazardous maneuvers and low flying to avoid detection or the improper modification of an aircraft. For this reason, it has determined that denial, revocation, or suspension of a certificate should be limited to drug violations in which the use of an aircraft was involved. Therefore, the FAA is proposing to revise these sections to limit them in this manner.

These sections also make a person ineligible for a certificate for one year after conviction. It is proposed to change these sections to provide instead that a conviction may be grounds for denial of a certificate for 1 year. This will allow flexibility in applying the rule to those who have evidenced a lack of compliance disposition by their actions. A similar change is being proposed for §§ 61.15(b), 63.12(b), and 65.12(b) which now provide for 1-year ineligibility for a person who commits an act prohibited by § 91.12(a) (operation of an aircraft with knowledge that it is carrying illegal drugs).

K. Refusal To Carry an Intoxicated Person

Section 91.11(b) presently provides that, except in an emergency, no pilot of a civil aircraft may allow a person who is obviously under the influence of intoxicating liquors or drugs (except a medical patient under proper care) to be carried in that aircraft. The FAA recognizes that the use of the word "obviously" in this requirement could be interpreted to mean that an intoxicated person's condition must be extreme before the pilot has to comply with the rule. Because the possible disruptive tendencies of an intoxicated person can be a hazard to the safe operation of an aircraft, it is proposed to clarify the rule by referring to a person who demonstrates by manner or physical indications that he or she is under the influence of intoxicating liquors or drugs.

The Proposed Rule

Accordingly, it is proposed to revise Parts 61, 63, 65, and 91 of the Federal Aviation Regulations (14 CFR Part 61, 63, 65, and 91) as follows:

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

1. By revising § 61.15 to read as follows:

§ 61.15 Offenses involving alcohol and drugs.

(a) A conviction for the violation of any Federal or State statute relating to narcotic drugs, marihuana, and depressant or stimulant drugs or substances, when that violation involves the use of an aircraft, is grounds for suspension or revocation of any certificate or rating issued under this part and for the denial of an application for any certificate or rating under this part for a period of up to 1 year after the date of final conviction.

(b) The commission of an act prohibited by § 91.11(a) or § 91.12(a) of this chapter is grounds for denial of an application for a certificate or rating under this part for a period of 1 year after the date of that act.

2. By adding a new § 61.16 to read as follows:

§ 61.16 Refusal to submit to a chemical breath test or to furnish medical test results.

(a) No person who refuses to submit to a chemical test of the breath or to furnish the results of a medical test already conducted, when requested by

the Administrator in accordance with § 91.11 of this chapter, is eligible for any certificate or rating under this part for a period of 1 year after the date of that refusal.

(b) A refusal to submit to a chemical test of the breath or to furnish medical test results, when requested by the Administrator in accordance with § 91.11 or this chapter, is grounds for a minimum 1-year suspension of, or the revocation of, any certificate or rating issued under this part.

PART 63—CERTIFICATION: CREW MEMBERS OTHER THAN PILOTS

3. By revising § 63.12 to read as follows:

§ 63.12 Offenses involving alcohol and drugs.

(a) A conviction for the violation of any Federal or State statute relating to narcotic drugs, marihuana, and depressant or stimulant drugs or substances, when that violation involves the use of an aircraft, is grounds for suspension or revocation of any certificate or rating issued under this part and for the denial of an application for any certificate or rating under this part for a period of up to 1 year after the date of final conviction.

(b) The commission of an act prohibited by § 91.11(a) or § 91.12(a) of this chapter is grounds for denial of an application for a certificate or rating under this part for a period of 1 year after the date of that act.

4. By adding a new § 63.12a to read as follows:

§ 63.12a Refusal to submit to a chemical breath test or to furnish medical test results.

(a) No person who refuses to submit to a chemical test of the breath or to furnish the results of a medical test already conducted, when requested by the Administrator in accordance with § 91.11 of this chapter, is eligible for any certificate or rating under this part for a period of 1 year after the date of that refusal.

(b) A refusal to submit to a chemical test of the breath or to furnish medical test results, when requested by the Administrator in accordance with § 91.11 of this chapter, is grounds for a minimum 1-year suspension of, or the revocation of, any certificate or rating issued under this part.

5. By revising § 65.12 (a) and (b) to read as follows:

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

§ 65.12 Offenses involving narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) A conviction for the violation of any Federal or State statute relating to narcotic drugs, marihuana, and depressant or stimulant drugs or substances, when that violation involves the use of an aircraft, is grounds for suspension or revocation of any certificate or rating issued under this part and for the denial of an application for any certificate or rating under this part for a period of up to 1 year after the date of final conviction.

(b) The commission of an act prohibited by § 91.12(a) of this chapter is grounds for denial of an application for a certificate or rating under this part for a period of 1 year after the date of that act.

PART 91—GENERAL OPERATING AND FLIGHT RULES

6. By revising § 91.11 to read as follows:

§ 91.11 Liquor and drugs.

(a) No person may act, or attempt to act, as a crewmember of a civil aircraft—

(1) Within 8 hours after the consumption of any alcoholic beverage;

(2) While under the influence of alcohol;

(3) While using any drug that affects the person's faculties in any way contrary to safety; or

(4) While having 40 milligrams percent or more by weight of alcohol in the blood.

(b) Except in an emergency, no pilot of a civil aircraft may allow a person who demonstrates by manner or physical indications that the individual is under the influence of intoxicating liquors or drugs (except a medical patient under proper care) to be carried in that aircraft.

(c) Whenever the Adminstrator has a reasonable basis to believe that a person who acted, or attempted to act, as a crewmember of a civil aircraft may have violated paragraphs (a)(1), (a)(2), or (a)(4) of this section, that person shall do either or both of the following as requested by the Administrator:

(1) Submit to a chemical test of the breath.

(2) Furnish the Administrator, or authorize any clinic, hospital, doctor, or other person to release to the Administrator, the results of each medical test taken, within 4 hours after acting, or attempting to act, as a crewmember, that indicates percentage by weight of alcohol in the blood.

(d) Whenever the Administrator has a reasonable basis to believe that a person who acted as a crewmember of a civil aircraft may have violated paragraph (a)(3) of this section, upon a request by the Administrator, that person shall—

(1) Furnish the Administrator, the results of each medical test that indicates the presence of any drugs in the body taken within 4 hours after acting, or attempting to act, as a crewmember; or

(2) Authorize any clinic, hospital, doctor, or other person to release to the Administrator the results of each medical test that indicate the presence of any drugs in the body taken within 4 hours after acting, or attempting to act, as a crewmember.

(e) Any chemical or medical test information obtained by the Administrator pursuant to paragraphs (c) or (d) of this section may be evaluated in determing a person's qualifications for any airman certificate or possible violations of the Federal Aviation Regulations (14 CFR Chapter I), and may be used as evidence in any legal proceeding pursuant to Section 602, 609, or 901 of the Federal Aviation Act of 1958.

(Secs. 313(a), 601, 602, and 609 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1422, and 1429), and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—While a minor cost would be incurred by suspected violators if asked to produce a copy of an existing medical record, compliance with this proposal would not impose any other cost or economic burden on airmen. Accordingly, it has been determined that this is not a major regulation under Executive Order 12291 and that, under the criteria of the Regulatory Flexibility Act, it will not have a significant impact on a substantial number of small entities. In addition, the FAA has determined that this proposed regulation is not considered to be significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

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

Bernard A. Geier,

Acting Director of Flight Operations.

[FR Doc. 81-21800 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-13-M

federal register

Monday
July 27, 1981

Part IV

Interstate Commerce Commission

Motor Carriers of Property; Minimum Amounts of Bodily Injury and Property Damage Liability Insurance

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003 and 1043

[Ex Parte No. MC-5 (Sub-1)]

Motor Carriers of Property; Minimum Amounts of Bodily Injury and Property Damage Liability Insurance

AGENCY: Interstate Commerce Commission.

ACTION: Stay of effective date of final rules and notice of temporary rules.

SUMMARY: On June 23, 1981, we adopted Final Rules to modify our insurance regulations pursuant to the requirements of 49 U.S.C. 10927 (46 FR 33277, June 29, 1981). Specifically, those regulations dealt with the minimum amounts of bodily injury and property liability insurance required by motor carriers of property. The July 1, 1981, effective date of that decision and the rules adopted are stayed pending consideration of alternative rules.

Elsewhere in this issue, the Commission proposes alternative rules to implement the requirements of that Section (49 U.S.C. 10927) in a manner which will attempt to reconcile differences in statutory requirements of Sections 29 and 30 of the Motor Carrier Act of 1980.

The Commission also is adopting here temporary rules which will be effective until final rules are adopted in this proceeding.

DATE: Effective date of the Stay and of the temporary rules is July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Phyllis Gunn, (202) 275-7475, (202) 275-7476, (202) 275-7477.

SUPPLEMENTARY INFORMATION: On June 23, 1981, we adopted, effective July 1, 1981, final rules modifying our insurance regulations to require minimum amounts of bodily injury and property damage liability insurance for motor carriers of property in the same amounts prescribed by the Secretary of Transportation. In that decision, (served June 25, 1981, and published in the **Federal Register** at 46 FR 33277 on June 29, 1981), we modified the required "Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability (Form B.M.C. 90)," and continued all of our existing procedures regarding insurance filing.

We appended to that decision a Notice to Insurance Companies having filed "Motor Carrier Automobile Bodily Injury and Property Damage Certificates of Insurance (Form B.M.C. 91)" with the Commission. To avoid the necessity for filing new certificates of insurance the notice stated that as of August 7, 1981, the Commission will deem any Certificates of Insurance on file to provide protection to the public to the full amount and extent provided in revised Form B.M.C. 90. By decision of the Commission, Chairman Taylor, on July 1, 1981, served July 2, 1981, the date on which certificates on file with the Commission will be deemed to certify the new limits was changed from August 7, 1981, to August 28, 1981.

The National Tank Truck Carriers, Inc. (NTTC) filed a petition on July 1, 1981, for reopening of this proceeding for reconsideration to allow the carriers to aggregate insurance policies in a manner similar to that allowed by the Secretary of Transportation, particularly for carriers transporting hazardous substances since upper limit coverages are generally not available through a single insurer.

NTTC requests the Commission to consider the difference in coverages involved in the bodily injury and property damage requirement under the statute governing this Commission's regulations and the public liability, property damage, and environmental restoration coverage governing the regulations adopted by the Secretary of Transportation.

NTTC also requests that we delay the effective date of the regulations pending a final decision on reconsideration, pointing out that in the interim the public will be protected, in any event, by the regulations adopted by the Secretary of Transportation.

We believe the petition has merit. We will stay the effective date of the final rules published June 29, 1981, 46 FR 33277, and will adopt temporary rules to be followed while alternative rules proposed in a rulemaking published elsewhere in this issue, are under consideration.

Temporary Rules

We amend Parts 1043 and 1003, Subtitle B, Chapter X of Title 49, of the *Code of Federal Regulations*, as follows:

1. The amendments to § 1043.2(a), § 1003.1(b) and, as published on June 29, 1981 (46 FR 33277) are stayed.

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

2. By adding a new paragraph (c) to § 1043.2 to read as follows:

§ 1043.2 Insurance, minimum amounts.

* * * * *

(c) *Temporary rules: motor carriers of property.* (1) In compliance with Sections 10927, Title 49 of the United States Code, the Interstate Commerce Commission has undertaken a rulemaking proceeding to provide for the filing of a motor carrier automobile bodily injury and property damage liability certificate of insurance. The proposed required filing certifies that the Interstate Commerce Commission's prescribed motor carrier automobile bodily injury and property damage liability endorsement form with a basic single limit liability amount (which may include public liability and environmental restoration coverage for freight vehicles of GVW ratings of 10,000 pounds or more) of $500,000 is attached to the insurance policy. The proposed rulemaking also would require additional letter filings for any excess amounts required under the rules established by the Secretary of Transportation.

(2) The Interstate Commerce Commission has revised the endorsement Form B.M.C. 90, to accommodate an increase in the minimum required bodily injury and property damage insurance limits of liability for motor carriers of property. Copies of the revised form have been mailed to all insurance companies which have been qualified to make filings with the Commission. That revised form adopted in the decision and final rules to be effective July 1, 1981, but now stayed is readopted and is unchanged.

(3) To avoid the necessity for filing new certificates of insurance for affected motor property carriers in lieu of those now on file with the Commission the following rule is in effect. During the pendency of the rulemaking proceeding, beginning on and after September 11, 1981, 12:01 a.m. (standard time at the address of the insured stated in each policy of insurance), the Commission will deem any certificates of insurance (B.M.C. 91) which are on file for motor carriers of property, to certify that the insurance policy provides protection for the public at the basic $500,000 single limit amount. This will be to the full extent, and subject to all of the terms, conditions, rights, and privileges, provided in revised Form B.M.C. 90, regardless of whether the prescribed endorsement has been attached physically to the policy. It will also be binding regardless of any contrary term, condition, stipulation, or agreement contained in the policy or any endorsement or notation thereof. This will allow carriers to maintain filings and yet allow adequate time for insurance companies to file with the Commission a notice of cancellation of the policy (B.M.C. 35), or to have a certificate terminated on the basis of a replacement certificate of insurance.

(4) Any certificate of insurance for an affected motor carrier of property

received by the Commission on or after August 1, 1981, will be accepted as certifying increased amounts of insurance at the proposed basic and temporary single limit level of $500,000.

(5) The motor carrier bodily injury and property damage liability surety bond, B.M.C. 82, does not need to be revised because it incorporates the insurance amounts by reference to the Commission's insurance rules and regulations in the *Code of Federal Regulations*. Because the bond itself is filed with the Commission, new surety bonds must be executed and filed with the Commission by August 1, 1981, 12:01 a.m. (standard time at the address of the motor carrier principal stated in each surety bond) to provide protection for the public in increased amounts at least at the proposed basic single limit of $500,000. However, the bond must provide protection at the required higher limits if the carrier is engaged in or intends to conduct operations requiring insurance in a one million dollar ($1,000,000) amount.

* * * * *

PART 1003—LIST OF FORMS

2. Section 1003.1(b) is amended by revising the explanation of "B.M.C. 90 * * *" to the following:

§ 1003.1 [Amended]

* * * * *

(b) Insurance and Surety Bond Forms.

* * * * *

B.M.C. 90

Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability under 49 U.S.C. 10927.

* * * * *

(49 U.S.C. 10321, 10927 and 5 U.S.C. 553)

Decided: July 13, 1981.

By the Commission: Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21862 Filed 7-24-81; 8:45 am]

BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003 and 1043

[Ex Parte No. MC-5 (Sub-1)]

Motor Carriers of Property; Minimum Amounts of Bodily Injury and Property Damage Liability Insurance

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: On June 23, 1981, we adopted Final Rules to modify our insurance regulations pursuant to the requirements of 49 U.S.C. 10927 (46 FR 33277, June 29, 1981). Specifically, those regulations dealt with the minimum amounts of bodily injury and property liability insurance required by motor carriers of property. The July 1, 1981 effective date of that decision and the rules adopted are stayed pending consideration of alternative rules.

The Commission proposes here alternative rules to implement the requirements of that Section (49 U.S.C. 10927) in a manner which will attempt to reconcile differences in statutory requirements of Sections 29 and 30 of the Motor Carrier Act of 1980.

DATE: Written comments are due by August 26, 1981.

ADDRESS: The original and, if possible, 15 copies of comments should be sent to: Ex Parte No. 5 (Sub-No. 1), Room 7213, Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Phyllis Gunn, (202) 275-7475, (202) 275-7476, (202) 275-7477.

SUPPLEMENTARY INFORMATION: On June 23, 1981, we adopted, effective July 1, 1981, final rules modifying our insurance regulations to require minimum amounts of bodily injury and property damage liability insurance for motor carriers of property in the same amounts prescribed by the Secretary of Transportation. In that decision, (served June 25, 1981, and published in the **Federal Register** at 46 FR 33277 on June 29, 1981), we modified the required "Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability (Form B.M.C. 90)," and continued all of our existing procedures regarding insurance filings.

We appended to that decision a Notice to Insurance Companies having filed "Motor Carrier Automobile Bodily Injury and Property Damage Certificates of Insurance (Form B.M.C. 91)" with the Commission. To avoid the necessity for filing new certificates of insurance the notice stated that as of August 7, 1981, the Commission will deem any Certificates of Insurance on file to provide protection to the public to the full amount and extent provided in revised Form B.M.C. 90. By decision of the Commission, Chairman Taylor, on July 1, 1981, served July 2, 1981, the date on which certificates on file with the Commission will be deemed to certify the new limits was changed from August 7, 1981, to August 28, 1981.

The National Tank Truck Carriers, Inc. (NTTC) filed a petition on July 1, 1981, for reopening of this proceeding for reconsideration to allow the carriers to aggregate insurance policies in a manner similar to that allowed by the Secretary of Transportation, particularly for carriers transporting hazardous substances since upper limit coverages are generally not available through a single insurer.

NTTC requests the Commission to consider the difference in coverages involved in the bodily injury and property damage requirement under the statute governing this Commission's regulations and the public liability, property damage, and environmental restoration coverage governing the regulations adopted by the Secretary of Transportation.

NTTC also requests that we delay the effective date of the regulations pending a final decision on reconsideration, pointing out that in the interim the public will be protected, in any event, by the regulations adopted by the Secretary of Transportation.

We believe the petition has merit. The Motor Carrier Act of 1980 requires the Commission to issue certificates only if the carrier files a bond, insurance policy, or other type of security approved by the Commission in an amount not less than such amount as the Secretary of Transportation prescribes. It gives no guidance, however, as to how to deal with the disparity in terminology of the controlling sections (29 and 30) of the Act. As a consequence the adoption of single limits in the same dollar amount for coverages described differently by the two agencies leave insurers uncertain. They do not know their financial exposure when they issue one or both endorsements. This concern will make it more difficult for some carriers to obtain our required insurance endorsement and, perhaps, impossible for others.

One method to resolve the problems would be for the Commission to require our endorsement reflecting bodily injury and property damage liability coverage in the amount of $500,000 ($750,000 on and after July 1, 1983) for all affected motor carriers.

The limits set by the Secretary of Transportation include public liability beyond bodily injury and property damage liability as well as liability for environmental restoration. The same single limit $500,000 (later $750,000) amount could be deemed by us to be adequate security for the bodily injury and property damage liability. Under the Secretary of Transportation's requirements, the single limit would also afford protection for other possible public liability and environmental restoration exposure. Any policies written to meet our requirements can be allowed to include this feature. This would be appropriate since it is our intention to adopt the liability level prescribed by the Secretary. We do not intend to define the scope of coverage in a way that would result in additional insurance at increased levels to meet the Secretary's regulations.

Carriers who transport hazardous substances, as defined by the Secretary, and who must meet a single limit requirement for insurance protection against public liability property damage, and environmental restoration, present additional problems. The difficulties are in devising a single filing requirement that can be enforced under our routine insurance compliance and authority revocation programs.

The same interpretation of the scope of the dual requirements for single limit coverage can be made for liability described differently in the two statutory provisions as at the $500,000 level ($750,000 level on and after June 1, 1983). However, we cannot determine by commodity descriptions, independent of actual operations, which carriers are required to meet the higher one million dollar ($1,000,000) coverage. For instance, transportation by a general commodities carrier or even a chemicals carrier may or may not come within the Secretary's higher level requirements depending upon its operations at a particular time. Thus, for those carriers, our routine monitoring program cannot be designed to successfully police a filing requirement without creating serious uncertainties and disruptions in the transportation and insurance industries.

Section 10927 of Title 49 of the United States Code allows this Commission to issue a certificate or permit to property carriers only if the carrier "files with the Commission" security approved by the Commission in an amount not less than such amount as the Secretary prescribes, or is required by the Motor Carrier Act of 1980. Moreover, a

certificate or permit remains in effect only as long as the carrier satisfies the insurance requirement.

This statutory requirement allows no flexibility, but it does not prohibit our requiring a basic filing by a primary insurance underwriter on behalf of all carriers covered by the Secretary's regulations on a uniform basis for $500,000 (later $750,000) coverage, and devising a different filing to meet other enforcement responsibilities. We believe it will be sufficient to have the carrier certify that it has sufficient excess coverage, when it is required. This would be done by filing a simple letter (of no prescribed form) at the Commission's Regional Office in the Region of domicile of the carrier. This filing could be sufficient if each insurance company sends a copy of each endorsement it attaches to an excess coverage policy of a regulated carrier to that same Regional Office.

The letter, which must be filed by every carrier which intends to transport hazardous commodities requiring higher insurance must certify that endorsement Forms MCS–90 prescribed by the Secretary have been attached to its policies and include the name of the insurance company or companies providing excess coverage to meet the higher limits, specify the amounts of each policy limit, policy number, and expiration date. Each endorsement should be effective for at least six months to allow for adequate enforcement.

It is true that this will place a burden on the carrier itself to know it is required by the Secretary to carry the additional insurance and to keep its filing with this Commission current. If it fails to do so, it will be subject to strong enforcement measures and will jeopardize its right to conduct regulated transportation operations. The filing will relieve the carriers and their insurers from meeting some of the more onerous burdens connected with placing additional and possibly conflicting endorsements on their policies of insurance. It will also allow us to pursue the strong enforcement program necessary for the protection of the public. This would be consistent with the transportation policy declared in the Motor Carrier Act of 1980 and provide the public with the protection contemplated by Sections 29 and 30 of that Act.

Environmental and Energy Considerations

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

Initial Regulatory Flexibility Analysis

Amendments to the regulations are being proposed in response to Congressional action to assure adequate insurance protection for the public. By amending Section 10927 of Title 49 of the United States Code, Section 29 of the "Motor Carrier Act of 1980" Public Law 96–296, passed July 1, 1980, Congress clearly intended insurance filing requirements by the Commission. Yet there are a number of differing statutory requirements arising under Sections 29 and 30 of that Act requiring reconciliation of those provisions by our regulations in the light of those adopted by the Secretary of Transportation.

Adoption of increased insurance amounts for motor carriers of property was mandated by Congress under the Motor Carrier Act of 1980. This Commission is required to adopt insurance minimums not less than those prescribed by the Secretary of Transportation. Those minimums were published by the Secretary under BMCS Docket No. MC–94 on June 11, 1981, 46 FR 30974, which included a regulatory flexibility analysis.

This Commission is not changing any of its procedures regarding insurance filing up to $500,000 (later $750,000) insurance coverage for any carrier but is merely adopting this new insurance amount which has been determined by the Secretary of Transportation and required by the Motor Carrier Act of 1980.

In this rulemaking we will also consider the possibility of accepting B.M.C. 91 Certificate of Insurance filings with this Commission to signify compliance with § 1043.2(a)(1) of the proposed rules on the basis of the Secretary of Transportation's prescribed Form M.C.S. 90 endorsements. It may be possible for us to do so when the filings are by insurance companies approved by the Commission in situations where at least $500,000 (later $750,000) of insurance is evidenced by an M.C.S. 90 endorsement form attached to a policy. Should we do so, our B.M.C. 90 form would continue to be used for filings reflecting coverage for buses and small freight vehicles under Section 1043.2(a)(2) of the proposed rules. It could eventually become primarily used to reflect such coverage should the insurance and motor carrier industries find this more convenient.

As to any insurance coverage in excess of $500,000 (later $750,000) which is required by the Motor Carrier Act of 1980 and the Secretary's regulations, we are recognizing the Secretary's requirements and endorsement form including all its terms and provisions, while imposing only minimal filing requirements on the carrier and its insurers to meet the statutory requirements of Section 29 of that Act. This action is taken, among other reasons, to further the opportunities for small carriers to obtain adequate insurance to meet the requirements and to further the opportunities for small insurance companies to participate in this market.

There are no other Federal rules which duplicate, overlap or conflict with the proposed rules except to the extent fully set forth in this notice. All duplication, overlap or conflict would appear to be eliminated should the Secretary recognize the Commission required BMC–90 for the first $500,000 (later $750,000) of single limit coverage should it be attached to a policy including public liability and environmental restoration coverage.

The proposed amended regulations are straightforward and simple to comprehend. There are no significant alternatives which would accomplish the stated objectives. These proposed regulations will have a slight economic impact on fewer than 25,000 carriers. To try to eliminate all economic impact would require forfeiting some of the stated objectives of the Congress and, thus, render the rulemaking unworthwhile.

A copy of this notice will be served on the Administrator of the Small Business Administration. Any input that agency intends to make should be presented within the 30-day comment period.

The Petition

Except to the extent granted, the petition of the National Tank Truck Carriers, Inc., is denied

Proposed Amendments

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

We propose to amend Part 1043, Subtitle B, Chapter X of Title 49, of the *Code of Federal Regulations*, by revising paragraph (a) of § 1043.2 to read as follows:

§ 1043.2 Insurance, minimum amounts.

* * * * *

(a) *Motor carriers: bodily injury liability and property damage liability.* (1) The single limit liability amounts which may include public liability and environment restoration coverage for freight vehicles with gross weight ratings of 10,000 pounds or more are set forth here. A B.M.C. 90 Form Endorsement applies to these limits.

Kind of equipment	Commodity transported	Single limit requirements	
		July 1981	July 1, 1983
Freight Vehicles of 10,000 pounds or more GVWR.	(1) Property	$500,000	$750,000

(1) Kind of equipment	(2) Limit for bodily injuries[1]	(3)[2] Limit for bodily injuries to or death of all persons[2]	(4) Limit of loss or damage[3]
Freight Vehicles under 10,000 pounds GVWR	$100,000	$300,000	$50,000
Passenger equipment (seating capacity):			
12 passengers or less.....	100,000	300,000	50,000
More than 12 passengers...	100,000	500,000	50,000

[1] To or death of one person.
[2] Injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person).
[3] In any one accident to property of others (excluding cargo).

(2) The liability amounts for freight vehicles with gross vehicle weight ratings of less than 10,000 pounds and for all passenger vehicles are set forth here. A B.M.C. 90 Form Endorsement applies to these limits.

(3) The single limit liability amounts which may include public liability and environmental restoration coverage for freight vehicles with gross vehicle weight ratings of 10,000 pounds or more for which a B.M.C. 90 Form Endorsement is not required in excess of $500,000 ($750,000 on and after July 1, 1983) are set forth here. Compliance with the requirements prescribed under the Bureau of Motor Carrier Safety Docket No. MC–94, codified as 49 CFR 387, is acceptable to the Commission for amounts in excess of $500,000, $750,000 on and after July 1, 1983, upon a letter filing with the Commission certifying compliance. A B.M.C 90 Form Endorsement does not apply to these excess limits.

Kind of equipment	Commodity transported	Single limit requirements	
		July 1, 1981	July 1, 1983
Freight vehicles of 10,000 pounds or more GVWR..	(a) Hazardous substances as defined in 49 CFR 171.8 and designated by the letter E in the first column of the Hazardous Materials Table found at 49 CFR 172.101, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquefied compressed gas, compressed gas, or large quantity radioactive materials as defined in 49 CFR 173.389.	$1,000,000	$5,000,000
	(b) Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (3)(a) above. (No letter filing in this category will be required until July 1, 1983).	500,000	1,000,000

The letter filing by the carrier at the Commission's Regional Office in the Region of domicile of the carrier must certify that the required insurance is evidenced by endorsement Forms MCS–90 prescribed by the Secretary which are effective for at least six months and have been attached to its policies. It also must include the name of the insurance company or companies providing excess coverage to meet the higher limits, specify the amounts of each policy limit, policy number, and expiration date; and each insurance company must sent a copy of each endorsement to the same Regional Office.

Unless a carrier has been notified that it has been constructively domiciled in a different region, its region of domicile is based upon the State of its headquarters. The addresses of the Regional Offices and the States included in each Region are as follows:

Region 1

Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, Massachusetts 02114
States: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont

Region 2

Interstate Commerce Commission, 101 North 7th Street, Room 620, Philadelphia, Pennsylvania 19108
States: Delaware, Maryland, Ohio, Pennsylvania, Virginia, West Virginia, and Washington, D.C.

Region 3

Interstate Commerce Commission, 1776 Peachtree Street, N.W., Room 300 Atlanta, Georgia 30309
States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

Region 4

Interstate Commerce Commission, Everett McKinley Dirksen Building, Room 1304 219 South Dearborn Street Chicago, Illinois 60604
States: Illinois, Indiana, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin

Region 5

Interstate Commerce Commission, 411 West 7th Street, Suite 600 Fort Worth, Texas 76102
States: Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas

Region 6

Interstate Commerce Commission, 211 Main Street, Suite 501 San Francisco, California 94105
States: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming

(49 U.S.C. 10321, 10927 and 5 U.S.C. 553)

Decided: July 13, 1981.

By the Commission: Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–21863 Filed 7–24–81; 8:45 am]

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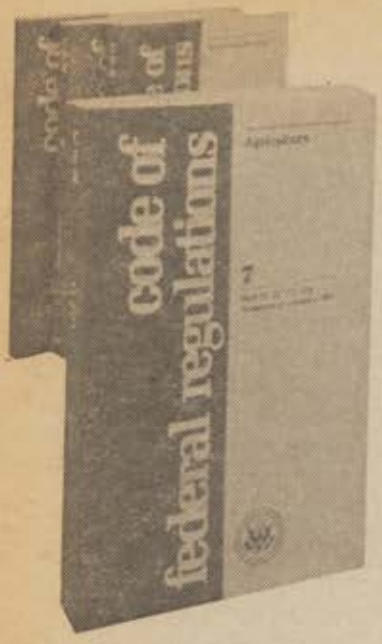

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