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Highlights

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Highlights

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

Specifically Approved States to Receive Stallions Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document adds the State of Texas to the list of specifically approved States authorized to receive certain stallions imported into the United States from countries affected with contagious equine metritis (CEM).

This action is being taken because the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has determined that Texas has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further insure their freedom from CEM as required by the regulations.

DATES: Effective date July 30, 1981. Comments must be received on or before October 5, 1981.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Dulin, USDA, APHIS, VS, Room 818 Federal Building, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this rule will not have a significant effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this interim action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this interim rule.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. Only 26 stallions from countries affected with CEM were imported into the United States in 1980. This action will provide a means by which such stallions from countries affected with CEM and bound for Texas can be imported directly into Texas. Otherwise, the stallions must be imported to a State which has been approved to receive stallions from countries affected with CEM. The nearest States to Texas approved to receive stallions from countries affected with CEM are Colorado and California. This action should result in a decrease of transportation costs for such horses of approximately 18 percent. However, in view of the small number of stallions involved, the economic impact of this action will not be significant.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim action. This amendment relieves restrictions presently imposed on certain horses being imported into the United States, and should be made effective immediately in order to permit affected persons to move certain horses into the United States without unnecessary restrictions.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C 553, it is found upon good cause that notice and other public procedure with respect to this emergency interim action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency interim 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 this emergency interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Section 92.2(i)(2) of Title 9, Code of Federal Regulations (9 CFR 92.2(i)(2)), among other things, authorizes the importation of male horses (stallions over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into specified States for further inspection, treatment and testing by the State of destination. The amendment established minimum standards which a State must meet in order to be approved to receive stallions imported from CEM-affected countries. These standards contain treatment, testing and handling procedures believed necessary to insure that the stallions being imported into the United States are free of the contagion of CEM.

This document adds the State of Texas to the list of specifically approved States to receive such horses, on the basis of a determination of their eligibility for such approval under § 92.4(a)(6) of the regulations.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

Section 92.4(a)(5)(ii) is amended by adding "The State of Texas," after "The State of South Carolina" and before "The State of Virginia" as States approved to receive stallions pursuant to § 92.2(i)(2)(iv) of the regulations.

(Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306, 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134f)

All written submissions made pursuant to this interim rule will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

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

Done at Washington, D.C., this 30th day of July 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-22781 Filed 8-4-81; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Docket No. R-0364]

International Banking Operations; Amendment Regarding Capital Requirements of Edge Corporations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board has amended section 211.6(d) of Regulation K (12 CFR 211.6(d)) to include certain subordinated notes and debentures within the definition of "capital and surplus" solely for the purpose of determining capital adequacy of Edge Corporations. For purposes of section 211.6(d), such notes and debentures could amount to no more than 50 per cent of the total capital and surplus as defined in § 211.2(b) of Regulation K (12 CFR 211.2(b)).

EFFECTIVE DATE: July 29, 1981.

FOR FURTHER INFORMATION CONTACT: Frederick R. Dahl, Associate Director, Division of Banking Supervision and Regulation (202/452-2726); or Michael L. Kadish, Attorney, Legal Division (202/452-3428), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Section 211.6(d) of Regulation K imposes capital requirements on Edge Corporations. Under that section, an Edge Corporation must be capitalized in an amount that is adequate in relation to the scope and character of its activities. In addition, an Edge Corporation that accepts deposits in the United States from nonaffiliated persons must maintain capital in an amount not less than 7 per cent of its risk assets. Section 211.2(b) of Regulation K provides that, "Capital and surplus means paid-in and unimpaired capital and surplus, and includes undivided profits but does not include the proceeds of capital notes or debentures."

The Board, however, permits member banks to include certain long-term subordinated liabilities as capital and surplus for capital adequacy purposes. Such liabilities must not be "deposits" under § 204.2(a)(1) of the Board's Regulation D (12 CFR 204.2(a)(1)), or section 217.1(f) of the Board's Regulation Q (12 CFR 217.1(f)). In order to provide Edge Corporations with more flexibility to meet capital requirements, the Board has determined that Edge Corporations may also include such liabilities as capital and surplus for capital adequacy purposes. The Board, however, will continue to stress the importance of an adequate level of non-debt capital for Edge Corporations; therefore, such subordinated debt liabilities will not be considered as capital to the extent they exceed 50 per cent of the amount of non-debt capital and surplus. Furthermore, pursuant to § 204.2(a)(1)(vii)(C) of Regulation D, no subordinated debt liability of an Edge Corporation will qualify as capital without the approval of the Board, like the treatment of member bank capital.

Inasmuch as this action removes a restriction on Edge Corporations and should permit more efficient operations, the Board has determined that the notice and public participation provisions of 5 U.S.C. 553 with respect to this action are unnecessary and that, in the public interest, the rule should be effective immediately. The Board notes, however, that on June 17, 1981, the Federal Financial Institutions Examination Council proposed for comment a broadened definition of bank capital for the use of Federal bank regulatory agencies, including the Board, in determining the adequacy of capital in the banks they supervise. Comments on that proposal are due by August 31, 1981. Any change in the definition of bank capital adopted by the Board for determining the adequacy of member banks' capital would also affect the definition used with respect to Edge Corporations.

PART 211—INTERNATIONAL BANKING OPERATIONS

This action is taken pursuant to the Board's authority under section 25(a) of the Federal Reserve Act (12 U.S.C. 611-631).

Effective July 29, 1981, Part 211 of 12 CFR Chapter II is amended by revising § 211.6(d) to read as follows:

§ 211.6 Lending limits and capital requirements.

* * * * *

(d) *Capitalization.* An Edge Corporation shall at all times be capitalized in an amount that is adequate in relation to the scope and character of its activities. In the case of an Edge Corporation engaged in banking, its capital and surplus shall be not less than 7 per cent of risk assets. For this purpose, subordinated capital notes or debentures, in an amount not to exceed 50 per cent of non-debt capital, may be included for determining capital adequacy in the same manner as for a member bank; risk assets shall be deemed to be all assets on a consolidated basis other than cash, amounts due from banking institutions in the United States, United States Government securities, and Federal funds sold.

By order of the Board of Governors of the Federal Reserve System, effective July 29, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-22843 Filed 8-4-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

[Docket No. R-81-928]

24 CFR Part 300

List of Attorneys-In-Fact

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Government National Mortgage Association by executing documents in its name in conjunction with servicing Government National Mortgage Association's (GNMA) mortgage purchase programs, all as more fully described in paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: October 13, 1981.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Linane, Office of General Counsel, on (202) 755-7186.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

1. Paragraph (c) of § 300.11 is amended by removing the following names from the current list of attorneys-in-fact:

Name	Region
Michael J. Crapp	Atlanta, Ga.
Mary B. Zamilli	Atlanta, Ga.

2. Paragraph (c) of § 300.11 is amended by adding the following name to the current list of attorneys-in-fact:

Name	Region
Cynthia C. Anderson	Atlanta, Ga.

(Section 309(d) of the National Housing Act, 12 U.S.C. Section 1723a(d), and Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. Section 3535(d)).

Issued at Washington, D.C., July 16, 1981.

R. Frederick Taylor,

Executive Vice President, Government National Mortgage Association.

[FR Doc. 81-22816 Filed 8-4-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-89; Ref: Notice No. 360]

Santa Maria Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in portions of Santa Barbara and San Luis Obispo Counties, California, to be named "Santa Maria Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of Santa Maria Valley as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will help consumers better identify the wines from this area.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37671, 54624) revising regulations in 27 CFR Part 4 allowing the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographic characteristics. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticutural area.

The Newhall Land and Farming Company of Valencia, California, petitioned ATF to establish a viticultural area to be named "Santa Maria Valley." The petition was signed by approximately 90 percent of the grape-growers in the proposed area, and the petitioner was unaware of any opposition to the petition.

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 360, in the **Federal Register** on December 15, 1980 (45 FR 82470), proposing the establishment of the Santa Maria Valley viticultural area.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This final rule relates to a notice of proposed rulemaking published prior to January 1, 1981 and, therefore, is not subject to the authority of the Regulatory Flexibility Act.

Public Hearing

A public hearing was held on this issue on January 23, 1981, in Santa Maria, California, to gather evidence concerning the proposed area. Although no written comments were received on the notice, nine persons testified at the hearing. The testimony given by these nine witnesses and the petition presented sufficient information on which ATF bases this Treasury decision.

Historical and Current Evidence of the Name

The name of the area, Santa Maria Valley, was well-documented at the hearing. The name is shown currently on maps of the area. All of the witnesses testifying on this point stated that the area had always been known by its present name for as long as they could remember which, in some cases, was 60 years or more.

Witnesses also presented testimony that the area has long been an agricultural area, growing a variety of citrus products and avocados. Grapes were introduced as a crop around 1970. After evaluating this testimony, ATF believes that the Santa Maria Valley viticultural area has a unique historical identity and that the name "Santa Maria Valley" is the most appropriate name for the area.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural features of the area from surrounding grape-growing areas.

The Santa Maria Valley is a natural funnel-shaped valley. The elevation of the area ranges from approximately 200 feet at the intersection of Highway 101 and Santa Maria River to approximately 3200 feet at Tepusquet Peak. The grapes that are grown within the area are on the valley floor at an approximate elevation of 300 feet and on the slopes and rolling hillsides up to an elevation of 800 feet. The soils within the area are all very well drained and fertile. They range in texture from a sandy loam to clay loam and are free from adverse salts.

The physical features of the land in the valley floor and adjacent canyons and sloping terraces offer similar weather characteristics. Testimony at the hearing revealed that the prevailing winds from the ocean causes the valley to have a generally cooler summer, warmer fall, and cooler winter than surrounding areas. ATF has determined that due to the physical features of Santa Maria Valley, it is distinguishable from the surrounding areas.

Boundaries

Subsequent to receiving the petition, ATF requested clarification concerning the description of the proposed

boundaries which were based on creeks, canyons, and contour lines. Pursuant to this request, the petitioner amended the boundaries by using summits of peaks in lieu of contour lines, canyons, and creeks. It was brought out at the hearing that the amended northern boundary included a mountainous area exhibiting different climatic conditions than the area originally proposed. One person testified that the amended boundary added many acres which were not suitable for vineyards because of excessive slopes, poor soil, lack of water, and inaccessibility. The petitioner gave testimony that the northern boundary could be revised to run along Highway 166, thereby excluding the undesirable section. ATF has evaluated this testimony and has agreed to amend the northern boundary of the viticultural area to begin at the point where Highway 166 intersects the section line just southwest of Chimney Canyon.

The western boundary of the area is marked by another man-made feature, Highway U.S. 101. Testimony revealed that this highway was chosen as the western boundary, even though it bisected the valley in a north-south direction, because the perennial fogline is just west of the highway. The area west of Highway 101 is cooler than the remaining area of the valley; the fog stays longer, and in winter the area does not receive the cooling weather which provides winter dormancy for the vines. Also, no grapes are grown west of the highway and witnesses stated they believed that grapes would never be grown in that particular area due to economic considerations.

ATF believes that viticultural area boundaries based solely on man-made features are inappropriate. However, where man-made features, such as highways, coincide with the distinguishing geographical features, or provide a demarcation line between grape-growing areas and areas unsuitable for grape-growing, it is appropriate to use such features in describing boundaries. ATF believes that in the case of Santa Maria Valley, the boundaries in the regulations delineate an area with distinguishing climatic and topographic features.

Miscellaneous

ATF does not wish to give the impression by approving the Santa Maria Valley viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being viticulturally distinct from surrounding areas, not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. ATF will not allow statements or claims that the wines are better because they originated from an approved viticultural area. Any commerical advantage gained can only come from consumer acceptance of Santa Maria Valley wines.

Disclosure

A copy of the hearing proceedings is available for inspection during normal business hours at the following two locations: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th & Pennsylvania Avenue, NW, Washington, DC; and at the Office of the Regional Regulatory Administrator, Bureau of Alcohol, Tobacco and Firearms, 34th Floor, 525 Market Street, San Francisco, California.

Drafting Information

The principal author of this document is Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices of the Bureau participated in the preparation of the document, both in substance and style.

Authority and Issuance

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections 27 CFR Part 9, Subpart C, is amended to include the title of § 9.28. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.28 Santa Maria Valley.

Par. 2. Subpart C is amended by adding § 9.28 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.28 Santa Maria Valley.

(a) *Name.* The name of the viticultural area described in this section is "Santa Maria Valley."

(b) *Approved Maps.* The approved maps for the Santa Maria Valley are two U.S.G.S. maps entitled:

(1) "Santa Maria", N.I. 10-6, 9, series V 502, scale 1: 125,000; and

(2) "San Luis Obispo", N.I. 10-3, series V 502, scale 1: 125,000.

(c) *Boundaries.* The boundaries of the Santa Maria Valley viticultural area are located in portions of Santa Barbara and San Luis Obispo Counties, California, and are as follows:

(1) Beginning at a point east of Orcutt where Highway U.S. 101 and the unnamed road (known locally as Clark Road) intersects; Thence northerly along U.S. 101 to a point where it intersects with Highway 166;

(2) Thence along Highway 166 in a general easterly direction to a point where Highway 166 intersects with the section line at the southwest section of Chimney Canyon;

(3) Thence in a straight, southerly, line to the summit of Los Coches Mountain (3016 feet);

(4) Thence in a straight, southeasterly, line to the summit of Bone Mountain (2822 feet);

(5) Thence in a straight, south-southwesterly, line to the intersection of two unnamed roads (known locally as Alisos Canyon Road and Foxen Canyon Road) in Foxen Canyon at the elevation marker of 1116 feet;

(6) Thence along the unnamed road (known locally as Foxen Canyon Road) in a northwesterly direction to the community of Sisquoc; and

(7) Thence in a westerly direction along the unnamed road (known locally as Clark Road) to the point of beginning.

Signed: June 20, 1981.

A. G. Dickerson,

Director.

Approved: July 6, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-22767 Filed 8-4-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Parts 240 and 252

[T.D. ATF-88]

Transfer of Wine, Without Payment of Tax, to Customs Bonded Warehouses for Embassy Removals and Other Purposes

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Temporary rule (Treasury decision).

SUMMARY: This temporary rule amends ATF regulations to implement a portion of Public Law 96-601 (Tax Administrative Provisions Revisions). This new law, signed by President Carter on December 24, 1980, will facilitate the tax free purchase of domestic wine for use by foreign

embassies, legations, and related individuals, and for certain other purposes. The temporary regulations provided by this document will remain in effect until superseded by permanent regulations on this subject.

EFFECTIVE DATE: Retroactive to April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Steven C. Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044; (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Legislative Background

Section 2 of Public Law 96-601 (Tax Administrative Provisions Revisions) removes a tax distinction between domestic and imported wine. Prior to passage of this legislation, the law permitted qualified individuals associated with foreign governments and international organizations to purchase, free of Federal tax, imported wine for their official and family use. Domestic wine could only be so purchased if it were first exported and then returned. The new public law rectifies this situation by permitting withdrawal of domestic wine from bonded wine cellars, without payment of tax, for transfer to any customs bonded warehouse. The wine so transferred may be withdrawn by foreign embassies, legations, and related individuals as authorized by law free of tax. The domestic wine also may be stored in a customs bonded warehouse pending withdrawal as supplies for certain vessels and aircraft authorized to make tax free withdrawals from any customs bonded warehouse. Finally, since the new law imposes no restriction on the purposes of the transfer to the customs bonded warehouse, the domestic wine may be transferred to a customs bonded warehouse for any use or purpose permitted on such premises, including storage pending exportation.

Regulatory Changes

The new wine regulations are closely patterned after existing distilled spirits regulations governing transfer to, and withdrawal from customs bonded warehouses. (Embassies have been allowed to purchase domestic distilled spirits free of tax since 1971.)

These temporary rules prescribe three conditions, applicable to withdrawals of wine to customs bonded warehouses under the new statute: (1) Notification to ATF of each withdrawal from a bonded wine cellar without payment of tax. (If the withdrawal is made by a person other than the proprietor of the bonded wine cellar, prior approval by the regional regulatory administrator is required.) (2) Obtaining a consent of surety to extend the terms of existing bonds, so that the withdrawals will not be made with inadequate bond coverage. (3) Marking the word, "Export," on cases of wine withdrawn under the new statute without payment of tax.

These three conditions are felt to be the minimum requirements that can be imposed in connection with withdrawals under Pub. L. 96-601, consistent with the Department of the Treasury's function of protecting the revenue. ATF needs to be aware when withdrawals are made without payment of tax, because otherwise there would be no way of verifying that the withdrawals had been made for the correct purpose as authorized by the statute. Existing bonds which cover other withdrawals but do not specifically mention transfer to customs bonded warehouses need to be extended by a consent of surety, because otherwise there would not be bond coverage to insure payment of the proper tax if it became due. Case marking requirements guard against illegal introduction of untaxpaid wine into domestic commerce.

This document also makes occasional non-substantive, clarifying changes.

Public Comment

Notice of opportunity for public comment on these temporary regulations is being published in the Proposed Rules section of today's **Federal Register**. Anyone who wishes to submit a comment or request a public hearing on any issue presented by the temporary regulations in this document may do so pursuant to that notice of proposed rulemaking. Final (permanent) regulations will not be issued until all such comments have been carefully considered.

Effective Date

Temporary regulations are being published with an effective date of April 1, 1981 (the same day that Pub. L. 96-601 takes effect), because immediate guidance is necessary to enable proprietors to take advantage of the new privilege afforded by Pub. L. 96-601, beginning on the effective date of the legislation. The statute permits withdrawals to customs bonded warehouses beginning April 1, 1981, but such withdrawals would present a grave jeopardy to the revenue if permitted without compliance with the temporary regulations prescribed by this document. Consequently, it is found that it would be impracticable and contrary to the public interest, within the meaning of 5 U.S.C. 553(b), to provide a notice of proposed rulemaking prior to the issuance of any regulations. For the same reasons, and also because these regulations remove a restriction by permitting a type of withdrawal which was formerly not permitted for wine, it is found that these regulations are exempt from compliance with the 30-day effective date limitation of 5 U.S.C. 553(d). Accordingly, these temporary regulations shall become effective on April 1, 1981.

Drafting Information

The drafter of this document is Steven C. Simon of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, supervisors and reviewers from both the Bureau and the Office of the Secretary of the Treasury exercised control over development of the regulations, both on matters of substance and style.

Authority and Issuance

These amendments are made under the authority contained in 26 U.S.C. 7805. Accordingly, the regulations in 27 CFR Parts 240 and 252 are amended as follows:

PART 240—WINE

Paragraph A. The table of sections of Part 240 is amended to reflect the addition of new § 240.673 and the change of titles of Subpart EE and § 240.221. As amended, the affected portions of the table of sections read as follows:

Sec.

* * * * *

240.221 Bond, form 700 (5120.36).

* * * * *

Subpart EE—Withdrawal of Wine Without Payment of Tax for Exportation, Use on Vessels and Aircraft, Transfer to a Foreign-Trade Zone or to a Customs Bonded Warehouse, or Transportation to a Manufacturing Bonded Warehouse Class Six.

* * * * *

Transfer to Customs Bonded Warehouses

240.673 Consent to surety.

* * * * *

§ 240.1 [Amended]

Par. B. Section 240.1 is amended by replacing, in the second sentence, the words "manufacturing warehouse" with the words "bonded warehouses,".

Par. C. Section 240.221 is revised to provide that the bond of the proprietor of a bonded wine cellar covers all wine withdrawn by him without payment of tax for transfer to customs bonded warehouses. A reference is added to the new subject classification number of ATF Form 700. As revised, § 240.221 reads as follows:

§ 240.221 Bond, form 700 (5120.36).

Each proprietor of a bonded wine cellar shall give bond on ATF Form 700 (5120.36) for the payment of taxes imposed by the United States for which the proprietor shall become liable. This includes liability for occupational taxes and penalties and interest. The bond on Form 700 (5120.36) shall apply to wine and wine spirits and the operation of the bonded wine cellar, whether the transaction or operation upon which the liability is based occurred on the bonded wine cellar premises (including transfers between noncontiguous portions) or in transit. The bond shall also be for the faithful compliance, without fraud or evasion, with all requirements of the laws and regulations of the United States respecting wine an wine spirits and the operation of the bonded wine cellar. The penal sum of the bond shall be not less than the tax on all wine and wine spirits possessed at the bonded wine cellar, in transit to the bonded wine cellar, wine spirits authorized to be withdrawn under approved applications, or wine or wine spirits unaccounted for, at any one time. The penal sum of the bond shall also cover the tax on all wine withdrawn by the proprietor for export, for transfer to customs bonded warehouses, or for use as supplies on vessels or aircraft, but not exported or otherwise accounted for. The penal sum of the bond shall be not less than $1,000 or more than $50,000 except that if the amount of tax exceeds $250,000, the penal sum of the bond shall be $100,000. However, the obligation on any bond on Form 700 (5120.36) shall apply with respect to taxes, not in excess of $100, which have been determined on wine removed from the bonded wine cellar or transferred to a taxpaid wine room on the bonded wine cellar premises and which have not been paid.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1379, as amended (26 U.S.C. 5354))

Par. D. The title of Subpart EE is revised to make reference to withdrawal of wine without payment of tax for transfer to a customs bonded warehouse. As revised, the title of Subpart EE reads as follows:

Subpart EE—Withdrawal of Wine Without Payment of Tax for Exportation, Use on Vessels and Aircraft, Transfer to a Foreign-Trade Zone or to a Customs Bonded Warehouse, or Transportation to a Manufacturing Bonded Warehouse Class Six

Par. E. Section 240.670 is revised to make reference to withdrawal of wine without payment of tax for transfer to a customs bonded warehouse. As revised, § 240.670 reads as follows:

§ 240.670 General.

Wine may be removed from bonded wine cellars without payment of tax for exportation, for use on vessels and aircraft, for transportation to and deposit in a manufacturing bonded warehouse class six, for transfer to and deposit in a customs bonded warehouse, and for transfer to and deposit in a foreign-trade zone for exportation or for storage pending exportation. Such removals shall be in accordance with the procedures in Part 252 of this chapter.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1380, as amended (26 U.S.C. 5362))

Par. F. A new undesignated centerheading and a new section, designated § 240.673, are added to Subpart EE to require a consent of surety before wine may be withdrawn from a bonded wine cellar without payment of tax for transfer to a customs bonded warehouse. As added, the new centerheading and section read as follows:

Transfer to a Customs Bonded Warehouse

§ 240.673 Consent of Surety.

(a) *Bond Executed before April 1, 1981.* A proprietor of a bonded wine cellar operating under a bond on ATF Form 700 (5120.36) or 5110.56 executed before April 1, 1981, who wishes to withdraw, under his bond, wine without payment of tax for transfer to a customs bonded warehouse must first obtain a consent of surety on ATF Form 1533 (5000.18) to extend the terms of his bond to cover such withdrawals. This consent of surety shall be executed in accordance with § 240.231 and filed in accordance with instructions on the form.

(b) *Bond executed on or after April 1, 1981.* A proprietor of a bonded wine cellar operating under a bond on Form 700 (5120.36) or 5110.56 executed on or after April 1, 1981, does not need to file a consent of surety as described in paragraph (a) of this section, because his bond automatically applies to withdrawals for transfer to customs bonded warehouses.

PART 252—EXPORTATION OF LIQUORS

Par. G. The table of sections of Part 252 is amended to reflect the addition of § 252.28, the changes of titles of §§ 252.26, 252.27, 252.61, 252.62, and the change of title of Subpart F as follows:

Sec.

* * * * *

252.26 Entry of distilled spirits into customs bonded warehouses.
252.27 Entry of wine into customs bonded warehouses.
252.28 Withdrawal of wine and distilled spirits from customs bonded warehouses.

* * * * *

252.61 Bond, Form 2734 (5100.25).
252.62 Bond, Form 2735 (5100.30).

* * * * *

Subpart F—Withdrawal of Wine Without Payment of Tax for Exportation, Use on Vessels and Aircraft, Transfer to a Foreign-Trade Zone or to a Customs Bonded Warehouse, or Transportation to a Manufacturing Bonded Warehouse.

* * * * *

Par. H. Section 252.1 is revised to include transfer of wine to a customs bonded warehouse. As revised, § 252.1 reads as follows:

§ 252.1 General.

The regulations in this part relate to exportation, lading for use on vessels and aircraft, and the transfer to a foreign-trade zone or a manufacturing bonded warehouse, class 6, of distilled spirits (including specially denatured spirits), beer, and wine, and in the case of distilled spirits and wine only, transfer to a customs bonded warehouse as provided for in 26 U.S.C. 5066 and 5362, whether without payment of tax, free of tax, or with benefit of drawback, and includes requirements with respect to removal, shipment, lading, deposit, evidence of exportation, losses, claims, and bonds.

Par. I. Section 252.25 is revised to mention tax free withdrawal of wine (as well as distilled spirits) from a manufacturing bonded warehouse for use by foreign governments, etc. In addition, a phrase is removed which related to transfer to distilled spirits from a manufacturing bonded warehouse to another customs warehouse, because this phrase was obsoleted by an amendment to 26 U.S.C. 5066 made in section 807(a)(11)(B) of Pub. L. 96-39 (93 Stat. 282). As revised, § 252.25 reads as follows:

§ 252.25 General.

The proprietor of a duly constituted manufacturing bonded warehouse,

established in accordance with law and the regulations in 19 CFR Chapter I, may withdraw distilled spirits or wine from any distilled spirits plant or bonded wine cellar, as the case may be, without payment of tax, for use in the manufacture of products for export, or for shipment in bond to Puerto Rico, or for use by foreign governments, organizations, and individuals, as authorized by 26 U.S.C. 5066, 5214(a)(6) and 5362; and 19 U.S.C. 1311. The proprietor of the manufacturing bonded warehouse shall furnish bond in accordance with the provisions of § 252.63 or § 252.64.

(Sec. 311, Tariff Act of 1930, 46 Stat. 691, as amended (19 U.S.C. 1311); sec. 201, Pub. L. 85–859, 72 Stat. 1362, as amended, 1380, as amended (26 U.S.C. 5214, 5362); sec. 3, Pub. L. 91–659, 84 Stat. 1965, as amended (26 U.S.C. 5066))

Par. J. The title of § 252.26 is revised to reflect the fact that this section pertains only to distilled spirits. In § 252.26(b), a cross reference is amended to reflect the renumbering accomplished by paragraph L of this document. As revised, the heading and paragraph (b) read as follows:

§ 252.26 Entry of distilled spirits into customs bonded warehouses.

* * * * *

(b) *Bottled distilled spirits eligible for export with benefit of drawback.* Bottled distilled spirits stamped, restamped, or affixed with alternative devices, and marked, especially for export with benefit of drawback may, subject to this part, be transferred to customs bonded warehouses in which imported distilled spirits are permitted to be stored, and entered pending withdrawal as provided in § 252.28, as if such spirits were for exportation.

* * * * *

Par. K. Section 252.27 is completely revised to provide a procedure for withdrawal of wine from bonded wine cellars for transfer to customs bonded warehouses. As revised, § 252.27 reads as follows:

§ 252.27 Entry of wine into customs bonded warehouses.

Upon filing of the application or notice prescribed by § 252.122(a), wine may be withdrawn from a bonded wine cellar for transfer to any customs bonded warehouse for entry pending withdrawal as provided in § 252.28. Such withdrawal from bonded wine cellars is governed by the provisions of Subpart F of this part. Wine so transferred to customs bonded warehouses shall be entered, stored, and accounted for in such warehouses under the appropriate provisions of 19 CFR Chapter I.

(Sec. 2, Pub. L. 96–601, 94 Stat. 3495 (26 U.S.C. 5362))

Par. L. The material which, prior to this document, was in § 252.27 is moved to a new section, to be designated § 252.28, and is amended to include withdrawal of wine from customs bonded warehouses. A sentence is added which makes reference to withdrawal for domestic use, which is authorized by law. New § 252.28 is added to read as follows:

§ 252.28 Withdrawal of wine and distilled spirits from customs bonded warehouses.

Wine and bottled distilled spirits entered into customs bonded warehouses as provided in § 252.26(a) or (b) and § 252.27 may, under the appropriate provisions of 19 CFR Chapter I, be withdrawn from such warehouses for consumption in the United States by and for the official or family use of foreign governments, organizations, and individuals who are entitled to withdraw imported wine and distilled spirits from a warehouse free of tax. Distilled spirits and wine entered into customs bonded warehouses under the provisions of §§ 252.26(a)(2) and 252.27 may be withdrawn for exportation, subject to the provisions of 19 CFR Chapter I. Distilled spirits and wine transferred to customs bonded warehouses shall be entered into, stored and accounted for in, and withdrawn from, such warehouses under the appropriate provisions of 19 CFR Chapter I. Wine and bottled distilled spirits, originally transferred to customs bonded warehouses for the purpose of withdrawal by foreign embassies, legations, etc., as authorized by law, may be withdrawn from such warehouses for domestic use, in which event they shall be treated as American goods exported and returned.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1362, as amended (26 U.S.C. 5214); sec. 3, Pub. L. 91–659, 84 Stat. 1965, as amended (26 U.S.C. 5066); sec. 2, Pub. L. 96–601, 94 Stat. 3495 (26 U.S.C. 5362))

Par. M. Section 252.61 is revised to include a reference to new § 252.121(d), which permits withdrawal of wine from bonded wine cellar without payment of tax for transfer to a customs bonded warehouse, and a reference to the new subject classification number of ATF Form 2734. As revised, § 252.61 reads as follows:

§ 252.61 Bond, Form 2734 (5100.25).

If a specific lot of distilled spirits or wine is to be withdrawn without payment of tax, as authorized in § 252.91(a)(1), (a)(2), (a)(3), (a)(5), or § 252.121(a), (b), (c), or (d), by a person other than the proprietor of the bonded premises, a specific bond on ATF Form 2734 (5100.25) shall be filed by the exporter with the regional regulatory administrator, as provided in § 252.51. The penal sum of the bond shall not be less than the tax prescribed by law on the quantity of spirits or wine to be withdrawn. However, the maximum penal sum of the bond shall not exceed $200,000 but in no case shall the penal sum be less than $1,000.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1352, as amended, 1362, as amended, 1380, as amended (26 U.S.C. 5175, 5214, 5362) sec. 3, Pub. L. 91–659, 84 Stat. 1965, as amended (26 U.S.C. 5066))

Par. N. Section 252.62 is revised (1) to include a reference to new § 252.121(d), which permits withdrawal of wine from a bonded wine cellar without payment of tax for transfer to a customs bonded warehouse; (2) to include references to the new subject classification numbers of ATF Forms 2735 and 1533; and (3) to prescribe a new paragraph (d) requiring a consent of surety before any withdrawal authorized by Pub. L. 96–601 is made under a bond that does not specifically cover such withdrawals. As revised, § 252.62 reads as follows:

§ 252.62 Bond, Form 2735 (5100.30).

(a) *Requirement for bond.* If a person other than the proprietor of the bonded premises withdraws distilled spirits or wine without payment of tax, as authorized by § 252.91 (a)(1), (a)(2), (a)(3), (a)(5), or § 252.121 (a), (b), (c), or (d), the exporter shall file a continuing bond, ATF Form 2735 (5100.30), with the regional regulatory administrator, as provided in § 252.51.

(b) *Penal sum of bond.* The penal sum of the bond shall be sufficient to cover the tax on the maximum quantity of distilled spirits and wine that may remain unaccounted for at any one time. However, the maximum penal sum of the bond shall not exceed $200,000, but in no case shall the penal sum be less than $1,000. Distilled spirits and wine withdrawn for exportation, use on vessels or aircraft, transfer to a customs bonded warehouse, or transfer to and deposit in a foreign-trade zone, shall remain unaccounted for until the evidence of exportation, use, deposit, transfer, or loss in transit has been filed with the regional regulatory administrator.

(c) *Apportioning bonds.* If the bond, Form 2735 (5100.30), is in less than the maximum penal sum, the principal shall apportion the bond, in accordance with the requirements on the bond form. The

exporter may reapportion the bond coverage, if changing conditions make this necessary, by filing a consent of surety, ATF Form 1533 (5100.18), for approval by the regional regulatory administrator.

(d) *Withdrawal of wine for transfer to a customs bonded warehouse; consent of surety.* An exporter with a bond on Form 2735 (5100.30) executed before April 1, 1981, shall obtain a consent of surety on Form 1533 (5000.18) before withdrawing wine without payment of tax from a bonded wine cellar for transfer to a customs bonded warehouse. The consent shall be executed in accordance with § 252.54 and filed in accordance with instructions on the form. Exporters with bonds executed on or after April 1, 1981, do not need this consent of surety, because such bonds automatically apply to withdrawals for transfer to customs bonded warehouses.

Par. O. The title of Subpart F is revised to make reference to withdrawal of wine for transfer to a customs bonded warehouse without payment of tax. As revised, the title of Subpart F reads as follows:

Subpart F—Withdrawal of Wine Without Payment of Tax for Exportation, Use on Vessels and Aircraft, Transfer to a Foreign-Trade Zone or to a Customs Bonded Warehouse, or Transportation to a Manufacturing Bonded Warehouse

Par. P. Section 252.121 is amended to include a reference to transfer of wine for deposit in a customs bonded warehouse. This amendment is accomplished by (1) deleting the last word ("or") of paragraph (c), (2) relettering paragraph (d) as paragraph (e), and (3) adding new paragraph (d) to read as follows:

§ 252.121 General.

* * * * *

(d) Transfer to and deposit in a customs bonded warehouse as provided in § 252.27; or

* * * * *

Par. Q. Section 252.122 is amended to provide that the procedure for withdrawal of wine for transfer to a customs bonded warehouse shall be the same as for withdrawal for export, use on vessels and aircraft, or transfer to a foreign-trade zone. This is accomplished by including transfer to a customs bonded warehouse within the provisions of paragraph (a). As revised, the heading of paragraph (a) in § 252.122 reads as follows:

§ 252.122 Application or notice, ATF Form 5100.11.

(a) *Export, use on vessels and aircraft, transfer to a customs bonded warehouse, and transfer to a foreign-trade zone.* * * *

* * * * *

Par. R. Section 252.123(a) is revised to provide that wine transferred to a customs bonded warehouse without payment of tax be marked with the word, "Export." As revised, § 252.123(a) reads as follows:

§ 252.123 Export marks.

(a) *General.* In addition to the marks and brands required to be placed on packages or cases of wine at the time they are filled under the provisions of Part 240 of this chapter, the proprietor shall mark the word "Export" on the Government side of each case or Government head of each container before removal from the bonded premises for any exportation authorized under this subpart, including withdrawals under 26 U.S.C. 5362(c)(4).

* * * * *

Par. S. Section 252.127 is revised to include losses of wine while in transit to a customs bonded warehouse. As revised, § 252.127 reads as follows:

§ 252.127 Losses.

Where there has been a loss of wine while in transit from a bonded wine cellar to a port of export, a foreign-trade zone, a vessel or aircraft, a customs bonded warehouse, or a manufacturing bonded warehouse, the provisions of Subpart O of this part, with respect to losses of wine after withdrawal without payment of tax and to claims for remission of the tax thereon, shall be applicable.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1381, 1382, (26 U.S.C. 5370, 5371))

Par. T. Section 252.130 is revised to make reference to wine withdrawn for transfer to a customs bonded warehouse. As revised, § 252.130 reads as follows:

§ 252.130 General.

On application of the proprietor of a bonded wine cellar, wine which has been lawfully withdrawn without payment of tax under the provisions of this subpart for exportation, or for use on vessels and aircraft, or for deposit in a foreign-trade zone, in a manufacturing bonded warehouse, or in a customs bonded warehouse, may for good cause be returned to the bonded wine cellar from which withdrawn, for storage pending subsequent removal for lawful purposes. However, such wine must be returned before being exported, laden as supplies or used aboard vessels or aircraft, or deposited in a foreign-trade zone, in a manufacturing bonded warehouse, or in a customs bonded warehouse, as the case may be.

Par. U. Section 252.244a is revised to include wine withdrawn for shipment to a customs bonded warehouse. As revised, § 252.244a reads as follows:

§ 252.244a. Shipment to a customs bonded warehouse.

Distilled spirits and wine withdrawn for shipment to a customs bonded warehouse shall be consigned in care of the customs officer in charge of the warehouse.

(Sec. 3, Pub. L. 91-659, 84 Stat. 1965, as amended (26 U.S.C. 5066); sec. 2, Pub. L. 96-601, 94 Stat. 3495 (26 U.S.C. 5362))

Par. V. Section 252.286 is revised to add the words "or wine" in the first sentence, immediately following the words "distilled spirits," and to add to the statutory citation the section of law permitting direct receipt of domestic wine in a customs bonded warehouse. As revised, § 252.286 reads as follows:

§ 252.286 Receipt in customs bonded warehouse.

On receipt of the distilled spirits or wine and the related ATF Form 5100.11 or 5110.30 as the case may be, the customs officer in charge of the customs bonded warehouse shall make such inspection as is necessary to establish to his satisfaction that the shipment corresponds with the description thereof on the appropriate form. The customs officer shall note on each copy of the Form 5100.11 or 5110.30, as the case may be, any deficiency in quantity or discrepancy between the merchandise inspected and that described on the form. Where the inspection discloses no loss, or where a loss is disclosed and there is no evidence to indicate fraud, the officer shall execute his certificate of deposit on both copies of the form, forward the original to the regional regulatory administrator, and retain the remaining copy for his files.

(Sec. 3(a), Pub. L. 91-659, 84 Stat. 1965 (26 U.S.C. 5066); sec. 2, Pub. L. 96-601, 94 Stat. 3495 (26 U.S.C. 5362))

Par. W. Section 252.315 is revised to include wine lost in transit to a customs bonded warehouse. As revised, § 252.315 reads as follows:

§ 252.315 Loss of wine in transit.

The tax on wine withdrawn without payment of tax under this part and which is lost during transportation from

the bonded wine cellar from which withdrawn to (a) the port of export, (b) the vessel or aircraft, (c) the foreign-trade zone, (d) the manufacturing bonded warehouse, or (e) the customs bonded warehouse, as the case may be, may be remitted if evidence satisfactory to the regional regulatory administrator establishes that such wine has not been unlawfully diverted, or lost by theft with connivance, collusion, fraud, or negligence on the part of the exporter, owner, consignor, consignee, bailee, or carrier or the employees or agents of any of them. However, the remission of tax on wine withdrawn without payment of tax under this part and which is lost while in transit may be allowed only to the extent that the claimant is not indemnified or recompensed for such tax.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1381, 1382 (26 U.S.C. 5370, 5371))

Signed: May 11, 1981.

G. R. Dickerson,

Director.

Approved: May 28, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-22764 Filed 8-4-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 54 and 251

Deletion of Parts; Transportation of Independent School Children and DOD Explosives Safety Standards

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: The Office of the Secretary of Defense has cancelled the source documents of 32 CFR Parts 54 on transportation of dependent school children and 251 on DOD explosives safety standards. This action removes these Parts from the CFR since they are no longer valid.

EFFECTIVE DATE: Parts 54, September 14, 1978 and 251, January 24, 1978.

FOR FURTHER INFORMATION CONTACT: Mrs. M. S. Healy, Federal Register Liaison Officer, Office of the Secretary of Defense, Pentagon, Washington, D.C. 20301, telephone 202-697-4111.

PART 54—TRANSPORTATION OF DEPENDENT SCHOOL CHILDREN [REMOVED]

PART 251—TOXIC CHEMICAL HAZARDS OR COMBINED TOXIC AND EXPLOSIVES HAZARDS SAFETY STANDARDS [REMOVED]

Accordingly, 32 CFR is amended by removing Parts 54 and 251.

July 29, 1981.

M. S. Healy,

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

[FR Doc. 81-22787 Filed 8-4-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Blue Ridge Parkway, Virginia-North Carolina; Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Final Rule.

SUMMARY: The regulation set forth below designates the location on the Blue Ridge Parkway where snowmobiles shall be used for recreational purposes when that portion of the motor road is closed to normal motor vehicular traffic by snow and ice. This regulation provides for the preservation and enjoyment of the Parkway is a way that is consistent with both the snowmobile policy of the National Park Service and the off-road vehicle policy of the Department of the Interior.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Gary Everhardt, Superintendent, Blue Ridge Parkway, 700 Northwestern Bank Building, Asheville, North Carolina 28801. Telephone: (704) 258-2850, Ext. 718.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (Use of Off-Road Vehicles on Public Lands) issued in 1972, directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harassment of wildlife, disruption of wildlife habitat, and, in the case of national parks, not adversely affect scenic, natural, and aesthetic values.

In response to Exective Order 11644, the Secretary of Interior issued a Departmental memorandum on May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated 36 CFR 2.34 on April 1, 1974, which closed all National Park System areas to snowmobile use except those specifically designated as open by **Federal Register** notice or special regulation.

In order to comply with the requirements of Executive Order 11644 and 36 CFR 2.34, the National Park Service developed a Servicewide policy revision which was published in the **Federal Register** on August 13, 1979 (44 FR 47412). This policy provides for the use of snowmobiles in units of the National Park System as a mode of transportation to provide the opportunity for visitors to see, sense, and enjoy the special qualities of the park in the winter. The snowmobiles must be consistent with the Park's natural, cultural, scenic and aesthetic values; safety considerations; park management objectives; and not disturb the wildlife or damage other park resources.

The policy further provides that, where permitted, snowmobiles shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons. Routes and water surfaces to be designated for snowmobile use shall be promulgated as special regulations in the *Code of Federal Regulations*.

This regulation complies with Servicewide policy. Its promulgation also responds to public interest in additional recreational opportunities along a designated portion of the Blue Ridge Parkway when weather conditions are such that the motor road is closed to public automobile travel. The designated route for snowmobiles will be that portion of the motor road lying between U.S. 220, Milepost 121.4 and Adney Gap, Milepost 136.0.

This regulation was published as a proposed rule in the **Federal Register**, September 26, 1980 (45 FR 63884). During the 30-day period allowed for public comment none were received. The regulation promulgated here, is the same as was proposed.

Drafting Information

The following persons participated in the writing of this regulation: Gary Everhardt, James H. Parr, and Larry Freeman, Blue Ridge Parkway.

Compliance With Other Laws

The Service has prepared an environmental analysis on the proposal to allow use of snowmobiles on the paved motor road and parking areas of the Blue Ridge Parkway and has made a determination of no significant impact pursuant to regulations implementing the National Environmental Policy Act (42 U.S.C. 4332). Copies are available for public review in the office of the Superintendent, Blue Ridge Parkway.

The Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 [(46 FR 13193); February 19, 1981].

Since this regulation was proposed in 1980 [(45 FR 63884); September 26, 1980] it is not subject to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354), which became effective January 1, 1981 (Sec. 4). Therefore, a determination of its economic effect on a substantial number of small entities does not need to be made.

This rule does not contain an information collection or recordkeeping requirement as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing, Section 7.34 of Title 36, Code of Federal Regulations, is hereby amended by the addition of a new paragraph (a) as follows:

§ 7.34 Blue Ridge Parkway.

* * * * *

(a) *Snowmobiles.* After consideration of any special situations, i.e. preschedules or planned park activities such as conducted hikes or winter bird and wildlife counts, and depending on local weather conditions, the Superintendent may allow the use of snowmobiles on the paved motor road and overlooks used by motor vehicle traffic during other seasons between U.S. 220, Milepost 121.4 and Adney Gap, Milepost 136.0. The public will be notified of openings through the posting of signs.

(Section 3 of the Act of August 25, 1916, 39 Stat. 535, as amended (16 U.S.C. 3))

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-22844 Filed 8-4-81; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1882-5]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On May 22, 1980, the State of Maryland submitted a recodification of COMAR 10.18.01–10.18.07. This reorganized and renumbered the Maryland Regulations. This notice is to change the codification and arrangement of the Maryland State Implementation Plan (SIP) to coincide with the Maryland Regulations. None of the rules in the Maryland SIP are being changed by the action. Additionally, the notice will show the relationship between the old and new numbering systems and the current SIP status of each regulation.

EFFECTIVE DATE: Effective on September 4, 1981.

ADDRESSES: Copies of the amendment and associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. ATTN: Patricia Sheridan.

Air Management Administration, State of Maryland, 201 W. Preston Street, Baltimore, Maryland 21201. ATTN: George P. Ferreri.

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

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Vollberg, Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597–8990.

SUPPLEMENTARY INFORMATION:

I. Background

On May 22, 1980, the Administrator of the Maryland Air Management Administration submitted a recodification of COMAR 10.18.01–10.18.07 as a revision of the Maryland State Implementation Plan. The changes were modifications in format and not in the substance of any of the regulatory requirements. The purpose was to reorganize the Maryland air quality control regulations. The previous regulation designated (COMAR 10.18.02–10.18.07) were based solely on geographical applicability, with COMAR 10.18.01 consisting of procedural regulations applying Statewide. The four "rural" areas (COMAR 10.18.02, 10.18.03, 10.18.06, 10.18.07), in reality, had identical regulations as did the two "urban areas" (COMAR 10.18.04, Baltimore and COMAR 10.18.05, Maryland Portion of the National Capital). This resulted in unnecessary duplication, which is avoided by the new format. The reorganized regulations will maintain applicability by geographic area but will be arranged into a new subject matter format. Each chapter will now contain regulations all related to the same general chapter heading. The State of Maryland submitted proof that public hearings were held for the revision on April 9, 1980 in Baltimore, Maryland in accordance with the requirements of 40 CFR 51.4.

II. Control Strategy Demonstration

This amendment does not change any regulations in the SIP but rather reorders and renumbers the rules. Because the revision has no adverse impact on air quality, a modeling demonstration of attainment and maintenance of standards is not required.

III. Public Comments

Public comment was not sought by EPA on this revision, since it merely recodifies the SIP to coincide with the format of the Maryland regulations. Since no rule changes are made, there is no adverse impact upon the public or industry.

IV. Policy Issues

There are no policy issues involved with this revision other than the basis for the Administrator's approval; i.e. whether the revision submitted by the State of Maryland meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, Public Hearings; § 51.5, Submittal of Plans; § 51.6, Revisions; and § 51.11, Legal Authority.

V. EPA Evaluation

The revision submitted by the State of Maryland meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR Parts 51.4, 51.5, 51.6, and 51.11.

VI. Final Action

In view of this evaluation, the Administrator approves the above-described reorganization and

recodification as the format for the Maryland SIP. The following chart is for informational purposes to relate the old formats with the new. Also indicated is the current SIP status of each Maryland Regulation.

TABLE I

Original numbering system	Intermediate numbering system	May 22, 1980 recodification	Status	Comments
10.03.35.01	10.18.01.01	10.18.01.01	F(1)	
A	A	A	F	
	G	B	F	
G	H	C	F	
H	I	D	F	
J	K	E	F	
M	N	F	F	
T	V	G	F	
	Y	H	No (2)	Modified by submittal of 12/10/79.
	AA	I	No (2)	Modified by submittal of 12/10/79.
	AAA	J	No (2)	Modified by submittal of 12/10/79.
	BB	K	No (2)	Modified by submittal of 9/26/79.
W	CC	L	F	
	EE	M	F	
AB	II	N	F	
AC	JJ	O	Yes (3)	Modified by submittal of 5/19/80.
AH	NN	P	F	
AI	OO	Q	F	
AM	SS	R	F	
AN	UU	S	F	
AO	VV	T	F	
AP	WW	U	F	
AQ	XX	V	F	
	YY	W	F	
		10.18.01.02	A(4)	
10.03.35.02	10.18.01.02	10.18.01.03	F	
		10.18.01.04		
	10.18.01.06A	A	No (2)	Submitted 4/24/74, modified by submittal of 2/10/77. 4/24/74 submittal not finalized.
10.03.35.06B	10.18.01.06B	B	F	
	10.18.01.12	C	F	
10.03(.36, .37, .40, .41), .06E(1); 10.03(.38, .39).06F(1).	10.18(.02-.07).06F(2)(a) and (d)	D	F	
		10.18.01.05		
10.03.35.10	10.18.01.10	A	F	
10.03(.36, .37, .40, .41).06E(2)(c); 10.03(.38, .39).06F(2)(c).	10.18(.02-.07).06F(2)(c)	B	F	
10.03(.36-.41).06B	10.18(.02-.07).06B	10.18.01.06	F	
10.03.35.07	10.18.01.07	10.18.01.07	F	
		10.18.01.08		
10.03(.36, .37, .40, .41) .02D(2); 10.03(.38, .39).02B(2).	10.18(.02, .03, .06, .07).02B(2)(a); 10.18(.04, .05).02B(2)(a).	A	F	
	10.18(.02-.07).02B(2)(b)	B	No (2)	Submitted 10/24/79.
	10.18(.02-.07).02B(2)(c)	C	No (2)	Submitted 10/24/79.
10.03(.38, .39).02B(3)	10.18(.04, .05).02B(3)	D	No (2)	Submitted 1/5/78.
10.03(.38, .39).02B(4)	10.18(.04, .05).02B(4)	E	No (2)	Submitted 1/5/78.
10.03(.36, .37, .40, .41).02D(4)	10.18(.02, .03, .06, .07).02B(4)	F	F	
		10.18.02.01		
	10.18.01.11A(1)	A	No (2)	Submitted 12/10/79.
	10.18.01.11A(2)	B	No (2)	Submitted 12/10/79.
	10.18.01.01C	C	F	
	10.18.01.11A(3)	D	No (2)	Submitted 12/10/79.
	10.18.01.01R	E	F	
	10.18.01.11A(4)	F	No (2)	Submitted 12/10/79.
10.03.35.01AR	10.18.01.01ZZ	G	F	
10.03.35.05	10.18.01.05	10.18.02.02	F	
10.03.35.11	10.18.01.11	10.18.02.03	Yes (3)	Modified 9/26/79 and 12/10/79.
	B	A	No (2)	Submitted 9/26/79, modified 12/10/79.
	C	B	No (2)	Same as above.
	D	C	No (2)	Same as above.
	E	D	No (2)	Same as above.
	F	E	No (2)	Same as above.
	G	F	No (2)	Same as above.
	I	G	No (2)	Submitted 4/24/74, modified 12/10/79.
	J	H	No (2)	Submitted 9/26/79, modified 12/10/79.
	K	I	No (2)	Same as above.
	L	J	No (2)	Same as above.
	M	K	No (2)	Same as above.
	N	L	No (2)	Same as above.
	O	M	No (2)	Same as above.
	P	N	No (2)	Same as above.
10.03(.36-.41).05A-D	10.18.01.04A	10.18.03.01	No (2)	Submitted 10/24/79.
	C	10.18.03.02	No (2)	Submitted 10/24/79.
	B	10.18.03.03	No (2)	Submitted 10/24/79.
	D	10.18.03.04	No (2)	Submitted 10/24/79.
	E	10.18.03.05	No (2)	Submitted 10/24/79.
	G	10.18.03.06	No (2)	Submitted 10/24/79.
	H	10.18.03.07	No (2)	Submitted 10/24/79.
	F	10.18.03.08	No (2)	Submitted 10/24/79.
		10.18.04.01		
10.03.35.01N	10.18.01.010	A		Not Part of SIP.
10.03(.36-.41).04E(1)	10.18.01.04I(1)	B		Not part of SIP.
10.03(.36-.41).04E(3)	10.18.01.04I(2)	C		Not part of SIP.

TABLE I—Continued

Original numbering system	Intermediate numbering system	May 22, 1980 recodification	Status	Comments
10.03.35.01	10.18.01.01	10.18.05.01	F	
B	B	A	F	
D	D	B	F	
E	E	C	F	
L	M	D	F	
P	Q	E	F	
AA	HH	F	F	
AD	KK	G	F	
AG	MM	H	F	
10.03.35.03A	10.18.01.03A	10.18.05.02	F	
10.03.35.03B	18.18.01.03B	10.18.05.03	Yes (3)	Submitted 10/24/79.
10.03.35.03C(1)–(5)	10.18.01.03C(1)–(7)	10.18.05.04A–G	F	
10.03.35.03D	10.18.01.03D	10.18.05.05 A, B	F	
Tables I, II, III	Tables I, II, III	Tables I, II, III	F	
10.03(.38, .39).04J(1)	10.18(.04, 05).04J(1)	10.18.06.01		
a	a	A	F	
c	c	B	Yes (3)	Modified 1/19/79.
d	d	C	Yes (3)	Modified 1/19/79.
	i	D	Yes (3)	Modified 1/19/79.
e	e	E	Yes (3)	Modified 1/19/79.
f	f	F	Yes (3)	Modified 1/19/79.
g	g	G	No (2)	Modified 4/24/74 and 1/19/79.
h	h	H	Yes (3)	Modified 1/19/79.
		10.18.06.02		
10.03(.36, .37, .40, .41).02C(2)	10.18(.02, .03, .06, .07).02A	A	Yes(3)	Modified 10/24/79.
10.03(.38, .39).02A	10.18(.04, .05.02A	B	F	
10.03(.36, .37, .40, .41).02D(1)	10.18(.02, .03, .06, .07).02B(1)	C	Yes(3)	Modified 9/26/79.
10.03(.36, .37, .40, .41).02D(3)	10.18(.02, .03, .06, .07).02B(3)	D(1),(2)	F	
10.03(.38, .39).02B(3)(b) and (c)	10.18(.04, .05).02B(5)(a) and (b)			
10.03(.38, .39).02B(5)(d) and (e)	10.18(.04, .05).02B(5)(c) and (d)	(3),(4)	No(2)	Submitted 1/5/78.
		(5)		Not part of the SIP.
10.03(.36, .37, .40, .41).03A	10.18(.02, .03, .06, .07).03A(1)	10.18.06.03A	F	
10.03(.38, .39), .03A(1)	10.18(.04, .05).03A(1)(a)			
10.03(.36, .37, .40, .41).03E(1)	10.18(.02, .03, .06.07).03F	B(1)	Yes(3)	Modified 10/24/79.
10.03(.38, .39).03E(1)	10.18(.04, .05).03E(1)	(2)(a)	F	
10.03(.38, .39).03E(2)	10.18(.04, .05).03E(2)	B)	No(2)	Submitted 1/5/78.
	10.18(.04, .05).03H	C	F	
10.03(.36–.41).03F(1)	10.18(.02, .03, .06, .07).03G(1)	D(1)	F	
	10.18)(.04, .05).03F			
10.03(.36–.41).03F(2)	10.18(.02, .03, .06, .07).03G(2)	(2)	F	
10.03(.38, .39).041 (3) and (4)	10.18(.04, .05).04I (3) and (4)	10.18.06.04A	F	
10.03(.36–.41).04A(2)	10.18(.2–.07).04A(2)	10.18.06.05A	F	
10.03(.36, .37, .40, .41).04C (1) and (2).	10.18(.02, .03, .06, .07).04C (1) and (2).	B	Yes(3)	Modified 12/11/74.
10.03(.38, .39).04C (1) and (2)	10.18(.04, .05).04C (1) and (2)	C	Yes(3)	Modified 12/11/74.
10.03(.36–.41).04D(2)	10.18(.02–.07)04D(2)	D	F	
10.03(.38, .39).04J(2) (a) and (b)	10.18(.02, .03, .06, .07).04I(2)	10.18.06.06A(1)	F	
	10.18(.04, .05).04J(2) (a) and (b)			
10.03(.38, .39).04J(2)(c)	10.18(.04, .05)J(2)(c)	(2)	F	
10.03(.38, .39).04J(3)(a)	10.18(.04, .05)04J(3)(a)	B(1)	F	
10.03(.38, .39).04J(3)(b)	10.18(.04, .05)04J(3)(b)	(2)	F	
10.03(.38, .39).04J(3)(c)	10.18(.04, .05)04J(3)(c)	(3)	F	
10.03(.38, .39).04J(3)(d)	10.18(.04, .05)04J(3)(d)	(4)	F	
10.03(.38, .39).04J(4)	10.18(.04, .05).04J(6)	(6)	F	
10.03(.38, .39).04J(3)(F)	10.18(.04, .05).04J(3)(e)	(6)	No (3)	Disapproved 3/13/79, 44 FR 14557
	10.18(04, .05).04J(4)	C	No(2)	Submitted 1/19/79.
	10.18(04, .05).04J(5)	D	No(2)	Submitted 1/19/79. Modified 12/10/79.
10.03(.38, .39).04J(6)(a)	10.18(.04, .05)04K	E	Yes(3)	Submitted 1/19/79.
10.03(.36, .37, .40, .41).06E(1)	10.18(.02, .03, .06, .07)06E(1)	10.18.06.07(1)	F	
10.03(.38, .39).06F(1)	10.18(.04, .05)06F(1)			
10.03(.36–.41).06A	10.18(.02–.07)06A	10.18.06.08	F	
10.03(.36–.41).04A(1)	10.18(.02–.07)04A(1)	10.18.06.09	F	
10.03(.36, .37, .40, .41).06C	10.18(.02, .03, .06, .07)06C	10.18.06.10	F	
10.03(.38, .39).06D	10.18(.04, .05)06D			
	10.18(.04, .05)06D	10.18.06.11A	F	
	10.18(.04, .05).05B	B	No(2)	Submitted 12/10/79.
	10.18(.04, .05).06H	C	No(2)	Submitted 1/19/79. Modified 12/10/79.
	10.18(.04, .05).06G	D	No(2)	Submitted 1/19/79. Modified 12/10/79.
	10.18(.02 – .07).05A	10.18.06.12	No(2)	Submitted 9/26/79. Modified 12/10/79.
	10.18(.02 – .07).07	10.18.06.13	No(2)	Submitted 12/10/79.
		10.18.06.14		Reserved
10.03(.36 – .41) .4H(2)	10.18(.02 – .07).04H	10.18.06.15	F	
10.03(.36, .37, .40, .41) Table 2	10.18(.02, .03, .06, .07) Table 1&1B	Table 1 and 1B	F	
10.03(.38, .39) Figure 1	10.18(.02, .03, .06, .07) Figure 3	Figure 1	F	
10.03.35.01Q,R,Y,AJ	10.18.0101FF, PP,S,T	10.18.07.01A–D	F	
10.03(.36 – .41).01A	10.18(.02 – .07).01A	10.18.07.02	F	
10.03(.36, .37, .41, .41).01B	10.18(.02, .03, .06, .07).01B	10.18.07.03A	F	
10.03(.38, .39), .01B	10.18(.04, .05).01B	B	F	
10.03(.36–.41).01C	10.18(.02–.07) .01C	10.18.07.04	F	
10.03(.36, .37, .40, .41).01D	10.18(.02, .03, .06, .07) .01D	10.18.07.05A	F	
10.03(.38, .39).01D	10.18(.04, .05).01D	B	F	
10.03.35.01 R,S,V	10.18.01.01T,U,Z	10.18.06.01A,B,C	F	
		10.18.06.02	A	
10.03(.36 – .41).06C	10.18(.02–.07).06C	10.18.06.03	Yes(3)	Submitted 4/24/74.
10.03(.36, .37, .40, .41).02	10.18(.02, .03, .06, .07).02A	10.18.06.04A	Yes(3)	Modified 10/24/79.
10.03(.38, .39).02A	10.18(.04, .05).02A	B	F	
10.03(.38, .39).02A	10.18(04, .05).02A	B	F	
10.03(.36, .37, .40, .41).02D(1)	10.18(.02–.07).02B(1)	C	F	

TABLE I—Continued

Original numbering system	Intermediate numbering system	May 22, 1990 recodification	Status	Comments
10.03(.38-.39).02B(1)				
10.03.35.01	10.18.01.01	10.18.09.01		
K	L	A	F	
O	P	B	F	
	W	C	F	
AL	RR	D	F	
	TT	E	F	
		10.18.09.02	F	
10.03(.35-.35-.36-.40-.41).3B(1)	10.18(.02-.03-.06-.07).03B(1)	10.18.09.03A&B	F	
10.03(.36-.37-.40-.41).03A(1)	10.18(.02-.03-.06-.07).03A(1),(2)	C	F	
10.03(.38-.39).03A(1)(a)	10.18(.04-.05).03 A(1)(a)&(b)			
10.03(.36-.37-.40-.41).06D	10.18(.02-.03-.06-.07).06D	10.18.09.04A	Yes(3)	Modified 10/24/79.
10.03(.38-.39).06E	10.18(.04-.05).06E	B	F	
10.03(.36-.37-.40-.41).02B	10.18(.02-.03-.06-.07).02A	10.18.09.05A(1)	Yes(3)	Modified 10/24/49.
10.03(.38-.39).02A	10.18(.04-.05).02A	(2)	F	
10.03(.36-.37-.40-.41)..2D(1)	10.18(.02-.07).02B(1)	(3)(a)	F	
10.03(.38-.39).02B(1)				
10.03(.36-.41).02D(4)	10.18(.02-.03-.06-.07).02B(4)	(b)	F	
	10.18(.02-.03-.06-.07).02E	B	No(2)	Modified 12/11/74.
	10.18(.04-.05).02C			
10.03(.036-.41).03B	10.18(.04-.05).3B	B	F	(1)—modified 1/15/78. (6)(a)—disapproved for Areas I and III, 12/21-78, 43 FR 59459.
10.03(.36-.41).04B	10.18(.02-.03-.06-.07).04B	10.18.09.07A	F	(1)(a) and (b) disapproved for Area I, 3/1/76, 41 FR 8769.
	10.18(.04-.05).04B(1-3)			
10.03(.36-.41).04D(1)	10.18(.02-.07).04D(1)&(3)	B(1)&(2)	F	
	10.18(.02-.03-.06-.07).04D(5)	(3)	No (2)	Submitted 10/24/79.
	10.18(.04-.05).04D(5)	(4)	No (2)	Submitted 2/20/80.
10.03(.36-.41.04E	10.18(.02-.07).04E	C	F	
10.03(.36-.41).04G(1)	10.18(.02-.07).04G(1)	10.18.09.08A	Yes (3)	Modified 10/24/79.
10.03(.38-.39).04G(2)	10.18(.04-.05).04G(2)	B	F	
	10.18(.02-.03-.06-.07).04G(2)	C	F	
	10.18(.04-.05).04G(3)			
10.03(.38-.39)Table 1	.0.18(.04-.05Table 1	Table 1	F	
10.03(.36-.41Table 2	10.18(.02-.03-.06-.07) Tables 1 & 1b	Tables 2A & 2B	F	
10.03(.36-.37-.40-.41) Figure 1	10.18(.02-.03-.06-.07) Figure 1	Figure 1	Yes (1)	Modified 10/ 24/79.
	10.18(.02-.03-.06-.07) Figure 2	Figure 2	No (2)	Modified 10/24/79.
10.03.35.01VV-YY	10.18.01.01F-X	10.18.10.01A-B	No (2)	Submitted 1/5/78.
		10.18.10.02	A	
10.03(.38-.39).02A	10.18(.04-.05).02A	10.18.10.03A(1)	F	
10.03(.36-.39).02B(5)(d)&(e)	10.18(.04-.05).02B(5)(c)&(d)	(2)(a)&(d)	No (2)	Submitted 1/5/ 78.
10.03(.38-.39).02B(1)	10.18(.04-.05).02B(1)	(c)	F	
10.03(.38-.39).02E	10.18(.04-.05).02E	B	No (2)	Submitted 1/5/78.
10.03(.38-.39).03G(1), (2), (3)(c)	10.18(.04-.05).03G(1), (2), (3)(c)	10.18.10.04A	No (2)	Submitted 1/5/78.
10.03(.38-.39).03G(3)(a), (b), (d)	10.18(.04-.05).03G(3)(a), (b), (d)	B	No (2)	Submitted 1/5/78.
10.03(.38-.39).03G(4)	10.18(.04-.05).03G(4)	C	No (2)	Submitted 1/5/78.
10.03(.38-.39).04B(5)	10.18(.04-.05).04B(4)	10.18.10.05	No (2)	Submitted 1/5/78.
10.03(.38-.39).04I(1)	10.18(.04-.05).04I(1)	10.18.10.06	F	
		10.18.11.01	A	
	10.18(.04-.05).04K(10)	10.18.11.02	No (2)	Submitted 1/19/79.
	10.18(.02-.03-.06-.07).03E	10.18.11.03	No (2)	Submitted 10/24/79.
	10.18(.02-.07).04C(3)&(4)	10.18.11.04A(1)	No (2)	Submitted 12/11/74.
	10.18(.02-.03-.06-.07).04C(5)&(6)	(2)	No (2)	Submitted 12/11/74.
10.03(.36-.41).04A(2)	10.18(.02-.07).04 A(2)	(3)	F	
	10.18(.02-.07).04D(4)	(4)	No (2)	Submitted 12/11/74.
	10.18(.04-.05).04I(2)	B	F	
10.03(.38-.39).04J(1)(b)	10.18(.04-.05).04J(1)(b)	10.18.11.05A(1)	F	
	10.18(.04-.05).04J(1)(f)	(2)	No(3)	Modified 1/19/79.
	10.18(.02-.03-.06-.07).04I(1)(6)	(3)	No(2)	Submitted1/19/79.
	10.18(.04-.05).04J(1)(g)			
	10.18(.04-.05).04J(1)(h)	(4)	Yes(3)	Modified 1/19/79.
	10.18(.04-.05).04J(2)(a),(b)	B(1),(2)		
	10.18(.04-.05).04J(2)(e)	(3)(a)	Yes(3)	Modified 1/19/79.
	10.18(.04-.05).04J(2)(d)	(b)	Yes(3)	Modified 1/19/79.
	10.18(.04-.05).04J(2)(e)	(4)	No(2)	Modified 1/19/79. This regulation deals with Stafe II Vapor Recovery. Not part of the SIP at this time.
	10.18(.02-.03-.06-.07).04I(2)(a)	C	F	
	10.18(.02-.03-.06-.07).04J0	10.18.11.06	No(2)	Submitted 12/11/74.
	10.18(.04-.05).04L			Modified 1/19/79.
		10.18.12-.19	Reserved	
10.03.35.01X,Z,AF,AK	10.18.01.01DD,GG,LL,QQ	10.18.20.01A-D	F	
		10.18.20.02	A	
10.03(.36-.37-.40-.41).03D(1)	10.18(.02-.03-.06-.07).03D(1)	10.18.20.03A		Not part of the SIP.
10.03(.38-.39).03D	10.18(.04-.05).03D	B	F	
10.03(.36-.37-.40-.41).03D(2)	10.18(.02-.03-.06-.07).03D(2)	10.18.20.04	F	
10.03(.36-.41).04F	10.18(.02-.07).04F	10.18.20.05	Yes(3)	Modified 12/11/74.
	10.18(.04-.05).04K(1)(a)-(g)	10.18.21.01A-G	No(2)	Modified 1/19/79.
		10.18.21.02	A	
	10.18(.04-.05).04K(2)-(9),(11)	10.18.21.03-.11	No(2)	Submitted 1/19/79.
10.03.35.09	10.18.01.09	10.18.22.01	F	
	10.18(.02-.07).02D	10.18.22.02	No(2)	Submitted 12/11/74.

Key to Table 1

(1) F—Final rulemaking has been done on this regulation and it is part of the SIP. (2) No—Final rulemaking has not been completed on this regulation; will be done in another FEDERAL REGISTER Notice. (3) Yes—Earlier version of this regulation is part of the SIP but a change has been made which has not had a final ruling made; this will be done in a future FEDERAL REGISTER Notice. (4) A—An addition submitted May 19, 1980; this is not a substantive addition and this notice will incorporate these additions into the SIP.

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

307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves State actions consisting of administrative changes and imposes no new requirements of its own.

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

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

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

Part 52 of Title 40, Code of Federal Regulations is amended as follow:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart V—Maryland

§ 52.1070 [Amended]

1. In Section 52.1070 Identification of Plan, a new paragraph (c)(45) is added to read as follows:

* * * * *

(c) * * *

(45) Recodification of the Maryland Regulations submitted by the State of Maryland on May 22, 1980.

(42 U.S.C. §§ 7401–642)

Dated: July 30, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-22792 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-3 FRL 1885-3]

Approval of Revision of the Commonwealth of Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision to Pennsylvania's State Implementation Plan (SIP) for the Commonwealth of Pennsylvania and the City of Philadelphia. It is intended to establish Ambient Air Quality Monitoring Networks under 40 CFR Part 58 (State & Local Air Monitoring System or SLAMS).

The data will be used for determining the status of attainment of National Ambient Air Quality Standards (NAAQS), as a basis for requiring control of source emissions of criteria pollutants, for determining and tracking air pollution episodes, for growth planning in urban areas, for determining the impact of area sources and for reporting to the public the air quality for the Commonwealth of Pennsylvania and the City of Philadelphia.

EFFECTIVE DATE: September 4, 1981.

ADDRESSES: Copies of the revision and associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Patricia Sheridan

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, Fulton Bank Building, Third & Locust Streets, Harrisburg, PA 17120, Attn: James K. Hambright, Director

Air Management Services, Department of Public Health, 801 Arch Street, 6th Floor, Philadelphia, Pennsylvania 19107, Attn: Wm. Reilly, Assistant Commissioner

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

Office of the Federal Register, 1100 L Street NW, Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Patricia Sheridan, Air Media & Energy Branch (3AH11), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597–8176.

SUPPLEMENTARY INFORMATION:

I. Background

On January 25, 1980, the Commonwealth of Pennsylvania submitted to the Regional Administrator, EPA Region III, a revision of the Pennsylvania State Implementation Plan (SIP). This section of the SIP consists of provisions which meet the new requirements for monitoring air quality for the Commonwealth of Pennsylvania and the City of Philadelphia, which are in 40 CFR 58.20 (Air Quality Surveillance: Plan Content). The air quality surveillance networks which will be established, as provided in this SIP revision, will consist of the present networks with certain modifications and additions. The provisions of this submittal are intended as a supplement to existing provisions and are not intended to revoke or suspend any previous submittals.

The networks will measure ambient levels of "criteria pollutants" or those pollutants for which National Ambient Air Quality Standards (NAAQS) have been established by EPA.

The process of the network designs was carried out as required by Appendix D of 40 CFR Part 58.

The network descriptions for the Commonwealth of Pennsylvania and the City of Philadelphia will include the following for each station in the air quality surveillance network:

a. The SAROAD site identification form.

b. The identity of the monitoring method or analyzer.

c. The identity of any necessary method of sample analysis.

d. The sampling schedule.

e. The monitoring objective.

f. The spatial scale of representativeness.

Also, on file for public inspection will be the schedule for the following:

a. Locating and/or placing into operation any station which was not operating and/or located correctly on January 1, 1980.

b. Implementing quality assurance procedures for any station for which those procedures were not implemented by January 1, 1980.

c. Relocating each station not sited according to the siting parameters of Appendix E to 40 CFR Part 58 by January 1, 1980.

Each station in the air quality surveillance network provided for by this SIP revision and described in the network description will be termed a State and Local Air Monitoring Station or a SLAMS. All stations in the Commonwealth of Pennsylvania's and the City of Philadelphia's SLAMS network will be operated in accordance with the criteria established by Subpart B of 40 CFR Part 58.

Each SLAMS will be sited in accordance with the siting parameters contained in Appendix E to 40 CFR Part 58.

Each continuous analyzer in a SLAMS will be operated on a continuous basis and data gathered as hourly averages. Each manual method will be operated for a full 24-hour period at six day intervals.

Reference or equivalent methods will be used in SLAMS as defined by EPA in 40 CFR 50.1, or will be a particulate sampler for which a site-specific relationship to the Hi-vol has been established at the site of the SLAMS.

The quality assurance procedures of Appendix A to 40 CFR Part 58 will be followed when operating the SLAMS network and processing air quality data.

The concept of episode monitoring involves daily monitoring in order to detect when ambient pollution levels reach concentrations corresponding to an air quality episode, and monitoring during episodes to maintain surveillance of the situation.

Each SLAMS that is designated as an episode monitoring station will be identified in the description of the SLAMS network which is on file in the official network description.

Data from all SLAMS for an entire calendar year will be summarized and submitted to EPA by July 1 of the following year. The values determined and reported will be those values indicated in Appendix F to 40 CFR Part 58. Other information as required by Appendix F will also be reported in the annual report.

The Commonwealth of Pennsylvania and the City of Philadelphia will operate monitoring stations other than those in the SLAMS Network. These other stations will be termed Special Purpose Monitoring Stations (SPM) and will be used to supplement the SLAMS monitoring. The SPM stations will be used for purposes such as determining areas where permanent SLAMS need to be located, determining the effect of point sources, research, and determining acceptable growth patterns.

Data from SPM stations may be used for SIP purposes such as support for control strategies, determination of attainment/nonattainment, or model validation. Such data will have been collected in accordance with the criteria established by Subpart B of 40 CFR Part 58.

Beginning March 1 of each year, the Commonwealth of Pennsylvania and the City of Philadelphia will review their air quality surveillance networks to determine if there is a SLAMS in every location where there is a need for ambient air quality data or if all the stations in the SLAMS network are necessary. A report of the findings will be submitted to the EPA Regional Office by July 1 of each year along with a schedule to add stations to the SLAMS network, to relocate stations, or to eliminate stations as the case may be. The determination of the need to add, relocate or delete stations will be based on the network design criteria in Appendix D to 40 CFR Part 58 or references therein.

The site-specific SLAMS monitoring network description is not included in the SIP revision to allow for annual review and revision of the networks without repeating the full SIP revision procedure.

II. Control Strategy Demonstration

This revision is an administrative change rather than a substantive change. Because the revision has no adverse impact on air quality, a modeling demonstration of attainment and maintenance of standards is not required.

III. Public Comments

No comments were received during the 30-day comment period with respect to the Commonwealth of Pennsylvania and the City of Philadelphia's proposed rulemaking notice of August 19, 1980 (see 45 FR 55230).

IV. EPA Evaluation

There are no policy issues involved with this revision other than the basis for the Administrator's approval; i.e., whether the revision submitted by the Commonwealth of Pennsylvania meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, Public Hearings; 51.5, Submittal of Plans; preliminary review of plans; 51.6, Revisions; and 51.11, Legal Authority.

The revision submitted by the Commonwealth of Pennsylvania meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, 51.5, 51.6 and 51.11.

V. EPA Actions

In view of this evaluation, the Administrator approves the above described revision to the Commonwealth of Pennsylvania's SIP, which is intended to establish an Ambient Air Quality Monitoring Network for the State of Pennsylvania and the City of Philadelphia as required under 40 CFR Part 58 (State and Local Air Monitoring System or SLAMS).

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 only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12201.

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

(42 U.S.C. 7401–642)

Dated: July 30, 1981.

Anne M. Gorsuch,

Administrator.

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

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

Subpart NN—Pennsylvania

1. In § 52.2020 *Identification of Plan*, a new paragraph (c)(34) is added to read as follows.

§ 52.2020 Identification of Plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified * * *

(34) A revision was submitted by the Commonwealth of Pennsylvania on January 25, 1980, which is intended to establish an Ambient Air Quality Monitoring Network for the Commonwealth of Pennsylvania and the City of Philadelphia.

[FR Doc. 81-22791 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[OPP-300050A; PH-FRL 1901-2]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends 40 CFR 180.1001(c) by expanding the exemption from the requirement of a tolerance for the inert (or occasionally active) ingredient ammonium chloride to include the use "fire suppressant in aluminum phosphide and magnesium phosphide formulations". This regulation was requested by Research Products Company.

EFFECTIVE DATE: Effective on August 5, 1981.

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

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of June 9, 1981 (46 FR 30506) that Research Products Company, had requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, add an additional use to the present exemption of ammonium chloride. This would read "Fire suppressant in aluminum phosphide and magnesium phosphide formulations."

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

Therefore, it is concluded that the amendment to 40 CFR 180.1001(c) will protect the public health, and it is established as set forth below.

Any person adversely affected by this regulation may, on or before September 4, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

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

Effective on: August 5, 1981.

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

Dated: July 22, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.1001(c) is amended by adding the following ingredient to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
*	*	*
Ammonium chloride.	.....	Intensifier when used with ammonium nitrate as a dessicant or defoliant. Fire suppressant in aluminum phosphide and magnesium phosphide formulations.
*	*	*

[FR Doc. 81-22797 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[OPP-300041A; PH-FRL 1900-8]

Certain Inert Ingredients; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agriculture Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for the inert (or occasionally active) ingredients: alpha cellulose, methyl paraben, propyl paraben, and glycerol. This regulation was requested by Bayvet Div., Cutter Laboratories.

EFFECTIVE DATE: Effective on August 5, 1981.

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

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 20, 1981 (46 FR 22615) that Bayvet Division, Cutter Laboratories, Inc., Box 390, Shawnee, KS 66201, requested that the Administrator, amend 40 CFR 180.1001(e) by exempting alpha cellulose, methyl *p*-hydroxybenzoate (methyl paraben), propyl *p*-hydroxybenzoate (propyl paraben), and glycerol from the requirement of a tolerance when used in pesticidal formulations applied to animals.

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

Based on the information submitted, the chemistry of these substances, and review of their uses, it has been found that, when used in accordance with good agricultural practices, these ingredients are useful and do not pose a hazard to the environment. It is concluded, therefore, that the amendment to 40 CFR 180.1001(e) will protect the public health, and is established as set forth below.

Any person adversely affected by this regulation may, on or before September 4, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not

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

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

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

Effective on: August 5, 1981.

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

Dated: July 21, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.1001(e) is amended by adding in proper alphabetical order the ingredients to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(e) * * *

Inert ingredients	Limits	Uses
*	*	*
Alpha Cellulose	Food grade	Suspending agent.
*	*	*
Glycerol (glycerin)	Meets specifications of Food Chemicals Codex.	Solvent and thickener.
*	*	*
Methyl-p-hydroxybenzoate (Methyl paraben).	Meets specifications of Food Chemicals Codex; not to exceed 0.1 percent in formulations.	Preservative.
*	*	*
Propyl p-hydroxybenzoate (Propyl paraben).	Meets specifications of Food Chemicals Codex; not to exceed 0.1 percent in formulations.	Preservative.
*	*	*

[FR Doc. 81-22789 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[OPP-300053A; PH-FRL 1902-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Dimethylformamide (DMF)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for the inert (or occasionally active) ingredient dimethylformamide, as part of the U.S. Department of Agriculture (USDA) witchweed quarantine program, when applied postemergent to field corn.

EFFECTIVE DATE: Effective on August 5, 1981.

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

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of June 22, 1981 (46 FR 32273) that the Administrator proposed broadening the present exemption [§ 180.1001(d)] for dimethylformamide to include, as part of the USDA witchweed quarantine program, postemergent application to field corn, after silking and tasseling of the corn.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking. It has been concluded that the regulation established by amending 40 CFR Part 180 will protect the public health, therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may on or before September 4, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

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

Effective date: August 5, 1981.

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

Dated: July 22, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.1001(d) is amended by revising the entry "Dimethylformamide" to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
*	*	*
Dimethylformamide (see also § 180.1046).	For use only in preemergence application, application prior to formation of edible parts of food plants, and seed and transplant treatment. Also, as part of the USDA witchweed quarantine program, postemergent application in field corn, after silking and tasseling of the corn.	Solvent; cosolvent.
*	*	*

[FR Doc. 81-22790 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR PART 180

[OPP-300047A; PH-FRL1901-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Certain Inert Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 40 CFR 180.1001(c) and (e) to expand the oxyalkylation range for the exempt inert ingredients alpha-(p-Nonylphenyl)-omega-hydroxypoly (oxyethylene) sulfate, ammonium, calcium, magnesium, potassium, sodium, and zinc salts from 4 moles (average) to an average of 4–14 or 30–90 moles ethylene oxide. It also adds the monoethanolamine salt. This regulation was requested by Witco Chemical Co.

EFFECTIVE DATE: Effective on August 5, 1981.

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

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 20, 1981 (46 FR 22613) that Witco Chemical Corp., Organic Div., 3230 Brookfield St., Houston, TX 77045, requested that the Administrator amend 40 CFR 180.1001(c) and (e) by broadening the permissible poly(oxyethylene) content from 4 moles to 4–14 or 30–90 moles ethylene oxide for the inert ingredient(s) "alpha-(p-Nonylphenyl)-omega-hydroxypoly (oxyethylene) sulfate, (and its) ammonium, calcium, magnesium, potassium, sodium, zinc salts; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content average 4 moles." It was also proposed to exempt the monoethanolamine salt of this group of compounds.

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

Based on the information provided, the chemistry of this substance, and review of its use, it has been found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the amendment to 40 CFR 180.1001 will protect the public health, and the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before September 4, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

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

Effective on: August 5, 1981.

(Sec. 408(e), 68 Stat. 514, 21 U.S.C. 346a(3))

Dated: July 21, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.1001 (c) and (e) are amended by revising the entry "alpha-(p-Nonylphenyl)-omega-hydroxypoly(oxyethylene) sulfate, (and its) ammonium, calcium, magnesium, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4 moles" to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * * *		
Alpha-(p-Nonylphenyl)-omega-hydroxypoly(oxyethylene) sulfate, (and its) ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly (oxyethylene) content averages 4–14 or 30–90 moles of ethylene oxide.		Surfactants, related adjuvants of surfactants.
* * * * *		

(e) * * *

Inert ingredients	Limits	Uses
* * * * *		
Alpha-(p-Nonylphenyl)-omega-hydroxypoly(oxyethylene) sulfate, (and its) ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly (oxyethylene) content averages 4–14 or 30–90 moles of ethylene oxide.		Surfactants, related adjuvants of surfactants.
* * * * *		

[FR Doc. 81–22798 Filed 8–4–81; 8:45 am]

BILLING CODE 6560–32–M

40 CFR Part 180

[OPP-300051A; PH-FRL 1900-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Polyvinyl Chloride (PVC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for polyvinyl chloride (film and resin) (PVC) when used as an inert controlled-release dispenser for formulations of the attractant gossyplure [(*Z,Z*) and (*Z,E*) 7,11-hexadecadien-1-ol acetate] for residues in or on cottonseed. This regulation was requested by Herculite Products Inc.

EFFECTIVE DATE: Effective on August 5, 1981.

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

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection

Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of June 10, 1981 (46 FR 30662) that Herculite Products, Inc., 1107 Broadway, New York, NY 10010, had requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish an exemption from the requirement of a tolerance for the inert ingredient polyvinyl chloride (film and resin) when used as an inert controlled-release dispenser for formulations of the attractant gossyplure [(*Z,Z*-) and (*Z,E*-) 7,11-hexadecadien-1-ol-acetate] on cottonseed.

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

Therefore, it is concluded that the amendment to 40 CFR Part 180 will protect the public health, and it is established as set forth below.

Any person adversely affected by this regulation may, on or before September 4, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

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

Effective on: August 5, 1981.

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

Dated: July 22, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR Part 180 is amended by adding § 180.1060 to read as follows:

§ 180.1060 Polyvinyl chloride; exemption from requirement of a tolerance.

Polyvinyl chloride (film and resin) is exempt from the requirement of a tolerance for residues in or on cottonseed, when used as an inert controlled-release dispenser for formulations of the attractant gossyplure [(*Z,Z*-) and (*Z,E*-) 7,11-hexadecadien-1-ol acetate] to disrupt the mating of the pink bollworm.

[FR Doc. 81-22800 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PP OF2319/R344; PH–FRL 1900–3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; N,N-Diethyl-2-(1-naphthalenyloxy) Propionamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy)propionamide in or on a variety of raw agricultural commodities at 0.1 part per million (ppm). This regulation was requested by Stauffer Chemical Co. This rule establishes the maximum permissible level for residues of the herbicide in or on these commodities.

EFFECTIVE DATE: Effective on August 5, 1981.

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

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Office of Pesticide Programs, Registration Division (TS–767C), Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of March 14, 1980 (45 FR 16556) that Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804, had filed a pesticide petition (PP OF2319) with the EPA proposing to amend 40 CFR 180.328 establishing tolerances for residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy) propionamide in or on the raw agricultural commodities artichokes, asparagus, avocados, cucurbits, kiwifruit, leafy vegetables, mint, olives, and persimmons at 0.1 part per million (ppm).

The petitioner subsequently amended the petition by submitting a revised Section F, withdrawing the tolerance requests for cucurbits and leafy vegetables.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data submitted included an acute oral LD_{50} study (rats) with a LD_{50} greater than 5,000 milligrams (mg)/kilogram (kg)/day; a 90-day feeding study (rats) with a no-observable-effect-level (NOEL) of 25 mg/kg/day; a 90-day feeding study (dogs) with a NOEL of 40 mg/kg/day; a 2-year feeding/oncogenicity study (rats) with a tentative NOEL of 10 mg/kg/day; mutagenicity studies (rec-assay, host-mediated assay, Ames test) all negative for mutagenic effects; and an acceptable general metabolism study on rats.

Data desirable but currently lacking are final review of a 2-year feeding/oncogenicity study in rats, a 2-year oncogenicity study in mice, a 3-generation reproduction study in rats and a teratology study in rats. The studies have been submitted by the company and are currently undergoing final review by the agency.

The provisional acceptable daily intake (ADI) is calculated to be 0.0125 mg/kg/day based on a NOEL of 25 mg/kg/day and using a safety factor of 2,000. For a 60 kg person, the maximum permissible intake (MPI) is 0.75 mg/kg. The theoretical maximum residue contribution (TMRC) from existing tolerances (citrus fruit, figs, nuts, pome fruits, stone fruits, and fruiting vegetables at 0.1 ppm) and from a tolerance of 0.1 ppm on coffee beans which is established in a related document which appears in this issue of Federal Register is 0.0346 mg/day for a 1.5 kg. diet. The tolerances on artichokes, asparagus, avocados, kiwifruit, mint, olives, and persimmons will utilize 0.07 percent of the ADI and add 0.01 percent mg/kg to the TMRC to give a total TMRC of 0.0176 mg/day (1.5 kg diet) which represents 2.42 percent of the ADI.

There are no regulatory actions pending against the herbicide and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The nature of the residues in plants are adequately understood. An

adequate analytical method (gas-liquid chromatography using the Coulson conductivity detector specific for nitrogen) is available for enforcement purposes. Since these commodities are not feed items, there is not reasonable expectation of finite residues in meat, milk, poultry, and eggs, from the proposed use. Although review of long-term data has not been completed, the agency has concluded, based on the information summarized above, that the establishment of these tolerances will protect the public health. Therefore, tolerances for residues of the herbicide *N,N*-diethyl-2-(naphthalenyloxy)propionamide at a level of 0.1 ppm are established on artichokes, asparagus, avocados, kiwifruit, mint, olives, and persimmons as set forth below.

Any person adversely affected by this regulation may on or before September 4, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

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

Effective date: August 5, 1981.

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

Dated: July 22, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.328 is amended by alphabetically inserting seven raw agricultural commodities to read as follows:

§ 180.328 N,N-diethyl-2-(1-naphthalenyloxy)propionamide; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Artichokes	0.1
Asparagus	0.1
Avocados	0.1
* * * * *	
Kiwifruit	0.1
Mint	0.1
* * * * *	
Olives	0.1
Persimmons	0.1
* * * * *	

[FR Doc. 81-22802 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 193

[FAP 8H5193/T72; PH-FRL 1901-7]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Aldicarb

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends a temporary food additive regulation for use of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl)oxime and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl)oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde *O*-(methylcarbamoyl)oxime in or on dried hops. This regulation was requested by Washington State University.

EFFECTIVE DATE: Effective on August 5, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110).

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of October 3, 1980 (45 FR 65559) that a temporary food additive regulation had been extended for residues of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl)oxime and its cholinesterase-inhibiting metabolites (2-methyl-2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl)oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde *O*-(methylcarbamoyl)oxime in or on dried hops at 50.0 parts per million (ppm). This temporary food additive regulation expired July 11, 1981.

The scientific data reported and other relevant material have been evaluated, and it has been determined that an extension of the temporary food additive regulation will protect the public health. It is concluded that the pesticide may be safely used in accordance with the prescribed label and labeling registered pursuant to FIFRA, as amended, (865 Stat. 973; 89 Stat. 751; U.S.C. 135(a) *et. seq.* Therefore, 21 CFR Part 193 is amended as set forth below.

Any person adversely affected by this regulation may, on or before September 4, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirememt 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 Adminstrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels 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 24945).

Effective on: August 5, 1981.

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

Dated: July 25, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR 193.15(a) is revised to read as follows:

§ 193.15 Aldicarb.

(a) A tolerance of 50 parts per million is establishd for the combined residues of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl)oxime and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfonyl) propionaldehyde *O*-(methylcarbamoyl)oxime and 2-methyl-2-(methylsulfonyl)propionaldehyde O-(methylcarbamoyl)oxime in or on dried hops resulting from application of the insecticide in accordance with the provisions of an experimental use permit that expires June 5, 1982. This temporary food additive regulation also expires June 5, 1982.

* * * * *

[FR Doc. 81-22796 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5966]

National Flood Insurance Program; Final Flood Elevation Determinations; Massachusetts; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction to final rule.

SUMMARY: This document corrects a final flood elevation determination under the National Flood Insurance Program for the Town of Middleborough, Plymouth County, Massachusetts.

As a result of community comment, the area affected by the Source of Flooding Nemasket River has been changed from an area of detailed study for which a base flood elevation would be determined to an area of approximate study requiring no such determination. This Source of Flooding and all points referenced to it should therefore be deleted from the Final Flood Elevation Determinations published at 46 FR 21609 on April 13, 1981.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Final Determination of base (100-year) flood elevations for selected locations in the Town of Middleborough, Plymouth County, Massachusetts, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administration)

Issued: July 14, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-22816 Filed 8-4-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 371

Fraser River Sockeye and Pink Salmon Fishery; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects a document on Fraser River Sockeye and Pink Salmon Fishery published June 25, 1981 (46 FR 32868). In the original notice of final rule a paragraph was inadvertently omitted.

FOR FURTHER INFORMATION CONTACT: Mr. H. A. Larkins, Regional Director, 7600 Sand Point Way, NE., Seattle, Washington 98115. Telephone (206) 527-6150.

Dated: July 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

§ 371.9 [Amended]

Accordingly, NOAA corrects Appendix A of 50 CFR 371.9 by adding a (d) in paragraph 3. (2) on page 32869, column 3, to read as follows:

Appendix A—International Pacific Salmon Fisheries Commission Regulations.

* * * * *

3. * * *

(2) * * *

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

* * * * *

[FR Doc. 81-22786 Filed 8-4-81; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 651

Atlantic Groundfish (Cod, Haddock and Yellowtail Flounder); Increase of Annual Optimum Yields and Commercial and Recreational Quotas

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

ACTION: Final rule.

SUMMARY: NOAA issues final regulations to implement an amendment to the fishery management plan for the Atlantic groundfish fishery. The annual

optimum yields and commercial and recreational quotas for cod, haddock and yellowtail flounder are increased. These increases are based on improved stock conditions as indicated by resource assessments. The increased quotas will benefit fishermen and consumers.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT:
Frank Grice (Chief, Fisheries Management Division, Northeast Region, NMFS) 607-281-3600.

SUPPLEMENTARY INFORMATION: In September 1979, the New England Fishery Management Council submitted to the Secretary of Commerce an amendment to the Fishery Management Plan for Atlantic Groundfish (Cod, Haddock and Yellowtail Flounder) (FMP) and a draft supplement to the environmental impact statement (SEIS). The amendment was approved on August 22, 1980. Proposed regulations to implement the amendment were published on October 1, 1980 (45 FR 64996), and invited public comment for 60 days ending December 6, 1980. This amendment: (1) increases annual optimum yields and commercial quotas for cod, haddock and yellowtail flounder for the fishing year based on 1979 stock assessments; (2) revises Canadian allocations and recreational quotas; and (3) revises quarterly vessel class allocations and quarterly commercial quota guidelines.

The increased optimum yields and quotas are based largely on 1979 stock assessments (with additional information from 1980 assessments) done by the Northeast Fisheries Center, National Marine Fisheries Service. These assessments indicate that: (1) cod stocks remain above their historic average level of abundance; (2) haddock stocks remain near their historic average level of abundance with new evidence of good recruitment into the fishable population for 1980 or 1981; and (3) the abundance of yellowtail flounder in two management areas has stabilized over the past few years.

Since no comments were received on the proposed regulations, NOAA issues final regulations to implement this amendment. "Appendix A— Quarterly Quotas," which specifies quarterly and annual quotas by area, species, and vessel class, is amended. The existing catch limitations for groundfish are not changed by the amendment. The new optimum yields, quotas, and Canadian allocations are indicated in the following table:

Amendment to Atlantic Groundfish FMP—Summary of Annual Optimum Yields, Commercial and Recreational Quotas, and Canadian Allocations

Species/area	Optimum yield (mt)	Commercial quota (mt)	Recreational quota (mt)	Canadian commercial allocation (mt)
Cod—Gulf of Maine	12,000	9,500	2,500	0
Cod—Georges Bank & South	35,000	29,620	(2)	[2]5,380
Haddock—all areas	[1]32,500	[1]25,250	2,000	5,250
Gulf of Maine	(9,750)	(7,575)		
Georges Bank & South	(22,750)	(17,675)		
Yellowtail flounder:				
East of 69° W	5,000	5,000		0
West of 69° W	5,000	5,000		0

[1] OY and commercial quotas allocated 30 percent to Gulf of Maine and 70 percent to Georges Bank and South.
[2] Includes unspecified U.S. recreational allocation.

Proposed regulations included amending 651.22 to make minor editorial changes in the definitions of vessel classes. The NMFS Regional Director indicates that this is no longer necessary because the existing regulations comply with U.S. Coast Guard classification. Therefore, the FMP definitions of vessel classes remain valid and will not be amended.

Classification

Draft supplement No. 4 to the environmental impact statement (SEIS) covering these amendments was prepared and filed with the Environmental Protection Agency (EPA) on November 6, 1979 (Notice of Availability, 44 FR 66243). The draft has been revised and a final SEIS was filed with EPA on April 24, 1981.

The Assistant Administrator for Fisheries, NOAA, has determined that this amendment to the FMP is consistent with the Magnuson Fisheries Conservation and Management Act, the national standards, and other applicable law.

The Acting Administrator, NOAA, has determined that this amendment is not a major rule requiring the preparation of a regulatory impact analysis under Executive Order 12291, because (1) it will not result in an annual effect on the economy of $100 million or more; (2) it will not result in a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies or geographic regions; and (3) it will not result in significant adverse effects on competition, employment, investments, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Because the proposed rules were published before January 1, 1981, these final regulations are exempt from the provisions of the Regulatory Flexibility Act and do not require a regulatory flexibility analysis.

Finally, this amendment does not call for information and thus does not increase the Federal paperwork burden, as defined by the Paperwork Reduction Act.

Dated: July 30, 1981.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

50 CFR Part 651 is amended as follows:

1. The authority citation for Part 651 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In Part 651, Appendix A is revised to read as follows:

Appendix A—Quarterly Quotas

[In metric tons]

	Oct. 1-Dec. 31	Jan. 1-Mar. 31	Apr. 1-June 30	July-Sept. 30	Annual
Cod—Gulf of Maine (Commercial):					
Mobile Gear:					
0-60 GRT	921	1,106	1,265	757	4,049
61-125 GRT	542	438	415	420	1,815
Over 126 GRT	285	270	88	88	731
Fixed Gear	502	401	1,022	980	2,905
Total	2,250	2,215	2,790	2,245	9,500
Cod—Georges Bank and South (Commercial):					
Mobile Gear:					
0-60 GRT	675	798	873	491	2,837
61-125 GRT	2,393	2,109	3,006	1,832	9,340
Over 126 GRT	3,983	2,865	3,266	3,184	13,298
Fixed Gear	544	418	1,110	2,073	4,145
Total	7,595	6,190	8,255	7,580	29,620

Appendix A—Quarterly Quotas—Continued

[In metric tons]

	Oct. 1-Dec. 31	Jan. 1-Mar. 31	Apr. 1-June 30	July-Sept. 30	Annual
Haddock—Gulf of Maine (Commercial):					
Mobile Gear:					
0-60 GRT	442	353	1,114	484	2,393
61-125 GRT	631	506	443	388	1,968
Over 126 GRT	431	489	201	208	1,329
Fixed Gear	256	507	642	480	1,885
Total	1,760	1,855	2,400	1,560	7,575
Haddock—Georges Bank and South (Commercial):					
Mobile Gear:					
0-60 GRT	129	61	225	236	651
61-125 GRT	976	994	2,675	1,537	6,182
Over 126 GRT	1,701	2,092	3,676	2,584	10,053
Fixed Gear	49	108	124	508	789
Total	2,855	2,355	6,700	4,865	17,675
Yellowtail Flounder—East of 69° W (commercial and recreational):					
All vessel classes	920	1,705	720	1,655	5,000
Yellowtail flounder—West of 69° W (commercial and recreational):					
All vessel classes	1,295	1,555	1,120	1,030	5,000

[FR Doc. 81-22845 Filed 8-4-81; 8:45 am]
BILLING CODE 3510-22-M

50 CFR Part 611

Foreign Fishing for Atlantic Mackerel; Management Plan

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

ACTION: Final rule and notice of effective management plan.

SUMMARY: NOAA issues a final rule for an amendment to the total allowable level of foreign fishing for Atlantic mackerel. NOAA also issues notice that the Fishery Management Plan for the Atlantic Mackerel Fishery of the Northwest Atlantic Ocean (FMP) is in force. The effective date of the FMP is extended, through March 31, 1982. Because the regulations do not contain an expiration date, all regulations continue to govern foreign and domestic fishing for Atlantic mackerel. The intended effect is to continue the optimum yield at the same level as the 1980–1981 fishery.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., (Regional Director) or Frank Grice (Chief, Fisheries Management Division) 617–281–3600.

SUPPLEMENTARY INFORMATION: The FMP, prepared by the Mid-Atlantic Fishery Management Council (Council), was approved on July 3, 1979, under the authority of the Magnuson Fishery Conservation and Management Act. Regulations implementing the FMP became effective on March 1, 1980 (45 FR 11497). On July 3, 1980, regulations were implemented in Appendix 1 of 50 CFR 611.20 to increase optimum yield (OY), domestic annual harvest (DAH), and total allowable level of foreign fishing (TALFF), and to establish a reserve of 6,000 metric tons (mt) (45 FR 45291).

The Assistant Administrator initially approved Amendment No. 2 with a notice published in the **Federal Register** on April 14, 1981 (46 FR 21793). This amendment extends the FMP through March 31, 1982, and retains all management measures contained in the FMP including: The OY of 30,000 mt; the DAH of 20,000 mt; the TALFF of 4,000 mt; and the reserve of 6,000 mt. Extension of the FMP will provide continued management of the mackerel fishery while the Council continues to work on an amendment consolidating the fishery management plans for the Atlantic mackerel, squid, and butterfish fisheries.

Public comments were invited for a 45-day period ending May 29, 1981 on the extension of the FMP and the placing of 6,000 mt of mackerel into reserve from the TALFF of 10,000. No comments were received.

The Council certified an annual fishing level of 135 mt of Atlantic mackerel for the 1981–82 fishing year under Section 201(d)(3) of the Magnuson Act (John C. Bryson letter dated March 12, 1981). Action on the certification is pending. The Department of State has made a preliminary allocation of 199 mt to foreign nations to allow an incidental catch of Atlantic mackerel in the directed foreign fisheries for hakes and squids.

National Environmental Policy Act

Amendment No. 2 extends the existing management regime. The environmental impacts are those described in the environmental impact statement and the supplemental environmental impact statement documents prepared for the initial FMP and for Amendment No. 1. Therefore, the Assistant Administrator has determined that no supplemental statement or assessment is necessary for Amendment No. 2.

Classification

The Acting Administrator, NOAA, has determined under E.O. 12291 that this change to the foreign regulations is not a major rule requiring the preparation of a regulatory impact analysis.

The Acting Administrator has determined that this amendment will not

have a significant economic impact on a substantial number of small domestic entities and, therefore, does not require the preparation of a regulatory flexibility analysis (5 U.S.C. 601 *et seq.*).

The regulations of this amendment do not increase the Federal paperwork burden for individuals or small businesses.

Dated: July 30, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Part 611 is amended as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In Part 611, § 611.20 is amended to revise "Mackerel Fishery" to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

Appendix 1.—Optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), domestic nonprocessed fish (DNP), and total allowable level of foreign fishing (TALFF), all in metric tons

Species and species code	Areas	OY	DAH	DAP	JVP = (DAH)	DNP	Reserve	TALFF
1. Northwest Atlantic Ocean Fisheries:								
* * * * * * *								
B. Mackerel fishery..... Mackerel, Atlantic.....	204.....	30,000	20,000	.....	([12]).....		6,000	4,000
* * * * * * *								

[12] See § 611.52(b).

[FR Doc. 81-22842 Filed 8-4-81: 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 150
Wednesday, August 5, 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.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 802 3106]

American Honda Motor Co., Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Gardena, Calif. motor vehicle dealer to cease failing to mail to each owner of a Honda automobile which was purchased as new, or is currently registered in certain states, a "notice package" containing information regarding the company's redress program for premature fender rusting. The company would be required to timely remove and replace, at no cost to the owner, the front fenders of any Honda automobile experiencing premature rusting within 36 months-in-service, and reimburse eligible owners of affected vehicles for monies spent in trying to correct the premature rusting problem. The order would further require that dealers be informed of the company's obligations under provisions of the order, and be provided with adequate supplies or reimbursements for replacing rusted fenders. Additionally, the firm would be required to maintain documents demonstrating compliance with the order for a period of not less than three years.

DATE: Comments must be received on or before October 5, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/SIR, Robert E. Payne, Washington, D.C. 20580, (202) 523–3598.

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

[File No. 802 3106]

American Honda Motor Co., Inc.; Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having inititated an investigation of certain acts and practices of American Honda Motor Co., Inc., a corporation, and it now appearing that American Honda Motor Co., Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between American Honda Motor Co., Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent American Honda Motor Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 100 West Alondra Boulevard in the City of Gardena, State of California.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

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

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

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

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accpepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

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

1. *"Honda automobile(s)"* shall mean all 1975, 1976, 1977 and 1978 model year Civics and all 1976, 1977 and 1978 model year Accords sold or distributed by respondent in the United States.

2. *"Premature rusting"* shall mean the presence of hole(s), blister(s) or bubble(s) in the exterior paint or metal of the front fender, (a) which is caused by rusting of the metal from the underside of the fender, (b) any part of which is within two feet of the rear edge and one foot of the top edge of the fender, and (c) that appeared within the automobile's first thirty-six (36) months-in-service.

3. *"Remove and replace"* shall mean removal of the fender and replacement with a new fender which has been treated with a zinc coating process similar to zincrometal with a nominal thickness of 0.5 mils or greater: *Provided* That if said new fender is not reasonably available due to circumstances beyond respondent's control, respondent may use a fender which has been one-side galvanized with a nominal weight of 60 gram per square meter (gm/m2) or greater and which has been primed using a cathodic electrodeposition process. This term shall also include all parts and labor necessary to (a) install and paint the replacement fender in as close to a matching color as possible, (b) re-affix all preexisting trim and accessory items and replace any such items damaged during removal and replacement with identical items, if reasonably available, or similar items, if identical items are not reasonably available, and (c) make all adjustments to the automobile necessitated by the removal and replacement of the fender.

4. *"Dealer(s)"* shall mean all persons, partnerships, firms or corporations which, pursuant to a Honda Automobile Dealer's sales and service agreement with respondent, receive on consignment or purchase new Honda automobiles from respondent for resale or lease to the public, including any person(s), partnership(s), firm(s) or corporation(s) owned or operated by respondent.

5. *"Owner(s)"* shall mean any person, partnership, firm or corporation having custody and/or possession of a Honda automobile, including those automobiles held for resale. This term shall include, but not be limited to, any registered owner or lessee, or person acting on their behalf. This term shall not include insurers, warrantors or automobile repair facilities which are not registered owners or lessees of the automobile, whether or not acting on behalf of an owner.

6. *"Past or current owner(s)"* shall mean any person, partnership, firm or corporation having custody and/or possession of a Honda automobile, or which had at any time in the past custody and/or possession of a Honda automobile, including those automobiles held for resale. This term shall include, but not be limited to, any registered owner or lessee, or person acting or who acted on their behalf. This term shall not include insurers, warrantors or automobile repair facilities which are not, and were not, registered owners or lessees of the automobile, whether or not acting on behalf of a past or current owner.

7. *"Months-in-service"* shall be calculated as beginning on the date on which respondent began warranty coverage on the automobile. If that date cannot be established by respondent, the months-in-service shall be calculated as beginning not earlier than:

1975	Civic 1200, Civic CVCC and Civic Wagon.	Nov. 26, 1975.
1976	Civic 1200, Civic CVCC and Accord.	Dec. 6, 1976. Dec. 8, 1976.
1977	Civic 1200	Dec. 14, 1977.
	Civic CVCC	Dec. 20, 1977.
	Civic Wagon and Accord.	Dec. 5, 1977.
1978	Civic 1200	Oct. 12, 1978.
	Civic CVCC and Civic Wagon.	Oct. 26, 1978.
	Accord	Oct. 17, 1978.

It is ordered, That respondent American Honda Motor Co., Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or indirectly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any motor vehicle in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Failing to send by first-class mail, within sixty (60) days after the date of service of this Order, a notice package consisting of (i) a copy of the letter attached to this Order as Attachment A, incorporated herein by reference, (ii) a copy of the form attached to this Order as Attachment B, incorporated herein by reference, and (iii) a self-addressed, postage-paid envelope. Respondent shall complete all insertions in Attachment A and the top portion of Attachment B for each such notice package. The notice package shall be sent in one envelope, similar in all material respects to Attachment C of this Order, incorporated herein by reference. The notice package shall be mailed to each current registered owner of a Honda automobile which was purchased as new, or is currently registered, in any of the following states. Such owners shall be determined by current state motor vehicle records of a commercial locator service and by respondent's warranty registration records.

Connecticut	Massachusetts
Delaware	Michigan
District of Columbia	Minnesota
Missouri	New Jersey
Nebraska	New York
New Hampshire	Ohio
Illinois	Pennsylvania
Indiana	Rhode Island
Iowa	Vermont
Kansas	Virginia
Kentucky	West Virginia
Maine	Wisconsin.
Maryland	

Respondent shall also send or cause to be sent a notice package, with all insertions provided for in Attachment A and the top portion of Attachment B completed, to the extent that information provided by the inquiring past or current owner permits, within thirty (30) days of the inquiry, or sixty (60) days after the date of service of this Order, whichever date is later, to each past or current owner of a Honda automobile who inquires before May 1, 1982 to respondent or a dealer about respondent's redress program for premature fender rusting, and who:

i. Was sent a notice package but has not received it by the seventieth (70) day after the date of service of this Order;

ii. Was not sent, and is not scheduled to be sent, a notice package; or

iii. Received a notice package but subsequently lost it.

B. Failing to remove and replace, at no cost to the owner, within 180 days after the owner presents the automobile to a dealer for an inspection with his or her pre-printed Attachment B form, the front fender(s) of any Honda automobile experiencing premature rusting. Said inspections shall be available at all times during the dealer's normal service hours and shall be performed within a reasonable period of time. At the inspection, respondent shall cause to be returned to each owner three copies of

Attachment B with all appropriate insertions completed. Except as otherwise provided by this Order, no owner shall be required to submit an automobile for any purpose or at any time, to a dealer or respondent, in order to receive any benefits under this Order, other than on one occasion for an inspection, and one occasion, at a time mutually agreed upon between the owner and the dealer, for removal and replacement. Each removal and replacement shall be completed within a reasonable period of time after the owner presents the automobile to a dealer for the removal and replacement at a time mutually agreed upon between the owner and the dealer.

Provided further, That in each instance where a dealer rejects a request for removal and replacement, respondent shall cause to be provided to each such owner a written report, completed and signed by the dealer, describing in detail the reasons why the request was rejected and containing instructions on how the owner can seek a review of the rejection by respondent. In each case where the rejection is based upon a determination that the front fender(s) are not experiencing premature rusting, as defined by this Order, said written report shall describe in detail the condition of the fender(s) and all tests performed to determine the cause or source of any rusting. Respondent shall review each rejected request within a reasonable time after an owner requests a review from respondent's zone office. In each case where the rejection was based solely upon the dealer's determination that the hole(s), blister(s) or bubble(s) in the exterior paint or metal of the fender were not caused by rusting of the metal from the underside, and unless said rejection is reversed, said review shall include, if requested by the owner, an inspection of the fender(s) by an employee of respondent. Respondent shall provide to each such owner a second written report describing in detail the findings of this inspection.

Provided further, That in each instance where the fender(s) on a Honda automobile have not been replaced within 180 days after the owner presented the automobile with the pre-printed Attachment B form to a dealer for an inspection, respondent shall offer the owner the option of receiving either a cash settlement of $150 per rusted fender, or replacement of the fender within a reasonable period of time set by the dealer. Within sixty (60) days after respondent receives from the owner a completed and signed copy of Attachment B requesting the cash settlement, respondent shall mail to each such owner a check for $150 for each front fender experiencing premature rusting. Respondent's obligation under this proviso to offer the cash settlement shall not extend to any owner who fails to present his or her Honda automobile for removal and replacement, within said 180 day period, at the time(s) mutually agreed upon between the owner and the dealer or reasonably scheduled by the dealer if the owner will not agree to a reasonable time.

Provided further, That respondent may require any owner whose automobile exceeds thirty-six (36) months-in-service to sign the statement, contained in Attachment B, certifying that the automobile experienced premature rusting, and that the individual was an owner of the automobile, within its first thirty-six (36) months-in-service and is currently an owner.

Provided further, That respondent shall not offer any form of compensation for premature rusting to any such owner other than the compensation specifically provided for by this Order.

C. Failing to reimburse any past or current owner of a Honda automobile for all expenses incurred for repairs or replacements which were intended to eliminate premature rusting, whether or not they eliminated the premature rusting. Such reimbursement shall consist of all monies expended by the past or current owner, if the services were performed by a dealer or subcontractor of the dealer; or all monies expended by the past or current owner, or the usual and customary charges in the past or current owner's trade area for the work performed, whichever is lower, if the services were performed by a person, partnership, firm or corporation other than a dealer or subcontractor of the dealer.

Such reimbursement shall be made within sixty (60) days after respondent receives from the past or current owner (i) a completed and signed copy of Attachment B, certifying that the automobile experienced premature rusting, and that the individual was a past or current owner of the automobile, within its first thirty-six (36) months-in-service, and (ii) reasonable evidence of repair or replacement expenses.

Provided, That respondent's obligations under this Paragraph shall apply only if such repairs or replacements were made prior to the past or current owner's receipt of a notice package from respondent as provided for by Paragraph A of Section I of this Order.

Provided further, That respondent may require any owner to submit his or her Honda automobile to a dealer for an inspection as a condition of reimbursement under this Paragraph.

D. Failing to provide all dealers with adequate supplies of, or in the alternative to reimburse all dealers to the extent of respondent's normal warranty reimbursement policy and procedures for obtaining, new front fenders and all other items necessary to effectuate the reasonably foreseeable removal and replacement of the fenders.

E. Failing to provide all dealers with adequate supplies of Attachment B, with pre-printed portions blank.

F. Failing to notify all dealers in writing within ten (10) days after the date of service of this Order of the existence of premature rusting, of the terms and conditions of respondent's obligations under this Order, and of the necessity for dealers to avoid any practices which might hinder, delay, restrict or frustrate the proper administration of this Order.

II

It is further ordered, That respondent's obligations under this Order shall not extend to the following:

A. Under Paragraph B of Section I of this Order, (i) to those owners who initially present their automobile to a dealer for an inspection after their automobiles have reaches forty-two (42) months-in-service, or after six (6) months after the date of service of this Order, whichever date is later; (ii) to those owners who fail, before May 1, 1983, to present their automobiles for removal and replacement at a time mutually agreed upon between the owner and a dealer, or to mail to respondent a completed and signed copy of Attachment B requesting a cash settlement; or (iii) to more than one owner for each Honda automobile.

B. Under Paragraph C of Section I of this order, to those past or current owners who mail Attachment B to respondent after their automobiles have reached forty-two (42) months-in-service, or after six (6) months after the date of service of this Order, whichever date is later.

III

It is further ordered, That respondent shall provide to each dealer, within thirty (30) days after date of service of this Order, a display poster, no smaller than 30 inches by 40 inches, in the form of Attachment D to this Order, incorporated herein by reference. Respondent shall advise dealers to place the poster in a conspicuous and

accessible location in the service writer's area of the dealership, and to keep the poster posted until May 1, 1982.

IV

It is further ordered, That respondent maintain documents demonstrating compliance with this Order for a period not less than three (3) years. Such documents shall be made available to the Commission or its staff for inspection and copying upon reasonable request, and shall include, but not necessarily limited to, those revealing:

A. The name and last known address of each owner who was sent the notice package required by Paragraph A of Section I of this Order.

B. The name and last known address of each owner whose notice package was returned by the U.S. Postal Service undelivered.

C. The name and last known address of each owner who requested removal and replacement.

D. The name and last known address of each owner whose fender(s) were removed and replaced, pursuant to Paragraph B of Section I of this Order, within 180 days after the owner presented the automobile to a dealer for an inspection with his or her Attachment B form.

E. The name and last known address of each owner whose fender(s) were removed and replaced more than 180 days after the owner presented the automobile to a dealer for an inspection with his or her Attachment B form, and the number of days in excess of 180 that the fender(s) of each such owner were replaced.

F. The name and last known address of each owner who received a cash settlement due to a dealer's inability to remove and replace the fender(s) within said 180 day period.

G. The name and last known address of each past or current owner who requested reimbursement for prior repairs or replacement of front fender(s) with premature rusting.

H. The name and last known address of each past or current owner who was reimbursed for prior repairs or replacement of premature rusted fender(s), pursuant to Pargaraph C of Section I of this Order.

I. All communications between respondent and any zone representative, dealer or past or current owner concerning removal and replacements or reimbursements for repairs or replacements made to Honda automobiles affected by premature rusting. Such documents shall include, but not be limited to (a) all written communications; and (b) all oral communications which are reduced to writing and maintained in the ordinary course of business.

J. Each instance arising under Paragraph C of Section I of this Order where respondent reimbursed a past or current owner of a Honda automobile for less than one hundred percent (100%) of the actual charges for parts and labor, and those documents revealing the underlying basis for determining the usual and customary charges in each such instance.

K. Each instance arising under Paragraphs B or C of Section I of this Order involving a dispute over months-in-service or ownership within the first thirty-six (36) months, unless respondent determined to remove and replace front fenders, make a cash settlement or reimburse an owner in accordance with said paragraphs, notwithstanding said dispute.

L. Each instance arising under Paragraph B of Section I of this Order where respondent failed to remove and replace the front fenders of any Honda automobile, and the underlying basis for each such failure. Such documents shall include all written reports required by Paragraph B of Section I of this Order.

M. Each instance arising under Paragraph C of Section I of this Order where respondent failed to reimburse any past or current owner, and the underlying basis for each such failure.

N. The number of one-side galvanized fenders used by respondent for replacements and the underlying basis for the unavailability of fenders treated with a zinc coating process similar to zincrometal.

V

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

VI

It is further ordered, That respondent shall, within sixty (60) days after the date of service of this Order, and at one year intervals thereafter through 1983, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form in which it has complied and will comply with this Order.

BILLING CODE 6750-01-M

ATTACHMENT A

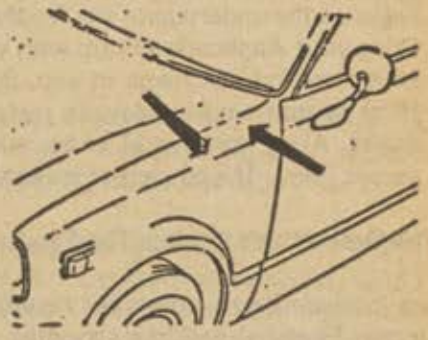
HONDA

AMERICAN HONDA MOTOR CO., INC.
100 WEST ALONDRA BOULEVARD, GARDENA, CALIFORNIA 90247
AUTOMOBILE SERVICE DEPARTMENT, P.O. BOX 80 - GARDENA, CALIF.
CABLE ADDRESS - AMEHON, GARDENA, CALIFORNIA (213) 327-8280

IMPORTANT: FREE FENDER REPLACEMENT OFFER

Dear Honda Owner:

We have become aware of a condition in some Honda cars which you should know about. This condition may result in the front fenders of some 1975–1978 cars rusting prematurely. By agreement with the Federal Trade Commission, American Honda will correct this problem free, if you qualify. If we cannot replace the fenders within six months of when you apply (see paragraph 3), we will offer you the option of receiving a cash settlement (see paragraph 4). Also, if you paid for repair or replacement of rusted fenders in the past, American Honda will repay you, if you qualify. We are doing this because we want to satisfy our customers and keep them satisfied.



Please read this letter carefully and follow the steps listed to make sure you get the new fender(s) or refund. We are sorry this letter is so long, but we want to make sure you have all the information you need.

HONDA'S PROGRAM FOR FRONT FENDER RUST

1. How to Tell If Your Car Has The Front Fender Rust Condition

This program covers rust on the top part of the front fender, within about two feet of the windshield. The rust first appears in the form of bubbles or blisters in the paint. Soon after, holes in the metal develop. The drawing above shows the problem area.

Only rust which began on the underside of the fender is covered by this program. Conditions *not* covered are:

a. rust on any other part of your car;
b. surface rust;
c. rust due to unrepaired (or poorly repaired) stone chips or collision damage.

2. How to Determine If You Qualify For The Replacement Program

We will replace the rusted fender(s) free, if you meet *all* of these conditions:

a. Your car is a 1975, 1976, 1977 or 1978 Honda, any model;
b. The rust began on the underside of the fender and is in the top, rear part of the front fender (see the drawing);
c. The first signs of rust (usually paint bubbling) appeared within your car's first three years of service. See the dates at the top of the enclosed Application Form. If you first noticed the problem before the "ended" date, you qualify; and
d. You now own (or lease) the car, and owned (or leased) it at some time during its first three years.

3. What You Should Do If You Meet These Qualifications — How to Apply

a. Visit any Honda new car dealer any time during normal service hours to get your car's fenders inspected. *You must* bring the Application Form with you. (If you lost it, contact your local Honda zone office listed at the end of this letter.) Although the inspection should only take a few minutes, you may want to call the dealer before coming, to avoid possible delays. If the dealer agrees after inspecting your car that you qualify, an appointment will be set for your fender replacement.

b. At the inspection, the dealer will ask you to sign the statement in the "Replacement" section of the Application Form. This certifies that the rust appeared within your car's first three years, and that you owned it at some point during those three years. The dealer will fill in the inspection and appointment dates on your Form. He will also fill in a date exactly six months from the inspection. If the dealer cannot install your new fender(s) by this six-months date, you have the right to a cash settlement (see paragraph 4 below). *Be sure* to keep your copies of the Form. Mark the date on your calendar so that you know when the six months have passed.

c. If the dealer says that you do not qualify, ask him for a copy of his inspection report. If you still think you qualify, you have the right to get a review of your case by a Honda zone representative. Contact your local Honda zone office. If the dealer's report says you do not qualify because the rust did not begin on the underside of the fender, you can ask the zone office to do another inspection.

d. Bring your Application Form with your car to the dealer on your appointment date. The fender(s) will be replaced at no charge to you. Because of the time needed for the paint to dry, it will usually take three or four working days to replace the fender(s). In some cases, it may take even longer. Ask your dealer. Also, you should know that it is not always possible to match exactly the fender paint or accent items. If you cannot make your appointment, call your dealer well in advance to reschedule it.

4. If The Dealer Can't Replace The Fender(s) Within Six Months

If we receive many requests for new fenders under this Program, your dealer may not be able to install your new fender(s) within six months of the inspection date. If your fenders have not been installed by the six-months date on the Application Form, you will have a choice. You can either wait to have the fender(s) replaced when the dealer can schedule the work, or you can receive a check from us for $150 for each rusted fender.

It is *very important* that you keep your copies of the Application Form and mark the six-months date on your calendar. Then, on that date, or as soon as possible after that, make your choice. If you want to wait to get your fender(s) replaced, call your dealer to set an appointment. If you choose instead to take the money, fill out and sign the "Cash Settlement" section of the Application Form, and mail the white copy to us in the enclosed envelope. We will then mail you a check within 60 days. Only one cash settlement per automobile is permitted.

Remember, you don't have to accept the $150 per fender. If you prefer, you can choose to wait and have your fender(s) replaced. You *cannot* get both new fenders and the money. The $150 will only be offered if the dealer can't replace the fender(s) within six months. If you miss an appointment and do not reschedule it within the six months you become ineligible for the cash settlement. You should also know that a body shop would probably charge you more than $150 to replace your fender. If you lose your Application Form call the dealer who did your inspection.

5. What You Should Do If The Front Fender Is Not Rusted Now, But Rusts In The Future

Just in case your car's fenders rust (or the paint begins to bubble) in the future (but within the car's first three years), keep this letter with the car. Then, follow the steps listed in paragraph 3. If you sell your car, please give this letter to the next owner.

6. What You Should Do If You Already Paid For Repairs or Replacement – Before You Got This Letter

We will repay you for reasonable repair or replacement bills which you paid in trying to fix the rusted fender(s). *But,* we will repay you only if you had the repairs or replacement *before* you got this letter.

To get repaid, you must:

a. Meet all the conditions in paragraph 2, *except* you are still eligible even if you don't own the car anymore.
b. Carefully read the statement in the "Repayment" section of the Application Form and sign it. Also, fill in the amount you spent for the repairs or replacement.
c. Send the pink copy of the Form to us in the enclosed envelope, along with a copy of your repair or replacement bill. If you don't have your bill, try to get a copy from the repair shop. If you can't get a copy of the bill, send us a copy of your cancelled check or charge receipt, and a statement from the repair shop describing the repair or replacement and the cost, if you can get one. If you can't, send us the name and address of the repair shop and the date of repair, so we can check the information.
d. We will then repay you within 60 days. If you still own the car, we may ask to inspect it before we repay you. This offer cannot be transferred to anyone else.

7. IMPORTANT REMINDERS

Act promptly. After you find that your car has front fender rust, contact a Honda dealer right away. This program will end May 1, 1983. BUT YOU MUST APPLY BEFORE (six months after Order served), OR YOUR CAR IS 3 1/2 YEARS OLD, WHICHEVER DATE IS LATER, TO BE ELIGIBLE.

Although there is no guarantee, the new fender(s) which we will give you should not develop this type of rust for at least three years, whether or not you have them "rustproofed." The fenders have been factory-treated to resist rust. However, the metal may rust eventually. The effectiveness of rustproofing will depend on many factors. Before purchasing rustproofing, you should consider the age and general condition of your car and how much longer you plan to keep it. Also, keep in mind that you will be charged the rustproofer's regular price if you decide to purchase it. In this instance, we would not generally recommend it.

If you have any questions or problems with our program, call or write your local Honda zone office listed on the next page. We deeply regret any inconvenience this rust condition or our program may cause you.

Sincerely,

AMERICAN HONDA MOTOR CO., INC.

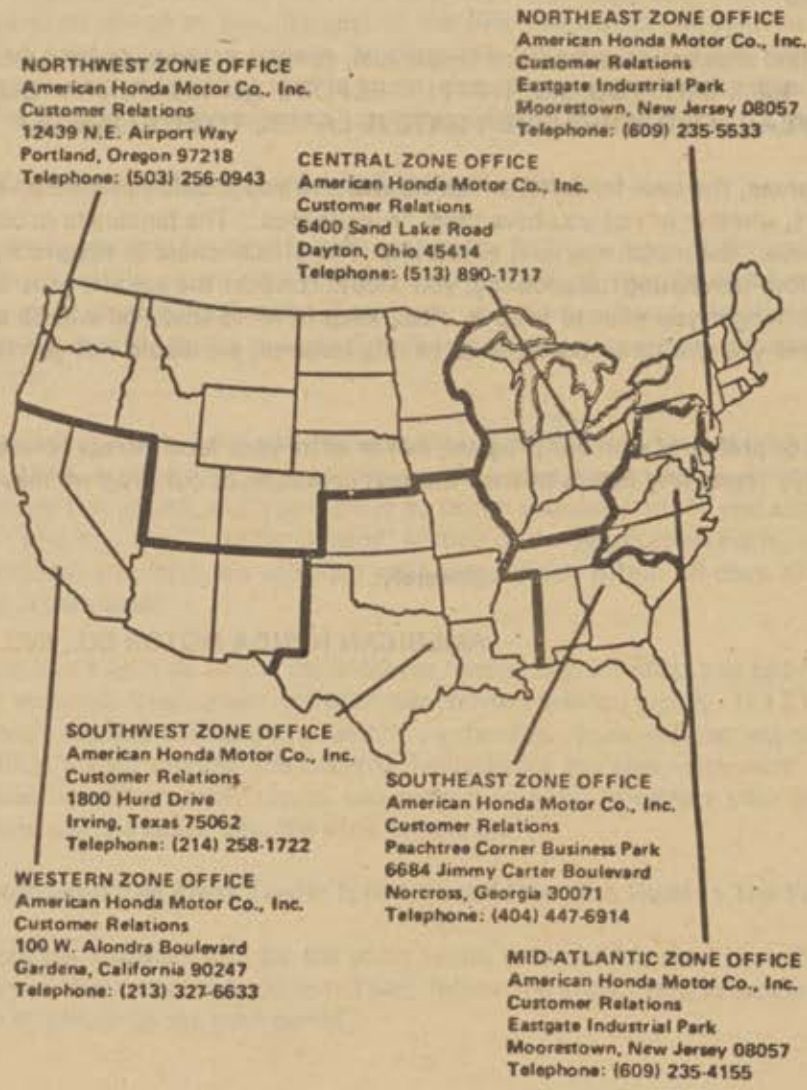
If you are dissatisfied with the service you received at an authorized Honda dealership, you should review the matter with that dealership's Service Manager. This will normally resolve your problem. If it does not, you should appeal the decision with the owner of the dealership.

After following these steps, if you wish to obtain assistance from American Honda you should contact the appropriate Zone Office. The Zone Office to contact is the one covering the area where you are now located. Each Zone's address and area of responsibility is shown on the map.

Please include the following information when you contact the Zone Office:

1. Vehicle Identification Number (VIN)
2. Date of Purchase
3. Servicing Dealer Name and Address
4. Your Name and Address

The Zone Office is staffed to assist Honda owners.



ATTACHMENT B

AMS 2418 8104

1975–78 FENDER RUST APPLICATION FORM

You must bring all copies of this form to your dealer when you have the car inspected.

PRE-PRINTED

Write Name/Address Corrections here:

3 years-in-service began PRE-PRINTED ; ended PRE-PRINTED

Complete and sign the applicable sections:

I. REQUEST REPLACEMENT

I request that one ☐, or both ☐ front fenders be replaced. I certify that fender rust or bubbling appeared within my car's first three years-in-service and that I owned or leased the car during that period, and still own or lease it.

(Owner's Signature) (date)

Date car inspected: (date)

Six months from that date is: (date)

Repair appointment: (time) (date)

Dealer Name/Number

(Dealer's Verification Signature) (date)

II. REQUEST CASH SETTLEMENT

My fenders could not be replaced by (6 months date)

Therefore, I request a cash settlement of:

☐$150 (one rusted fender) or ☐$300 (two rusted fenders)

(Owner's Signature) (date)

Mail white copy to American Honda.

III. REQUEST REPAYMENT

I paid $_____ to have my rusted front fender(s) repaired before I received the letter from American Honda. Therefore, I request repayment for that amount. I certify that the rust began on the underside of the fender, and appeared within my car's first three years-in-service and that I owned or leased the car during that period.

(Owner's Signature) (date)

NOTE: To request repayment, you must enclose a copy of the paid repair bill or other proof of repair and mail it with the pink copy of the form to American Honda.

This column for AHM/Dealer Use Only:

CLAIM NO.

VIN

REPAIR CODE

Repair Date/RO#

Date Work Completed

Dealer Name

Dealer No.

Which fender replaced ☐LEFT ☐BOTH ☐RIGHT

Additional Parts:

Part Name, H/C	Price	Qty.

(A) SUBLET	
(B) DEALER NET PARTS TOTAL DOES NOT INCLUDE HANDLING	
(C) PARTS HANDLING	
SUB TOTAL Line A & B	
(D) TOTAL LABOR	
(F) CLAIM TOTAL	

(Service Manager's Signature) (date)

Return reason (AHM Use)

Claim Code:

A ☐ B ☐ C ☐☐ D ☐ E ☐

COPIES: WHITE OWNER MAILS TO HONDA FOR CASH SETTLEMENT or DEALER MAILS TO HONDA FOR FENDER CLAIM PINK OWNER SENDS TO HONDA FOR REPAYMENT GREEN DEALER INSPECTION COPY TAN OWNER COPY YELLOW DEALER COPY

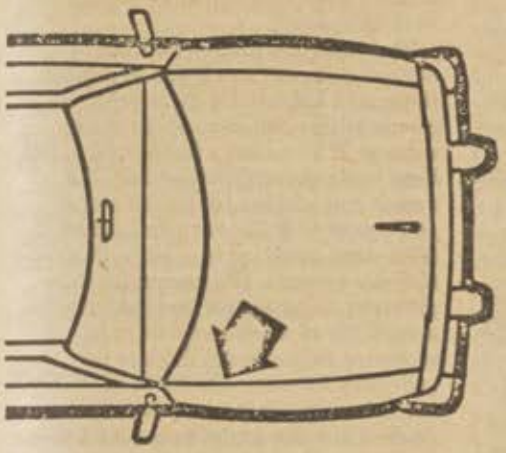
ATTACHMENT C

HONDA

AMERICAN HONDA MOTOR CO., INC.
AUTOMOBILE SERVICE DEPARTMENT
100 WEST ALONDRA BLVD., P.O. BOX 80
GARDENA, CALIFORNIA 90247

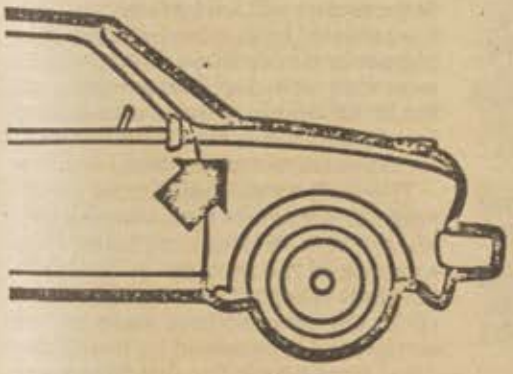
IMPORTANT

ATTACHMENT D



Fender Rust Covered Free

If your 1975—78 Honda car front fender rusted in this area in its first three years of operation,



you may be eligible for a free replacement fender (or a refund for your costs, if you've already had it repaired).

Ask your Honda dealer for more information.

HONDA

BILLING CODE 6750-01-C

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from American Honda Motor Co., Inc.

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

The complaint in this matter alleges that American Honda failed to disclose to prospective purchasers and owners of 1975–78 Honda automobiles important facts concerning the possibility of premature rusting of the front fenders on those cars. According to the complaint, American Honda did not disclose the existence, nature, extent, prevention or proper repair of a condition which could cause premature fender rusting on a significant number of 1975–78 Hondas, despite the fact that it knew or should have known of these facts. The complaint alleges that these facts would have been important to consumers in deciding whether to purchase the automobiles, and in maintaining and repairing them after purchase. The failures to disclose this information, the complaint alleges, constitute unfair and deceptive acts or practices in violation of Section 5 of the Federal Trade Commission Act.

The complaint does not allege that the production of cars subject to premature rusting is itself unlawful. Nor does it allege that the failure to grant free repairs violates the F.T.C. Act. Rather, it is the failure to disclose vital information which is the subject of this complaint.

Through the proposed order, American Honda has agreed to:

(1) Compensate owners of 1975–78 Hondas who have experienced or will experience rusted front fenders within the car's first three years-in-service. The compensation will consist of free replacement of the fender or, in some cases, a cash settlement.

(2) Reimburse past or current owners of these cars who previously paid for repairs or replacement of front fenders due to the premature rust problem, if the rust occurred within the car's first three years.

(3) Notify, by direct mail, owners of 1975–78 Hondas in 25 northern and eastern states where the problem is most likely to occur (the so-called "salt belt") about the existence of the problem and the availability of the replacement and reimbursement programs. However, all owners, wherever located, are eligible for the programs.

Owners should be aware that these programs are limited in time. To be eligible, they must apply within six months after this order becomes final, or before their car reaches 42 months-in-service, whichever date is later.

Background

The premature rust problem is caused by moisture and road debris (especially salt) which is thrown up by the front tires and becomes lodged underneath the fenders. The front fenders on 1975–1978 Honda cars contain metal flangers which form open crevices in which the material becomes trapped.

The rust develops on the top, rear part of the underside of the front fenders. It later penetrates to the outside in the form of blisters or bubbles in the paint. Eventually, holes in the metal will develop. Only rust which began on the underside, and is within two feet of the back edge and one foot of the top edge of the fender, is covered by the proposed order. Once the rust appears, the fender must be replaced to permanently solve the problem. Mere patching or repainting will not prevent the rust from reappearing. Rustproofing has usually not been effective in preventing the problem, since the rustproofing material cannot be applied in the area where the rust begins. Also, material lodged under the fenders cannot be removed by ordinary washing of the car.

The problem has apparently been corrected by design changes in the 1979 and 1980 models. Furthermore, American Honda began offering a 3-year corrosion warranty with its 1979 models, which should cover any similar problems which might arise in the future. For these reasons, only the 1975–78 models are covered by the proposed order. Even with these models, not every car will experience premature fender rust. This will depend, in part, on the car's geographic location and other factors.

Replacement Program

Under the terms of the proposed order, American Honda will compensate 1975–78 Honda car owners whose front fenders experienced, or experience in the future, premature rusting within the car's first three years-in-service. It is important to note that the three year coverage refers to the age of the car *when the rust first appeared*, not the age of the car when the owner first learns of the program and takes the car to the dealer. Therefore, even if the car is now more than three years old, it may still be eligible if the rust appeared within the first three years.

The proposed order generally obligates American Honda to replace the rusted fenders for each qualified owner within 180 days of his or her request. If an owner's fenders have not been replaced within that time, the owner may choose to receive a cash settlement of $150 per rusted fender if [s]he does not want to wait further for the new fenders. The reason for this provision is to protect owners from the possibility of excessive delays in receiving replacement fenders by providing for alternate forms of compensation. It is possible that some dealers in some areas may not be able to get enough fenders or may not have a large enough service capacity to meet all the claims of owners within the 180 days. The $150 figure represents a reasonable approximation of the value of the fender to the average owner. Some owners will not be fully compensated by this amount, since most independent body shops charge somewhat more than $150 to replace a fender. Of course, those owners desiring new fenders can always choose to wait for the dealer to replace them.

To qualify for the replacement program, consumers must now own (or lease) a 1975–78 Honda car; have experienced rust from the underside of the upper rear portion of the front fender within the car's first three years-in-service; and have owned (or leased) the car at some time within that three-year period. Qualifying owners who live in one of the 25 northern and eastern "salt belt" states listed below in the "Notification" section should wait to receive their letter and application form in the mail. Then, to apply for the program, these owners should take their car and application form to any Honda dealer for a brief fender inspection. This must be done within six months of the final date of this order. If an owner in one of the salt belt states does not receive an application form in the mail within about two months after the final date of this order, [s]he should contact a Honda zone office. On the other hand owners who have the rust problem and *do not* live in the salt belt should not wait, but rather should contact a Honda zone office once the order becomes final.

Following the inspection, the dealer and owner should set an appointment for the fender replacement. If his or her fenders have not been replaced within 180 days of the inspection, the owner is instructed either to mail in a form

requesting the $150 cash settlement or to set a new appointment for the replacement. In those cases where the dealer determines that an owner is ineligible for the program, the owner has the right to a written report giving the reasons for the determination, and may appeal the decision to a Honda zone representative.

Some 1978 Hondas may not now have fender rust, but may experience it in the future before their three years-in-service expire. Owners of these cars may apply for the program after the rust appears, so long as they apply before the car is 3½ years old.

Repayment Program

Under the terms of the proposed order, American Honda will reimburse past or current owners who had previously paid for repairs in an effort to correct the front fender rust problem. The same qualifications applicable to the Replacement Program—ownership, years-in-service, termination date, and rust location—apply to this program as well. Also, the owner must provide adequate proof that the repairs were done. If the repairs were done by a Honda dealer, American Honda will reimburse the owners for all expenses incurred. On the other hand, if the repairs were done by someone other than a dealer, American Honda is only required to make repayments to the extent that the expenses were reasonable. The repayments must be made within 60 days of the owner's request.

Notification

American Honda will notify, by direct mail, all current owners of 1975–78 Hondas which are registered in any of 25 northern and eastern states. Also, Honda will notify current owners of Hondas which were purchased new in any of those states, regardless of where they are now registered. This area of the courtry (the "salt belt") is where road salt is commonly used and the premature rust problem is most likely to occur. The states in which owners will receive direct notice are Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and Wisconsin. Evidence compiled during the investigation of this matter indicated that a high percentage of premature fender rust problems have occurred in these states.

It should be noted that all 1975–78 Honda owners, wherever located, are eligible for the Replacement and Repayment Programs. Owners living outside the 25 states listed above will be dependent upon the news media, local consumer protection agencies, and word of mouth to find out about these programs. Further information can be obtained from American Honda Motor Co., Inc., from any Honda zone office (listed in the Yellow Pages and in the owner's manual), or from any Honda dealer. Under the proposed order, American Honda must send a notification letter to any owner inquiring about the program. Also, Honda dealerships throughout the country will place large posters, disclosing the availability of the programs, in their service areas.

Effects of the Order

The injury suffered by owners of Honda automobiles experiencing premature fender rusting has been substantial. Absent this order, these owners would be forced to spend up to $250 to replace each rusted fender, or suffer a corresponding decrease in the value of their cars. The proposed order should provide significant relief to those 1975–78 Honda owners who have experienced this problem.

It is also anticipated that this order may have an appreciable effect on other manufacturers and distributors of automobiles and other expensive consumer products. Through this complaint and order the Commission is conveying its position that the failure of a manufacturer to disclose information about the existence, nature, prevention and proper repair of significant product problems may violate Section 5 of the FTC Act. As a result of this order, manufacturers and distributors may be inclined to provide more information to consumers.

The proposed order is the result of an agreement between the Commission and American Honda. As such, some provisions represent compromises on certain issues which neither party would consider to be totally desirable. For example, some owners may not be satisfied with the conditions for eligibility for the programs or the type of compensation available. These persons should bear in mind that, although broader relief might have been obtained through litigation, any such relief would probably have been delayed for as much as several years. The provisions of the proposed order are based upon the individual circumstances of this case. They do not necessarily represent broad Commission policies on, for example, the adequacy of notice or the useful life of automobile fenders. The proposed order is intended to provide substantially complete relief to the large majority of owners injured by the premature fender rust problem, while not placing an unfair burder on American Honda.

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

Carol M. Thomas,

Secretary.

[FR Doc. 81-22782 Filed 8-4-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 457

Standards and Certifications; Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Amendment to previous notice of proposed rulemaking.

SUMMARY: This notice announces a new schedule for submission of the final staff report on the proposed rulemaking regarding the development and use of product standards and the related activity of product certification. Staff will submit its report in late Fall 1981. The Presiding Officer's report will be submitted 60 days after the staff report. This will be followed by a 60 day written comment period concerning all issues relevant to the proceeding, and then a 30 day period for rebuttal submissions relating to comments about the impact of OMB Circular A–119 on the practices reflected in the record.

DATE: Effective August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Schroeder, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3935.

SUPPLEMENTARY INFORMATION: On December 7, 1978, the Commission published in the **Federal Register** a notice of proposed rulemaking regarding the development and use of product standards and the related activity of product certification (43 FR 57269). On February 4, 1981, the Commission published a notice setting forth Commission authority for continuing the rulemaking proceeding and announcing a schedule for completing the proceeding (46 FR 10747). Under that schedule the final staff report was to be submitted by July 15, 1981, with the Presiding Officer's report submitted 60 days later. The submission of the Presiding Officer's report would be followed by a 60 day written comment period concerning all issues relevant to

the proceeding. New information on the impact of OMB Circular A–119, Federal Participation in the Development and Use of Voluntary Standards, on the practices reflected in the record would also be accepted during this period. The 60 day comment period would be followed by a 30 day period for rebuttal submissions limited to the OMB Circular issue.

Staff has requested additional time to complete its analysis of the rulemaking record and its final report. The Commission has granted this request, and hereby provides notice to interested persons that the final staff report will be submitted in late Fall 1981. The time periods for subsequent events are unchanged from those announced on February 4, 1981 and recited above.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–22912 Filed 8–4–81; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 C F R Part 3 and 375

[Docket No. RM81–40]

Fees Relating to Freedom of Information Act Requests

July 31, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission is amending its regulations relating to Freedom of Information Act request by adding a provision to establish fees for search and duplication services performed by Commission staff pursuant too Freedom of Information Act requests 5 U.S.C. 552. Also, the Commission is adding a provision which delegates to the Director of the Commission's Division of Public Information, the authority to grant or deny requests for waiver or reduction of fees. The purpose of the proposal is to permit the Commission to recover the mounting costs of search and duplication services performed by Commission staff.

DATES: Written comments by August 31, 1981.

ADDRESS: Office of Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, Reference Docket No. RM81–40.

FOR FURTHER INFORMATION CONTACT:

Paul W. Hartley, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 (202) 357–8608

Ray A. Huber, Division of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 (202) 357–8380

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) is proposing to amend § 3.8 and Part 375 of its regulations (18 C.F.R. Parts 3 and 375). Section 3.8 (together with § 1.36) generally describes procedures by which the public may request information and copies of public documents in the possession of the Commission. This proposal would amend § 3.8 by adding a new paragraph (k) to establish fees to be charged for search and duplication of all documents requested pursuant to the Freedom of Information Act (FOIA) (5 U.S.C. 552). The proposal would amend Part 375 to delegate, to the Director of the Commission's Division of Public Information, the authority to grant or deny requests for waiver, or reduction, of fees. The purpose of the proposal is to permit the Commission to recover the mounting costs of search and duplication services performed by Commission staff (staff).

I. Background

Section 552(a)(4) of the FOIA permits the Commission to promulgate regulations, after notice and comment, specifying a uniform fee schedule for search and duplication services performed by the Commission in response to requests from members of the public under the the FfOA. Fees must be limited to reasonably standard charges and may provide recoverly only of costs directly incurred by the Commission. Fees are to be waived or reduced, if the Commission determines that such waiver or reduction is in the public interest because the public generally would benefit from furnishing the information to the requester.

Currently, Commission regulations establish fees for only part of the search and duplication services which may be involved in responsing to FOIA requests under sections 552(a)(1), (2), and (3). The regulations provide for fees for duplication performed by an independent contractor,[1] but do not establish fees for search and duplication services performed by Commisson staff. Whether the duplication is done by contractor or staff depends on whether the documents sought by the requester are public documents. If public, the documents are located in the Division of Public Information or in the Commission's central files. In these circumstances, search by staff is minimal and duplication can be performed by the contractor. However, if the documents are not considered public records and are not stored in the public files, a significant amount of staff time may be spent on search and duplication to respond to the information request. The Commission estimates that, in practice, staff services are a significant part of the processing of FOIA requests. Approximately 80 percent of the FOIA requests in the first quarter of 1981 required search and duplication services by staff.

Summary of the Proposed Rule

Paragraph (k)(1) of the proposed amendment to § 3.8 sets forth the definitions applicable to paragraph (k).

Paragraph (k)(2) of the proposed rule establishes the rates that will be charged for staff search time. These fees depend upon the level of staff engaged in the search and the amount of time spent. Search conducted by clerical staff would be charged a fee of $8.00 per hour. Eight dollars an hour represents, approximately, the mean salary of clerical staff (GS-9 and below). Search conducted by professional or managerial staff would be charged $16.00 per hour. This figure represents, approximately, the mean salary of professional and managerial staff (GS-10 and above). The search time would be charged in quarter hour increments.[2]

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[1] The Commission currently has a contract with TS Information Servcies, Inc. (TSI).

Contract: DE–AC39–79RC–10144.

Photocopies—$.20 per copy.

Reader-Printer copies—$.30 per copy.

Diazo Microfiche Duplicates—$1.50 per fiche.

Roll to Roll Film Duplicates (minimum of ½ hour increments). $15.00 per 100 ft. roll.

Minimum Order—$2.00.

Postage—Actual cost plus $.75 for orders that must be wrapped.

Creation of Microfiche masters (included paper index) $12.00 per fiches.

Surcharge for credit sales (Master Charge and VISA) 7% of cost.

Note.—Under the terms of the contract, any information which is on TSI's master microfiche file must be searched and duplicated by TSI. If the document is not in the fiche files, Division of Public Information determines whether the document is in Division of Public Information files, the Commission's central files, or another source. The contract provides that TSI will copy any documents properly marked and delivered by DPI.

[2] The methodologies for determining the fees for search and duplication services for FOIA requests differs from the methodologies that the Commission has been using in determining fees for other Commission services. While the FOIA permits the collection of only "direct costs" for government

Continued

Paragraph (k)(3) of § 3.8 would establish the fees to be charged for duplication services. Duplication costs were determined by estimating the cost, per page, of using leased photocopy machines. The Commission recognizes that costs per page vary with volume of copies, as well as the price of paper and duplication supplies. However, after reviewing a breakdown of cost and volume estimates, the Commission determined that the average cost was approximately 10 cents per page.

Proposed paragraph (k)(4) of § 3.8 provides that no fees will be charged for staff search or duplication services performed in response to one, or a series of related, FOIA requests, if the assessed fees for those services totals $5.00 or less. Five dollars is the estimated cost to the Commission of billing fees. The purpose of this provision is to relieve the Commission of the billing cost if that cost is equal to or greater than the assessed fees.

Proposed paragraph (k)(5) provides that requesters may petition the Commission for a waiver or reduction in fees. Proposed § 375.312 would delegated, to the Director of the Division of Public Information, the authority to grant or deny these waivers or to reduce fees. The Director's determination, in accordance with paragraph (k)(5), would be whether the public generally would benefit if the Commission furnished the information to the requester without charge or at a reduced rate.

Proposed paragraph (k)(5) also provides that the waiver, or reduction, of fees must be requested at the time the FOIA request is filed with the Commission. The purpose of this requirement is to provide the Director of Public Information with sufficient time to evaluate a waiver or reduction petition, in view of the limited time permitted for response to an FOIA request. The FOIA [3] and § 1.36 of the Commission's regulations require the Commission to determine, within ten working days,[4] whether to comply with an FOIA request. Since a waiver or reduction petition is a significant part of an FOIA request, it should be evaluated concurrently with the FOIA request. If a requester requests a waiver or reduction of fees, the Commission will process the request for information at the same time it reviews the request for waiver or reduction. If the Commission denies the waiver or reduction of fees, the requester will be billed as determined by the Commission, unless the requester has indicated that an agreement should be reached regarding the waiver or reduction before the Commission begins processing the FOIA request, and that the 10 day FOIA limitation is waived until such agreement is reached.

services, the Commission's other fees for government services are designed to collect both the direct and indirect cost to the government.

[3] 5 U.S.C. 552(a)(6).

[4] In unusual circumstances, a time extension of an additional 10 working days may be granted. 5 U.S.C. 552(a)(b)(B), 18 CFR 1.36(f)(3).

II. Certification of No Significant Impact

The Regulatory Flexibility Act (RFA) [5] requires certain statements, descriptions and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities."

Pursuant to section 605(b) of the RFA, the Commission finds that sections 603 and 604 of the Act do not apply to the proposed rule, because, if promulgated, it will not have a significant economic impact on a substantial number of small entities. A breakdown of the requesters seeking information under the FOIA indicates that the number of small entities which will likely be affected by this rulemaking will not be significant. In the first quarter of 1981, the Commission received 29 FOIA requests. Of these, only six could be identified as a small business, small organization, small governmental jurisdiction, or small entity. While the Commission expects that the number of small businesses charged a fee will increase, it does not expect the increase will be such that the number of small entities will be considered "substantial."

More importantly, however, it is unlikely that this proposal would impose a significant economic impact on any small entities affected by this rule. The Commission estimates that the average number of documents received per FOIA request is 52 pages. Although the search costs will vary among requests and cannot be estimated, the duplication costs by staff for such a request would only be $5.20. Further, the Commission's regulations provide for a waiver upon petition to the Commission. During the past year, five requests for waiver were received, and five were granted. The Commission is continuing its waiver policies and anticipates that it will eliminate any unnecessary or disproportionate burden on requesters, especially small entities.

III. Notice and Comment Procedures

The Commission invites interested persons to submit written comments on the matter proposed in this notice. An original and 14 conformed copies of such comments should be filed with the Commission by August 31, 1981. Comments submitted by mail should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All comments should refer to Docket No. RM81-40.

Written comments will be placed in the Commission's public file and will be available for public inspection in the Commission's Division of Public Information, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Commission will consider all timely comments before acting on the matter proposed in this notice.

[5] 5 U.S.C. 601-612 (Pub. L. 96-354, September 19, 1980).

(Federal Power Act, as amended, (16 U.S.C. 782-828(c)), Natural Gas Act, as amended, (15 U.S.C. 717-717w); Department of Energy Organization Act, (42 U.S.C. 7101-7352); Freedom of Information Act, (5 U.S.C. 552))

In consideration of the foregoing, the Commission proposes to amend §§ 1.36 and 3.8 and Part 375 of Title18, Chapter I of the Code of Federal Regulations, as set forth below.

By direction of the Commission. Commissioner Holden dissenting.

Kenneth F. Plumb,

Secretary.

PART 1—RULES OF PRACTICE AND PROCEDURE

1. Section 1.36 is amended by adding between the heading and the text, the following parenthetical:

§ 1.36 Public information and requests.

(See also § 3.8(k) of this Chapter regarding Freedom of Information Act request fees.)

* * * * *

PART 375—THE COMMISSION

2. Part 375 is amended in the table of contents by adding, in the appropriate numerical order, a new section number and heading as follows:

Sec.

375.312 Delegation to the Director of the Division of Public Information.

3. Part 375 is amended in Supart C by adding a new § 375.312 to read as follows:

§ 375.312 Delegations to the Director of the Division of Public Information.

The Commission authorizes the Director of the Division of Public Information to waive or reduce fees in accordance with § 3.8 of this chapter.

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS

4. Section 3.8 is amended by adding between the heading and the text, the following parenthetical:

§ 3.8 Public information and submittals.

(See also § 1.36 of this chapter regarding public information and Freedom of Information Act requests.)

* * * * *

5. Section 3.8(b) is amended in the eighth sentence by replacing the word "Secretary" with the word "Commission".

6. Section 3.8 is further amended by adding a new paragraph (k) at the end thereof to read as follows:

* * * * *

(k) *Fees for Freedom of Information Act requests.*—(1) *Definitions.* For purposes of this paragraph the following definitions apply.

(i) "Freedom of Information Act request" means a written request for public records in the possession of the Commission, which request is filed pursuant to section 552(a)(3) of the Freedom of Information Act (5 U.S.C. 552) and in accordance with § 1.36 of this chapter.

(ii) "Professional employee" means an employee of the Commission whose official grade level is GS–10 or above.

(iii) "Clerical employee" means an employee of the Commission whose official grade level is GS–9 or below.

(2) *Search fees.* If Commission response to a Freedom of Information Act request requires search of Commission records, the requester will be charged for the search at the following rates:

(i) $4.00 per quarter hour for search services performed by a professional employee; and

(ii) $2.00 per quarter hour for search services performed by a clerical employee.

(3) *Duplication fees.* If Commission response to a Freedom of Information Act request requires the duplication of documents, and:

(i) If the duplication is done by Commission staff, the requester will be charged 10 cents per photocopy plus postage; or

(ii) If the duplication is done by an independent contractor, the requester will be charged in accordance with a uniform fee schedule for photocopies, and microfiche and microfilm duplication, plus postage. The uniform fee schedule is set by contract with the independent contractor and may be obtained in person, by telephone, or by mail from the Division of Public Information.

(4) *No fees charged below minimum.* If the total fees assessed for search and duplication services performed by Commission staff in response to a Freedom of Information Act requests, or to a series of related request, are $5.00 or less, the Commission will not charge the requester for those services.

(5) *Waiver or reduction of fees.* At the time a Freedom of Information Act request is filed with the Commission, the requester may petition the Commission for waiver, or reduction, of the fees described in this paragraph. The requester should show that waiver or reduction of the fees is in the public interest, because the requester's receipt of the information primarily benefits the general public. If the Commission determines that waiver, or reduction, of fees is in the public interest, the requested information will be furnished without charge or at a reduced rate.

[FR Doc. 81-22817 Filed 8-4-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of Alpha-Methylfentanyl into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is issued by the Acting Administrator of the Drug Enforcement Administration to place the substance, alpha-methylfentanyl, into Schedule I of the Controlled Substances Act (CSA). This action was initiated upon the receipt of a letter from the Assistant Secretary for Health, Department of Health and Human Services (DHHS), who recommended that alpha-methylfentanyl be placed into Schedule I of the CSA, and DEA's review of the abuse and trafficking of this substance. This proposed action would impose the control mechanisms and criminal sanctions of Schedule I on the manufacturing, distribution and possession of alpha-methylfentanyl.

DATE: Comments must be submitted on or before September 4, 1981.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: On May 4, 1981, the Administrator of the Drug Enforcement Administration, submitted information relevant to the abuse potential and illicit trafficking of N-[1-(alpha-methyl-betaphenyl)ethyl-4-piperidyl] propionanilide, or alpha-methylfentanyl to the Acting Assistant Secretary for Health. Briefly, the information documented that alpha-methylfentanyl, trafficked on the street as "China White": (1) Is an analogue of the Schedule II narcotic, fentanyl, (2) has no legitimate medical use or manufacturer in the United States, (3) produces a typical morphine-like profile, with an analgesic potency roughly 100 times that of morphine, and (4) has been shown to suppress withdrawal symptoms in morphine-dependent monkeys. Additionally, forensic laboratories have identified alpha-methylfentanyl in over 25 drug evidence submissions since January 1980, Narcotic Treatment Program Directors report their clients use of alpha-methylfentanyl, and medical examiners have associated at least nine overdose deaths with the use of alpha-methylfentanyl.

In accordance with the provisions of 21 U.S.C. 811(b), the DEA Administrator requested a scientific and medical evaluation of the relevant information and a scheduling recommendation for alpha-methylfentanyl from the Assistant Secretary for Health. On July 28, 1981, the Acting Administrator of the Drug Enforcement Administration received a letter from the Assistant Secretary for Health, acting on behalf of the Secretary of the Department of Health and Human Services, recommending that alpha-methylfentanyl be placed into Schedule I of the Controlled Substances Act (21 U.S.C. 801 *et seq.*) without further delay. The letter of the Assistant Secretary is set forth below:

July 27,1981.

Mr. Francis Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C.

Dear Mr. Mullen: Pursuant to the Controlled Substances Act, 21 U.S.C., 811(c)(CSA), this letter is notification of DHHS' recommendation for control of alpha-methylfentanyl into Schedule I of the CSA.

Alpha-methylfentanyl is a substance with narcotic-like pharmacological activity on the central nervous system. It has no accepted medical use in treatment in the United States. The substance is clandestinely synthesized, illicitly sold and abused, and is known on the street as "China white." The Food and Drug Administration (FDA) reviewed the document entitled "Control Recommendation for Alpha-methylfentanyl," prepared by your scientific staff, and found it accurate, thorough, and complete.

The eight factors listed in CSA Section 201(c), 21 U.S.C. 811(c), were reviewed. Based

on this review, the findings required by Section 202(b) of the CSA, 21 U.S.C. 812(b) are as follows:

A. Alpha-methylfentanyl has a high potential for abuse.

B. Alpha-methylfentanyl has no currently accepted medical use in treatment in the United States.

C. There is a lack of accepted safety for use of alpha-methylfentanyl under medical supervision.

The FDA considers your position scientifically sound and has recommended that alpha-methylfentanyl be scheduled into Schedule I of the CSA without further delay. I concur with that recommendation.

Should you have any questions concerning this issue, the FDA Drug Abuse Staff is prepared to respond.

Sincerely yours,

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Based upon the investigations and review of the Drug Enforcement Administration and relying on the scientific and medical evaluation and the recommendation of the Secretary of Health and Human Services in accordance with 21 U.S.C. 811(c), the Acting Administrator of the Drug Enforcement Administration, pursuant to the provisions of 21 U.S.C. 811(a), finds that:

1. Based on information now available, alpha-methylfentanyl has high potential for abuse;

2. Alpha-methylfentanyl has no currently accepted medical use in treatment in the United States; and,

3. There is a lack of accepted safety for use of alpha-methylfentanyl under medical supervision.

The Acting Administrator further finds that alpha-methylfentanyl is an opiate as defined in 21 U.S.C. 802(17) since it has addiction-forming and addiction-sustaining liabilities similar to those of morphine. Consequently, alpha-methylfentanyl is a narcotic since the definition of narcotic, as stated in 21 U.S.C. 802(16)(A) includes: "* * * Opium, coca leaves and opiates."

Under the authority vested in the Attorney General by Section 201(a) of the Act (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by Department of Justice regulations (21 CFR 0.100), the Acting Administrator hereby proposes that 21 CFR 1308.11(b)(6) be revised to read:

§ 1308.11 Schedule I.

* * * * *

(b) * * *

(6) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide).....9814

* * * * *

and that 21 CFR 1308.11(b)(6)–(45) be renumbered 21 CFR 1308.11(b)(7)–(46).

Interested persons are invited to submit their comments, objections or requests for hearing in writing with regard to this proposal. Request for hearing should state with particularity the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted in quintuplicate to the Acting Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for hearing raise one or more issues which the Acting Administrator finds warrant a hearing, the Acting Administrator shall order a public hearing by notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing which will not be less than 30 days after the date of the notice.

If no objections presenting grounds for a hearing on this proposal are received within the time limitation, or interested parties waive or are deemed to waive their opportunity for a hearing or to participate in a hearing, the Acting Administrator, after giving consideration to written comments and objections, will issue his final order pursuant to 21 CFR 1308.48 without a hearing. This section provides for the final order to specify an effective date for control which shall not be less than 30 days from the date of publication in the **Federal Register** unless the Acting Administrator finds that conditions of public health or safety necessitate an earlier effective date. The Acting Administrator, noting that the Assistant Secretary for Health recommends that alpha-methylfentanyl be scheduled into Schedule I of the CSA without further delay and recognizing that the use and abuse of alpha-methylfentanyl, has resulted in several overdose deaths, considers the health consequences attendant to its use to be of a very serious nature. Therefore, when the final order for the control of alpha-methylfentanyl is issued, the effective date of control will be August 5, 1981, unless evidence showing why this should not be is presented.

Pursuant to 5 U.S.C. 605(b), the Acting Administrator certifies that the placement of alpha-methylfentanyl into Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). The substance, alpha-methylfentanyl, proposed for control in this notice, has no legitimate use or manufacturer in the United States.

In accordance with the provisions of 21 U.S.C. 811(a), this proposal to place alpha-methylfentanyl into Schedule I, is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

Dated: July 30, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-22780 Filed 8-4-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 378; Ref: Notice No. 357]

Multi-Vintage Labeling for Wine Under the Federal Alcohol Administration Act

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing amendments to the wine labeling and advertising regulations which would allow the stating of distinct vintages and percentages from each on wine labels and in wine advertisements for blended wine.

The labeling of multi-vintage dates and percentages would provide to consumers information that is accurate, specific, and truthful concerning blended wines.

In accordance with Executive Order 12291, this notice of proposed rulemaking is not classified as a major rule.

DATE: Comments must be received on or before November 3, 1981.

ADDRESS: Send comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Roger L. Bowling, Research and Regulations Branch, 202–566–7626.

SUPPLEMENTARY INFORMATION:

Background

ATF has not, as a matter of policy, allowed the labeling of distinct vintages and the percentages of each on labels of

blended wine. This policy was clearly stated in Rev. Rul. 54–250, 1954–1 C.B. 342 and ATF Rul. 78–4, 1978 ATF C.B. 61. ATF held that such labeling was misleading and that consumers could be misled into thinking that the wine was a vintage wine, since regulations define the term "vintage" and require that 95 percent of the volume of the wine be derived from grapes harvested in a single calendar year. Furthermore, the present regulations allow only for single vintage dates. Thus, if more than one vintage date appears on a label, it violates regulations.

A petition was submitted to ATF by Veedercrest Vineyards, Emeryville, California, requesting regulatory amendments which would allow multi-vintage labeling. To this end, ATF published an advance notice of proposed rulemaking on November 13, 1980 (45 FR 74942), requesting comment on the need and viability of multi-vintage labeling.

Summary of Comments

ATF received 34 comments during the comment period which closed January 12, 1981. Comments were received from members of the wine industry, foreign government organizations, and consumers.

Eighteen commenters opposed regulations which would allow multi-vintage labeling. These commenters stated that multi-vintage dates and percentages would be misleading, that no need existed to allow this type or labeling, and that "vintage" would lose some of its mystique that consumers have applied to the term.

However, 16 commenters favored multi-vintage labeling. These commenters stated that multi-vintage dates would be no more misleading or confusing than a single vintage date, and that a vintage statement is simply the year of harvest of the grapes, not a quality statement about the wine as there are both good and bad vintages. Furthermore, since blending is a prevalent practice, information concerning a blend's components should be labeled to provide further information to the consumer. Some commenters believed that with the increased consumer awareness and education, multi-vintage dates would provide specific information which consumers want or need concerning wines.

Of the 16 commenters in favor, nine believed the information should be restricted to the back label, and three commenters believed that the components of a blended wine must themselves qualify for vintage labeling before multi-vintage dates and percentages could be stated on the label.

ATF requested comment on the term "multi-vintage" or other appropriate terms to describe blended wines labeled with two or more vintage dates. Twelve commenters responded to this issue; two offered alternative terms, blend components or multi-harvest; ten stated no term was needed; and one commenter states that "multi-vintage" was the most appropriate and would be the most widely accepted. ATF concurs with this commenter and is proposing the term "multi-vintage" to describe blended wines labeled with multiple vintage dates and percentages.

ATF concurs with the commenters in favor, and is, therefore, proposing regulations which will allow multi-vintage labeling.

Regulation Proposals

Multi-vintage wine. ATF is proposing a new section which provides for the labeling of multi-vintage wine. Multi-vintage wine is wine blended from two or more distinct vintages with the percentages from each vintage shown on the label. Before a wine can be labeled with multi-vintage dates and percentages, each component must be derived totally from grapes harvested in the designated vintage years with a plus or minus two percent tolerance and must be made in accordance with the standards of identity for grape wine, sparkling grape wine, or carbonated grape wine.

ATF believes these requirements would aid in precluding any misleading impression concerning age statements on a blended wine.

Furthermore, since ATF has proposed that the components used to produce the blended wine must be derived totally from grapes harvested in the designated vintage years with a plus or minus two percent tolerance, and since this exceeds the requirement for vintage wine and vintage wine is labeled with an appellation of origin of other than a country, ATF believes the same requirement should also apply to multi-vintage wine. Therefore, wine labeled with two or more distinct vintages and the percentages from each must bear an appellation of origin that is either a State, county, or the foreign equivalent, an approved viticultural area or a multi-state or multi-county appellation.

Age Statement. Presently, ATF allows references to age on a wine label only in three instances; (1) vintage date, (2) references to production involving storage or aging, and (3) use of the word "old" as part of the brand name. In order to allow multi-vintage dates, and thus delete the present regulatory prohibition, ATF proposes to add a fourth category under this regulation which would be multi-vintage wine.

Percentages. The percentages stated for each distinct vintage must equal 100 percent of the volume of the finished wine. ATF believes that any total less than 100 percent would be confusing or misleading to the consumer.

Placement on Containers. Although nine commenters stated that multi-vintage dates and percentages should be restricted to the back label, ATF does not concur with these comments. Since multi-vintage dates and percentages would provide specific, accurate, and truthful information concerning blended wines, ATF, therefore, believes that the statements should not be restricted as to their placement on a wine container.

Industry Circular. If a final rule is published allowing multi-vintage labeling, ATF will issue an industry circular advising industry members that some foreign countries, such as the member countries of the European Economic Community, prohibit multi-vintage labeling and will deny entry into their countries any American wines so labeled. This circular would prevent an economic hardship on an American exporter who has gone to the expense of making his shipment only to have it denied and returned.

Modifications to Proposed Regulations

Although this notice proposes the specific terms and substance of the amendments to the regulations, we invite comments as to any modifications which should be made prior to final adoption. The final regulations may differ in terms of the proposed regulations after consideration is made of all comments received pursuant to this notice.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a signifiant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the notice of proposed

rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number or small entities.

Disclosure of Comments

Comments on this notice may be inspected in the ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, 12th and Pennsylvania Avenue, NW., Washington, DC, during normal business hours.

ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on the proposed regulations should submit their request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

Drafting Information

The principal author of this document is Roger L. Bowling of the Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices of the Bureau participated in developing the regulations, both on matters of substance and style.

Authority Citation

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 4 is proposed to be amended as follows:

PART 4—LABELING AND ADVERTISING OF WINE

Par. 1. The table of sections in 27 CFR Part 4, Subpart C is amended to include a new section as follows:

Subpart C—Standards of Identity for Wine

Sec.

* * * * *

4.28 Multi-vintage wine.

* * * * *

Subpart C—Standards of Identity for Wine

Par. 2. A new section is added, in numerical sequence in Subpart C, to read as follows:

§ 4.28 Multi-vintage wine.

(a) *General.* (1) Multi-vintage wine is wine composed of two or more distinct vintages and is labeled with each distinct vintage and the percentage from each, and is made in accordance with the standards prescribed in § 4.21(a), (b), or (c).

(2) One hundred percent of the blended wine must be derived from the labeled distinct vintages and the percentages from each vintage shown on the label shall total 100 percent of the volume of the wine.

(3) Each component wine, before blending, must be derived totally from grapes harvested in a single calendar year, with a plus or minus two percent tolerance.

(4) Blended wine labeled with multi-vintage dates and percentages must bear an appellation of origin other than a country. The appellation of origin shall be shown in direct conjunction with the class and type designation required by § 4.32(a)(2), and in the same size type, and in lettering as conspicuous as the class and type designation.

(b) *American wine.* A permittee who produced, bottled, or packaged the blended wine, or a person, other than the producer, who rebottled or repackaged the blended wine in containers of five liters or less may show the years and percentages of each distinct vintage upon the label if:

(1) The producer possesses adequate records, or if a person other than the producer possesses appropriate records from the producer, to substantiate the years of the vintages and the percentages from each and the appellation of origin; and (2) the blended wine is made in compliance with the provisions of paragraph (a) of this section.

(c) *Imported wine.* Imported wine may bear multi-vintage dates and the percentages from each if:

(1) The blended wine is made in compliance with the provisions of paragraph (a) of this section;

(2) The blended wine is bottled in containers of five liters or less prior to importation, or bottled in the United States from the original container of the product bearing the multi-vintage dates and the percentages from each; and

(3) The invoice is accompanied by, or the American bottler possesses, a certificate issued by a duly authorized official, if the country of origin authorizes the issuance of such certificates, certifying that,

(i) The wine is of the distinct vintages and percentages shown,

(ii) The laws and regulations of the country of origin regulate the appearance of multi-vintage dates and percentages upon labels of wine produced for consumption within the country of origin,

(iii) The wine has been produced in conformity with these laws and regulations, and

(iv) The wine will be entitled to bear the multi-vintage dates and percentages if it had been sold within the country of origin.

Subpart D—Labeling Requirements for Wine

Par. 3. Section 4.39 is amended by adding a new paragraph (b)(2) and by renumbering (2) and (3) as (3) and (4). As amended, § 4.39(b) reads as follows:

§ 4.39 Prohibited practices.

* * * * *

(b) *Statement of Age.* No statement of age or representation relative to age (including words or devices in any brand name or mark) shall be made, except (1) for vintage wine, in accordance with the provisions of § 4.27; (2) for multi-vintage wine, in accordance with the provisions of § 4.28; (3) references relating to methods of wine production involving storage or aging in accordance with § 4.38(f); or (4) use of the word "old" as part of a brand name.

* * * * *

Subpart G—Advertising of Wine

Par. 4. Section 4.64 is amended by adding a new exception, (2) in paragraph (c), and by renumbering (2) and (3) as (3) and (4). As amended, § 4.64(c) reads as follows:

§ 4.64 Prohibited statements.

* * * * *

(c) *Statement of age.* No statement of age or representation relative to age (including words or devices in any brand name or mark) shall be made, except (1) for vintage wine, in accordance with § 4.27; (2) for multi-vintage wine, in accordance with § 4.28; (3) references in accordance with § 4.38(f); or (4) use of the word "old" as part of a brand name.

* * * * *

Signed: June 9, 1981.

G. R. Dickerson,

Director.

Approved: June 24, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 22796 Filed 8-4-81; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 380]

Establishment of Leelanau Peninsula Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in the State of Michigan to be known as "Leelanau Peninsula." This proposal is the result of a petition submitted by an industry member.

In accordance with Executive Order 12291, this proposed rule is not considered a major rule.

DATES: Written comments must be received by November 3, 1981.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR for the listing of approved viticultural areas.

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.), which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

ATF has received a petition to establish a viticultural area in the State of Michigan to be known as "Leelanau Peninsula." The proposed area is located in the northwestern portion of the state's lower peninsula and consists of the mainland portion of Leelanau County, excluding the offshore islands. This area is a triangular-shaped peninsula covering 330 square miles. On the western side of the peninsula is Lake Michigan, on the eastern side is the West Arm of Grand Traverse Bay and the southern boundary is the Leelanau-Grand Traverse county line.

The petitioner furnished information which identified the proposed area as a fruit-growing region for over 100 years. More recently, the area has been identified as a distinctive grape-growing region. There are four wineries in the area, all of which were established within the last ten years. As a peninsula, the area is isolated and distinguishable from the surrounding area by virtue of natural boundaries and unique geographical features. The petitioner bases his claim for a viticultural designation on the following:

(a) The name Leelanau (initially spelled Leelinau) first appeared in written records of the State of Michigan in 1840 as a result of a treaty with the Indians. In the 1836 Treaty of Washington, the upper western half of the State's lower peninsula was ceded by the Indians to the State of Michigan. The Leelanau area was officially designated as a county in 1862.

(b) The proposed area is distinguished from the surrounding area by virture of being a peninsula. The area's climate is tempered from two sides by Lake Michigan and the West Arm of Grand Traverse Bay. The petitioner furnished information relating to the moderating effect of the lakes and how this effect creates suitable growing conditions for many types of fruit and vegetables.

The proposed area is one of Michigan's two wine-grape regions. These two areas are 200 miles apart along the Lake Michigan shore. The number of frostfree growing days in these two grape-growing regions differ by approximately 20 days. The southern region averages 160-170 days and the northern region (the proposed area) averages 140-150 days.

The soils in the proposed area vary widely, as is always the case when land is formed by glacial action and deposits. The soil levels consist of granite and limestone bedrock, clay subsoils, with sand and gravel loam surface soils. This area is characterized by large deep inland lakes which add an additional moderating effect to the climate, high-rolling and heavily-timbered hills in the north, and undulating plateaus in the south which rise 250 to 400 feet above Lake Michigan.

(c) The boundries of the proposed area are distinguishable on three sides by natural features: Lake Michigan on the west and north, and the West Arm of Grand Traverse Bay on the east. The Leelanau-Grand Traverse county line is the proposed southern boundary. The area is shown on four U.S.G.S. maps which are listed in the proposed regualtions.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.The proposal is not expected to: have significant secondary of incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. Furthermore, while this document proposes possible boundaries for the Leelanau Peninsula viticultural area, suggestions concerning other alternative boundaries will be given consideration prior to any final decision.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

Drafting Information

The principal author of this document is Norman P. Blake, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.40 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.40 Leelanau Peninsula.

Paragraph 2. Subpart C is amended by adding § 9.40 as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.40 Leelanau Peninsula.

(a) *Name.* The name of the viticultural area described in this section is "Leelanau Peninsula."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Leelanau Peninsula viticultural area are four U.S.G.S. maps. They are entitled:

(1) "Empire Quadrangle, Michigan," 15 minute series;

(2) "Maple City Quadrangle, Michigan," 15 minute series;

(3) "Traverse City Quadrangle, Michigan," 15 minute series; and

(4) "Northport Quadrangle, Michigan," 15 minute series.

(c) *Boundaries.* The Leelanau Peninsula viticultural area encompasses all of Leelanau County, Michigan, excluding the offshore islands.

Signed May 26, 1981.

G. R. Dickerson,

Director.

Approved: June 16, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-22759 filed 8-4-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Parts 240 and 252

[Notice No. 377]

Transfer of Wine, Without Payment of Tax, to Customs Bonded Warehouses for Embassy Removals and Other Purposes

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing temporary regulations regarding implementation of Section 2 of Public Law 96-601 (Tax Administrative Provisions Revisions). The temporary regulations also serve as a notice of proposed rulemaking for final regulations.

EFFECTIVE DATE: The effective date of the temporary regulation is retroactive to April 1, 1981. Written comments must be delivered or mailed by October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Steven C. Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Telephone: 202-566-7626.

ADDRESS: Send comments to the Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044. [Notice No. 377]

SUPPLEMENTARY INFORMATION: The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** revise and add new regulations in 27 CFR Parts 240 and 252. For the text of the temporary regulations, see the Rules and Regulations portion of this issue of the **Federal Register.**

It has been determined that these temporary regulations are not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because they will not have an annual effect on the economy of $100 million or more; they will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and they will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the temporary regulations, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. Any economic impact flows directly from Pub. L. 96-601 and not the proposed implementing regulations. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from small entities through comments, either formal or informal.

Accordingly, the Secretary of the Treasury has certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the temporary regulations, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Public Participation

Interested persons may submit written comments and suggestions regarding the temporary regulations. All communications received within the comment period will be considered before final regulations are issued. Any person who desires an opportunity to comment orally at a public hearing on the temporary regulations should submit a written request to the Chief, Regulations and Procedures Division, within the comment period. However, the Bureau reserves the right to determine whether a public hearing will be held.

Disclosure of Comments

Any person may inspect the written comments and suggestions during normal business hours at the ATF Reading Room, Office of Public Affairs, Room 4407, Federal Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C.

Signed: May 11, 1981.

G. R. Dickerson,

Director.

Approved: May 28, 1981.

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-22755 Filed 8-4-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 715, 816, and 817

Backfilling and Grading: General Requirements

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

ACTION: Proposed rule.

SUMMARY: OSM proposes to amend §§ 816.102(b)(1), 817.102(b)(1) and 715.14(b)(2)(i) of the permanent and interim regulatory programs respectively. These sections establish a maximum backfilling and grading terrace width of 20 feet. The purpose of this amendment is to provide increased flexibility in achieving the post-mining land use plan without reducing erosion control.

DATES: A public hearing will be held on the proposed amendments at Washington, D.C. on August 13, 1981 beginning at 9:00 a.m. The hearing may be cancelled as discussed below under Supplementary Information. Written comments on the proposed amendments must be received at the address below on or before September 4, 1981 by no later than 5:00 p.m. Written or oral comments on whether OSM should hold a public hearing must be received at OSM or telephoned to the individual named in "for further information contact" within 10 days of the date of publication of this notice.

ADDRESSES: A public hearing will be held at the Interior South Building, Room 251, Washington, D.C. 20240. Written comments must be mailed to: Office of Surface Mining, U.S. Department of the Interior, P.O. Box 7267, Benjamin Franklin Station, Washington, D.C. 20244. Alternatively, comments may be delivered: Office of Surface Mining, room 153, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, where all comments will be available for inspection.

FOR FURTHER INFORMATION CONTACT: Charles Meyers, Physical Scientists, Office of Surface Mining, Department of the Interior, Washington, D.C. 20240, (202) 343-5747.

SUPPLEMENTARY INFORMATION: A public hearing will be held on August 13, 1981 at the Interior South Building, room 251, Washington, D.C. 20240 beginning at 9:00 a.m. The public hearing may be cancelled unless there are a significant number of requests for a hearing during the comment period. If time permits, a notice of cancellation of public hearing will be published in the **Federal Register**. Persons wishing to be scheduled to appear at the public hearing should call Charles Meyers at (202) 343-5747, within 10 days of the date of this notice. Members of the public wishing to asertain whether a hearing will be held should also call Mr. Meyers.

Representatives of OSM will be available to meet between the date of this notice and the end of the comment period at the request of members of the public, State representatives, and industry organizations to receive their advice and recommendations concerning the content of these proposed amendments. Persons wishing to meet with representatives of OSM during this time period may request a meeting by calling Charles Meyers at (202) 343-5747.

OSM representatives will be available for these meetings between 9:00 a.m. and noon and 1:00 and 4:00 p.m. local time, Monday through Friday excluding holidays. All such meetings are open to the public. Notices of the meetings will be publicly posted in advance as to the location of the meeting. A written summary of the meetings will be a part of the administrative record and will be available to the public.

Section 715.14(b)(2)(i) of the interim program and §§ 816.102(b)(1), 817.102(b)(1) of the permanent program restrict the width of individual terraces to 20 feet unless specifically approved by the regulatory authority. The purpose of allowing terraces is to create land forms that support the post-mining land use and provide erosion control. Initially, OSM established a maximum terrace width of 20 feet because past study has shown that this was a suitable dimension that provides stability, erosion control and adequate permanent access to the reclamation area. However, this represents the minimum width that will provide these benefits (Skelly and Loy [1]) and by removing the 20 foot width limitation, greater flexibility can be achieved without reducing erosion control. In addition, the road base and foundation stability of the post mining land use can be achieved while also increasing the potential to incorporate individual site conditions. Therefore, the 20 foot terrace width regulation is proposed to be amended to remove the specific dimensional requirement and allow a width adequate to insure the safety, stability and erosion control necessary to achieve the post-mining land use plan. This modification providing increased flexibility is not expected to result in adverse changes to the natural environment.

Regulation Drafters

The proposed modifications to the interim and permanent program regulations have been drafted principally by Charles Meyers, Physical Scientist, Division of Technical Services.

Determinations under E.O. 12291, NEPA and the Regulatory Flexibility Act

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291.

Note.—The Department of the Interior has determined that this document will not have a significant effect on the human environment and an environmental impact statement will not be prepared.

The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under Pub. L. 96-354.

[1] Skelly and Loy, 1978, "Development of New Design Concepts for Construction of Valley Fills: Final Report." Prepared for: U.S. Department of the Interior, Bureau of Mines, Washington, D.C. 20241.

Dated: July 6, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

Proposed Amendments to 30 CFR Chapter VII

PART 715—GENERAL PERFORMANCE STANDARDS

1. 30 CFR Part 715 is proposed to be amended by revising § 715.14(b)(2)(i) to read as follows:

§ 715.14 Backfilling and grading.

(b) * * *

(2) * * * (i)—Where specialized grading, foundation conditions or roads are required for the approved post-mining land use, the final grading may include a terrace of adequate width to insure the safety, stability and erosion control necessary to implement the post-mining land use plan.

* * * * *

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

2. 30 CFR Part 816 is proposed to be amended by revising § 816.102(b)(1) to read as follows:

§ 816.102 Backfilling and grading: General grading requirements.

* * * * *

(b) * * *

(1) Where specialized grading, foundation conditions or roads are required for the approved post-mining land use, the final grading may include terrace of adequate width to insure the safety, stability and erosion control necessary to implement the post-mining land use plan.

* * * * *

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

3. 30 CFR Part 817 is proposed to be amended by revising § 817.102(b)(1) to read as follows:

§ 817.102 Backfilling and grading: General grading requirements.

* * * * *

(b) * * *

(1) Where specialized grading, foundation conditions or roads are required for the approved post-mining land use, the final grading may include terrace of adequate width to insure the safety, stability and erosion control necessary to implement the post-mining land use plan.

* * * * *

[FR Doc. 81-22768 Filed 8-4-81; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 906

Surface Coal Mining and Reclamation Operations on Federal Lands Under the Permanent Program; State-Federal Cooperative Agreement; Colorado

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

ACTION: Notice of intent to propose rulemaking.

SUMMARY: The Department of the Interior, through the Office of Surface Mining Reclamation and Enforcement (OSM), intends to commence rulemaking to enter into a cooperative agreement with the State of Colorado. The cooperative agreement will authorize the State to regulate surface coal mining and reclamation operations on Federal lands in Colorado under the State's approved permanently regulatory program. The cooperative agreement is authorized by Section 523(c) of the Surface Mining Control and Reclamation Act of 1977. This notice begins the process of review and comment on the proposed rulemaking.

DATE: Comments must be received on or before October 5, 1981, at the Office listed below under "Addresses" by no later than 5 p.m.

Representatives of OSM will be available to meet with interested persons upon request between August 5, 1981 and October 5, 1981. A supplemental notice will announce the date and location for a public hearing.

ADDRESSES: Written comments must be mailed or hand delivered to the Office of Surface Mining, Division of Federal Programs, Room 153 South Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240. All comments received will be available for inspection at this location along with summaries of meetings held with representatives of OSM. The complete administrative record will be maintained at this address.

Copies of the agreement proposed by the State, and of the related information required under 30 CFR Part 745, are available for inspection at the State of Colorado, Department of Natural Resources, Mined Land Reclamation Division, 1313 Sherman Street, Denver, Colorado 80203; Office of Surface Mining, U.S. Department of the Interior, Room 153 South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Office of Surface Mining, U.S. Department of Interior, Brooks Towers, 1020 15th Street, Denver, Colorado 80202, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Andrew F. DeVito, Division of Federal Programs, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240, (703) 756-6970.

SUPPLEMENTARY INFORMATION: Rulemaking under 30 CFR Part 745 and 43 CFR Part 14. The regulations for the development, approval, administration and enforcement of permanent program cooperative agreements, appear at 30 CFR Part 745. By letter of May 13, 1981, the State of Colorado submitted a formal request for a permanent program cooperative agreement along with related information required by 30 CFR 745.11(b). This information is available for inspection at the locations listed above under the heading "Addresses".

This notice of intent to propose rulemaking is issued pursuant to 30 CFR 745.11(c) and 43 CFR Part 14. (The latter regulations are the Department of the Interior's rulemaking procedures.) Pursuant to 30 CFR 745.11(c)(3) this notice specifies that the public comment period within which representatives of the public may submit written comments on the proposed permanent program cooperative agreement with the State of Colorado will be 60 days. Representatives from OSM and the State of Colorado will meet as necessary to discuss the terms of the proposed cooperative agreement. OSM intends to publish a Notice of Proposed Rulemaking and a Notice of Public Hearing in the near future. *See,* 30 CFR 745.11 (c) and (d) and 43 CFR Part 14.

Background

Consistent with Congress' intent that implementation of the Surface Mining Act Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act), be accomplished in two phases, Section 523(c) of that Act provides for two kinds of State-Federal cooperative agreements: Initial program cooperative agreements and permanent program cooperative agreements. Initial program cooperative agreements are authorized by the second sentence of Section 523(c) which provides that "States with cooperative agreements existing on the date of enactment of this Act, may elect to continue regulation on Federal lands within the State, prior to approval by the Secretary of their State program, or imposition of a Federal program, provided that such existing cooperative agreement is modified to fully comply with the initial regulatory procedures set forth in Section 502 of this Act." 30 CFR U.S.C. 1273(c). The State of Colorado had a cooperative agreement with the Department prior to August 3, 1977, however, it was not modified as

required by Section 523(c). Thus, no cooperative agreement is presently in effect. Permanent program cooperative agreements are authorized by the first sentence of Section 523(c) of the Act which provides that

> [a]ny State *with an approved State program* may elect to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State, provided the Secretary determines in writing that such State has the necessary personnel and funding to fully implement such a cooperative agreement in accordance with the provisions of this Act. 30 U.S.C. 1273(c) (emphasis added).

The procedures for States to elect to enter into permanent program cooperative agreements are found in 30 CFR Part 745.

On February 29, 1980, the Governor of the State of Colorado submitted the Colorado State program for approval pursuant to Section 503 of the Act and 30 CFR Part 731. The State program was conditionally approved by the Secretary and became effective upon publication in the **Federal Register** on December 31, 1980 (45 FR 82173–82214).

By letter of March 11, 1981, the State of Colorado submitted a draft of a proposed permanent program cooperative agreement. On April 16, 1981, representatives from OSM and the State met to discuss the terms of that draft. On May 13, 1981, a formal request for the proposed permanent program cooperative agreement was received from the State. The May 13, 1981, proposal is published with this Notice. It will be the basis for proposed rulemaking and further negotiations. This notice begins the process of review and comment.

Contacts With State Representatives

The Department intends to follow during this rulemaking the "Guidelines for Contacts With Employees and Officials During Consideration of State Permanent Regulatory Programs" published at 44 FR 5444–45 (September 19, 1979). As written, the guidelines apply only to the State program review and decision process. However, the Department believes that the guidelines should also be applied in the development of State-Federal permanent cooperative agreements. The need to preserve the ability of the Department and the States to work together through the stages of the cooperative agreement and the right of the public to be informed and have the opportunity to comment meaningfully on issues raised are principles applicable to permanent program cooperative agreement rulemaking.

This decision requires that minor changes in the guidelines be made to clarify their applicability to cooperative agreement rulemakings. Accordingly, revised guidelines for contacts with Departmental employees and officials during permanent program cooperative agreement rulemakings are given below. See the notice of September 19, 1979 (44 FR 5444–45) for a full discussion of the guidelines and supporting principles. The September 19, 1979, guidelines remain fully applicable to the State program review process.

1. Upon request the Department will meet with any public representatives—citizens, environmental groups, industry—through the end of the public comment period. Notices of scheduled meetings shall be posted in a public place. The meetings will be open.

2. The Department will meet with State representatives or have telephone conversations with them, upon the initiative of either party, up to the point of the Secretary's decision to enter into a permanent program cooperative agreement with a State. Through the end of the public comment period, the meetings will be open unless an OSM or Departmental official decides to hold an executive session. Advance notice of scheduled meetings will be posted in a public place. Both before and after the end of the public comment period, some meetings may be in executive session. Notice of executive sessions will be posted.

3. The Department shall keep a summary record of all discussions and meetings whether in person or by telephone on a proposed cooperative agreement. This record shall include a summary of the discussions and a list of all written information OSM receives. All such records along with all written communications relating to the cooperative agreement shall be made available to the public.

4. In those instances where the Department has conducted meetings or discussions with a State after the close of the public comment period, the Department will include a summary of the meeting and, if necessary to assure an effective opportunity for public participation, provide an opportunity for the public to review the record of such meetings and discussions and to comment on them before a decision is made to enter into a permanent program cooperative agreement.

Request for Comments

The public is invited to comment on the following issues as they relate to Colorado's proposed permanent program cooperative agreement:

1. Does the proposal meet the requirements of 30 CFR 745.12 relating to the content of a permanent program cooperative agreement?

2. Does the State have the legal authority to administer the proposed permanent program cooperative agreement? *See*, 30 CFR 741.11(f)(3).

3. Does the State have sufficient budget, equipment and personnel as required by 30 CFR 745.11(f)(2)?

4. Comment is also solicited on the following issues which the Colorado proposal treats in a different manner than the cooperative agreement OSM has entered into previously:

a. Provisions concerning federal grants and state funding;

b. Procedures for cooperative review of permit applications and applications for permit revisions;

c. Sections on coal exploration and review of petitions to designate lands unsuitable for all or certain types of surface coal mining; and

d. Designation of OSM or Departmental officials to administer the cooperative agreement, as affected by OSM's recent reorganization.

Due to the significant differences from prior proposals, the resolution of these issues is unclear.

As this list is not intended to be an exhaustive summary of issues or considerations, the public is further invited to comment on any articles of the proposed permanent program cooperative agreement and on any other issues or areas which pertain to it.

Determination of Effects

Prior to publishing a notice of proposed rulemaking, a Determination of Effects will be prepared in order to determine if the rule is a "Major" rule under Executive Order No. 12291 and whether the rule will have a "significant economic effect on a substantial number of small entities" under the Regulatory Flexibility Act, 5 USC 601 *et seq.*

Comments and information concerning these issues are also requested.

Proceedings relating to adoption of a permanent program cooperative agreement are part of the Secretary's implementation of the Federal lands program pursuant to Section 523 of the Surface Mining Act, 30 U.S.C. 1273. Such proceedings are therefore exempted under Section 702(d) of the Surface Mining Act from the Requirement to prepare a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C).

Dated: July 27, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

Cooperative Agreement

The State of Colorado (State) acting through the Governor and the Department of the Interior (Department) acting through the Secretary enter into a Cooperative Agreement (Agreement) to read as follow.

Article I: Introduction and Purpose

1. This Agreement is authorized by Section 523(c) of the Surface Mining Control and Reclamation Act (Act), 30 U.S.C. § 1273, which provides for a State with a Permanent Regulatory Program (Program) approved by the Secretary at 30 CFR 906 to elect to enter into an Agreement for the regulation and control of coal mining on Federal lands.

This agreement provides for State regulation consistent with the Act, the Federal lands program and the Program for surface coal mining and reclamation operations on Federal lands.

2. The purpose of the Agreement is to (a) foster Federal-State cooperation in the regulation of surface coal mining; (b) eliminate intergovernmental overlap and duplication; and (c) provide uniform and effective application of the Program on all non-Indian lands in Colorado, in accordance with the Act and the Program.

Article II: Effective Date

3. After being signed by the Secretary and the Governor, the Agreement shall be effective 30 days from the date of publication in the **Federal Register** as a final rule.

This Agreement shall remain in effect until terminated as provided in Article XII.

Article III: Scope

4. Under this Agreement, the laws, regulations, terms, and conditions of the Program conditionally approved effective December 15, 1980, 30 CFR 906, or as hereinafter may be amended in accordance with 30 CFR 732.17, for the administration of the Act are applicable to Federal lands within the State except as otherwise stated in this Agreement, the Act, 30 CFR 745.13, or other applicable laws.

Article IV: Requirements for Agreement

5. The Governor and the Secretary affirm that they will comply with all of the provisions of this Agreement and will continue to meet all the conditions and requirements specified in this Article.

A. Responsible Administrative Agency: The Mined Land Reclamation Division (MLRD) shall be responsible for administering this Agreement on behalf of the Governor on Federal lands throughout the State. The Special Assistant to the Secretary, Denver Region (Special Assistant) shall administer this Agreement on behalf of the Secretary, in accordance with the regulations in 30 CFR Chapter VII.

B. Authority of State Agency: The MLRD has and shall continue to have the authority under State law to carry out this Agreement.

C. Funds: Upon application by the MLRD and subject to appropriations of the Department, the Department shall provide the State with the funds necessary to defray the costs associated with carrying out responsibilities under this Agreement as provided in Section 705(c) of the Act and 30 CFR 735.16.

D. Reports and Records: The MLRD shall make annual reports to the Secretary containing information with respect to compliance with the terms of this Agreement, pursuant to 30 CFR 745.12(c). The MLRD and the Secretary shall exchange, upon request, information developed under this Agreement. The Secretary shall provide the MLRD with a copy of any evaluation report prepared concerning State administration and enforcement of this Agreement.

E. Personnel: The MLRD shall have the necessary personnel to fully implement this Agreement in accordance with the provisions of the Act and the approved State Program, subject to available Federal funding as authorized in Section 705(a) of the Act.

F. Equipment and Laboratories: The MLRD shall have access to equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses can be performed which are necessary to carry out the requirements of this Agreement.

G. Permit Application Fees: The amount of the Fee accompanying an application for a permit shall be determined in accordance with Section 34–33–110(1) CRS 1973, as amended. All permit fees shall be retained by the State and deposited with the State Treasurer in the General Fund. The Financial Status Report submitted pursuant to 30 CFR 725.23 shall include a report of the amount of fees collected during the prior State fiscal year. If the amount of fees collected exceeds the Department's reimbursement to the State, the excess amount shall be deducted from the reimbursement during the following grant period.

Article V: Definitions

6. Terms and phrases used in this Agreement which are defined in 30 CFR 700 and 701 and as defined in the Colorado Surface Coal Mining Reclamation Act and the Rules and Regulation promulgated pursuant to that act shall be given the meaning set forth in said definitions.

Article VI: Policies and Procedures: Review of a Permit Application To Conduct Surface Coal Mining and Reclamation Operations or an Application for a Permit Revision.

7. The Governor and the Secretary agree and hereby require that an operator on Federal lands shall submit a permit application or an application for a permit revision in an appropriate number of copies to the MLRD.

The permit application or application for a permit revision shall be in the format required by the MLRD and include any supplemental information required by the Secretary. The permit application or application for a permit revision shall satisfy the requirements of 30 CFR 741.12(b) and 30 CFR 741.13, and include the information required by, or necessary for, the MLRD and the Secretary to make a determination of compliance with:

(a) Section 34–33–101, *et seq.*, CRS 1973, as amended.

(b) Regulation of the Colorado Mined Land Reclamation Board for Coal Mining;

(c) Applicable terms and conditions of the Federal coal lease; and

(d) Applicable requirements of the approved State Program, and other Federal laws, including, but not limited to, those listed in Appendix "A".

8. The MLRD shall assume the primary authority pursuant to Section 523(c) of the Surface Mining Control and Reclamation Act for the analysis, review and approval of the permit application or application for a permit revision according to the standards of the Program. The Secretary, through the Special Assistant, shall assist the MLRD in the analysis of the permit application or a permit revision according to the procedures set forth in Appendix B. The Secretary, through the Special Assistant, shall concurrently carry out his responsibilities under the Mineral Leasing Act (MLA), as amended, the National Environmental Policy Act (NEPA), and other public laws, including but not limited to those in Appendix A, according to the procedures set forth in Appendix B. The Secretary shall evaluate the MLRD analysis and conclusions as conducted pursuant to the proposed program as necessary to independently concur in MLRD's proposed decision. The Secretary shall consider the information in the decision

document, as described in Appendix B, and approve the mine plan pursuant to the MLA and the Program.

9. The Secretary will not independently initiate contacts with the applicant regarding permit applications or applications for a permit revision. In carrying out his responsibilities under laws other than the Act which may have a bearing on his responsibilities or decisions regarding permit applications or applications for permit revisions, the Secretary shall coordinate such actions with the MLRD. Any correspondence with the applicant pursuant to these responsibilities shall emanate from MLRD.

10. The MLRD shall maintain a file of all original correspondence with the applicant and any information received from the applicant which may have a bearing on decisions regarding the permit application or application for a revision. At the request of the Secretary or his designated agents, MLRD shall make available the MLRD files and/or send copies of such correspondence and information.

11. To the fullest extent allowed by State and Federal law, the Secretary and MLRD shall cooperate so that duplication will be eliminated in conducting the review and analysis of the permit application or application for a permit revision.

Article VII: Policies and Producers: Review of Coal Exploration Operations on Federal Lands

12. The MLRD and the Secretary shall cooperate to eliminate intergovernmental overlap in the administration of coal exploration activity on Federal lands as governed by the Colorado Surface Coal Mining and Reclamation Act and the Federal Coal Leasing Amendments Act of 1976. The Secretary, and the MLRD shall develop uniform procedures for the submission and the processing of a notice of intent to conduct coal exploration on Federal lands.

Article VIII: Inspections

13. The MLRD shall conduct inspections on Federal lands and prepare and file inspection reports in accordance with its Programs. The MLRD's inspection shall satisfy the Secretary's obligations under 30 CFR 842.11(c).

14. The MLRD shall, subsequent to conducting any inspection, and on a timely basis, file with the Secretary an inspection report adequately describing (1) the general condition of the lands under the permit and license; (2) the manner in which the operations are being conducted; and (3) whether the operator is complying with applicable performance and reclamation requirements.

15. The MLRD will be the point of contact and sole inspection authority in dealing with the operator concerning operations and compliance with the requirements covered by this agreement, except as described hereinafter.

Nothing in this agreement shall prevent Federal inspections by authorized Federal or State agencies for purposes other than those covered by this Agreement. The Department may conduct any inspections necessary to comply with 30 CFR Parts 842 and 743, as part 743 relates to obligations under law other than the Act.

16. The OSM shall give the MLRD reasonable notice of his (sic) intent to conduct an inspection under 30 CFR 842.11 in order to provide State inspectors with an opportunity to join in the inspection. When the OSM is responding to a citizen complaint of an imminent environmental danger or a threat to human health, pursuant to 30 CFR 842.11(b)(1)(ii)(c), it will contact MLRD no less than 24 hours prior to the Federal inspection, if practicable, to facilitate a joint Federal/State inspection. The Secretary reserves the right to conduct inspections without prior notice to MLRD under exigent circumstances, to carry out his responsibilities under the Federal Act.

Article IX: Enforcement

17. MLRD shall be the primary enforcement authority concerning compliance with the requirements of this Agreement and the Program.

18. During any joint inspection by the Department and the MLRD, the MLRD shall have primary responsibility for enforcement procedures including issuance of orders of cessation, notices of violation, and assessment of penalties. The MLRD shall consult the Department prior to issuance of any decision to suspend or revote a permit.

19. During any inspection made solely by the department or any joint inspection where the MLRD and the Department fail to agree regarding the propriety of any particular enforcement action, the Department may take any enforcement action necessary to comply with 30 CFR Parts 843 and 845. Such decision shall be made using the standards included in the regulations of the approved Program.

20. The MLRD and the Department shall promptly notify each other of all violations of applicable laws, regulations, orders, or approved mining plans and permit subject to the Agreement and of all actions taken with respect to such violations.

21. Personnel of the State and representatives of the Department shall be mutually available to serve as witnensses in enforcement actions taken by either party.

22. This Agreement does not limit the Department's authority to enforce violations of Federal law which establish standards and requirements which are authorized by laws other than the Act.

Article X: Bonds

23. For all exploration and for all surface coal mining operations on Federal lands, the MLRD and the Secretary shall require all operators to submit a single bond payable to the State to cover the operator's responsibilities under the Act and the Program. Such bond shall be conditioned upon compliance with all requirements of the Act, the Program and any other requirements imposed by the Department under the MLA, as amended.

24. Prior to releasing the operator from an obligation under a bond required by the Program, the MLRD shall obtain the consent of the Department. The MLRD shall also advise the Department of annual adjustments to the bond, pursuant to the Program. Departmental consent may be based on filed measurements, observations, and coordination with other Federal agencies having authority over the lands involved.

25. The operator's performance bond shall be subject to forfeiture with the consent of the Department, in accordance with the procedures and requirements of the Program.

Article XI: Designating Land Areas Unsuitable For all or Certain Types of Surface Coal Mining

26. The Governor and the Secretary agree that a petition by any interested party to designate (or terminate) lands as unsuitable for surface coal mining which includes both Federal and non-Federal land areas shall be jointly reviewed by OSM and MLRD. The OSM and the State will consult and reach a mutually agreeable decision. Should the OSM and the State fail to agree, the Department retains the right to make the determination on Federal lands, and the State retains the right to make determinations on non-Federal lands. The petition and the decision shall inlcude information as required by:

(a) Section 34–33–126, CRS 1973, as amended;

(b) Rule 7 of the Rules and Regulations for Coal Mining

(c) Section 522 of Pub. L. 95–87; and

(d) 30 CFR 769.

27. All efforts should be made to enable joint Federal-State cooperation to avoid overlap and duplication of the petition review process and to best utilize the resources available to each agency for the most comprehensive and objective decision making process. The petition review process should be divided by OSM and MLRD to allow for consistent, effective and efficient review within the time-frame detailed in 30 CFR 769.14 and Rule 7.06.4.

28. All correspondence and any information received from the petitioner or interested parties shall be filed at both OSM and MLRD and shall be available during office hours for public inspection. The OSM is responsible for ensuring that any information OSM received regarding the petition is sent to MLRD. MLRD is responsible for ensuring any information MLRD received regarding the petition is sent to OSM.

Any correspondence with the petitioner or intervenors shall emanate jointly from MLRD and OSM and shall be signed by both regulatory authorities.

29. Both OSM and MLRD shall identify a petition review contact person to be the agency's contact thorugh the process. Upon receipt of a petition to designate (or terminate) land areas as unsuitalbe for surface coal mining, OSM and MLRD shall jointly review the petition for completeness. Upon the determination of completeness, the agencies (OSM and MLRD) will jointly make efforts to determine the status of surface and mineral ownership and to jointly make a determination on whether or not a petition is frivolous. The determination of frivolousness shall be presented as a recommendation to the Board for approval in accordance with Rule 7.06.4(3).

30. Within one month of petition completeness MLR and OSM will jointly establish a working plan for petition review. This plan should include, but is not limited to: a list of resources to be coordinated; a time schedule for task completion; an estimated budget; and an outline of each agency's responsibilities. Throughout the review process, OSM and MLRD shall work under similar and agreed upon time schedules allowing for flexibility within the statutory and regulatory authority.

31. Any specific or general areas of concern which require special handling or analysis, i.e., data gaps or technical problems, should be identified. Special attention should be given to find a solution with a coordinated approach within the limits of staffing and budget resources.

32. OSM shall be responsible for obtaining the views, comments and relevant data from all Federal agencies with jurisdiction, responsibility or interest over the petitioned area. MLRD shall be responsible for obtaining the views, comments and data from all State and local agencies with jurisdiction, responsibility or interest over the petitioned area. All appropriate steps should be taken to facilitate discussions between MLRD, OSM and the concerned agencies to resolve issues identified during review.

33. Decision analysis and recommendations shall be jointly developed. Differences between Federal and non-Federal land decision recommendations should be noted and reconciled, if possible, prior to decision announcement. Comments and changes should be jointly considered and a final proposed decision presentation should be made to the OSM and the Board.

If changes are requested by one part which are not agreeable to the other party or the area of disagreement may be referred to the Governor and the Secretary for resolution (sic). Where and EIS is required, OSM shall develop the necessary planning documents to ensure that the necessary administrative requirements are met and complete the statement.

34. Nothing in this article shall affect the authority granted OSM under 30 CFR 760 and/or the authority granted under Section 34–33–126, CRS 1973, as amended.

Article XII: Termination of Cooperative Agreement

35. This agreement may be terminated by the Governor or the Secretary under the provisions of 30 CFR 745.15.

Article XIII: Reinstatement of Cooperative Agreement

36. If this agreement has been terminated in whole or in part it may be reinstated under the provision of 30 CFR 745.16.

Article XIV: Amendments of Cooperative Agreement

37. This agreement may be amended by mutual agreement of the Governor and the Secretary in accordance with 30 CFR 745.14.

Article XV: Changes in State or Federal Standards

38. The Department or the State may from time to time revise and promulgate new or revised performance or reclamation requirements or enforcement and administration procedures. Each party shall, if it determines it to be necessary to keep this agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have twelve months in which to make such changes. For changes which require legislative authorization, the State shall have until the close of its next regular legislative session in which to make the changes.

39. The MLRD and the Department shall provide each other with copies of any changes to their respective laws, rules, regulations and standards pertaining to the enforcement and administration of this agreement.

Article XVI: Changes in Personnel and Organization

40. To be consistent with 30 CFR Part 745, the MLRD and the Department shall advise each other of changes in organization, structure, functions, duties and funding of the offices, departments, divisions and persons within their organizations. Each shall promptly advise the other in writing of changes in key personnel, including the heads of a department or division or changes in the functions or duties of persons occupying the principal offices within the structure of the program. The MLRD and the Department shall advise each other in writing of changes in the location of offices, addresses, telephone numbers and changes in the names, locations and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible.

Article XVII: Reservation of Rights

41. In accordance with 30 CFR 745.13, this Agreement shall not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement that the State or the Secretary may have under other laws or regulations, including but not limited to those listed in Appendix A.

Governor of Colorado

Secretary of Interior
Date
Date

Appendix A

1. The Federal Land Policy and Management Act, 43 USC 1701, *et seq.*, and implementing regulations.

2. The Mineral Leasing Act of 1920, 30 USC 181, *et seq.* and implementing regulations including 30 CFR 211 *et seq.*

3. The National Environmental Policy Act of 1969, 42 USC 4321, *et seq.*, and implementing regulations including 40 CFR 1500 *et seq.*

4. The Endangered Species Act and implementing regulations including 50 CFR 402.

5. The National Historic Preservation Act of 1966, 16 USC 470 *et seq.*, and implementing regulations, including 36 CFR 800.

6. The Clean Air Act, 42 USC 7401, *et seq.*, implementing regulations.

7. The Federal Water Pollution Control Act, 33 USC 1251, *et seq.*, and implementing regulations.

8. The Resource Conservation and Recovery Act of 1976, 42 USC 6901 *et seq.*, and implementing reguations.

9. The Reservoir Salvage Act of 1960, amended by the Preservation of Historical and Archaeological Data Act of 1974, 16 USC 469, *et seq.*

10. Exective Order 11593, Cultural Resource Inventories on Federal Lands.

11. Executive Order 11988, May 24, 1977 for flood plain protection. Executive Order 11990 for wetlands protections.

12. The Mineral Leasing Act for Acquired Lands, 30 USC 351, *et seq.*, and the implementing regulations.

13. The Stock Raising Homestead Act of 1916, 43 USC 291, *et seq.*

14. The Constitution of the United States.

15. The Constitution of the State and State Law.

Appendix B—Procedure for Cooperative Review of Permit Applications and Applications for Permit Revisions for Federal Mines in Colorado

I: Point of Contact and Coordination During the Review of Permit Applications and Applications for Permit Revisions

A. The Colorado Mined Land Reclamation Division (MLRD) will:

1. Be the point of contact and coordinate communciations with the applicant on issues concerned with the development, review and approval of the permit application or application for permit revisions, except on issues concerned exclusively with Mineral Leasing Act (MLA) requirements not addressed in the applications.

2. Communicate with the applicant on issues of concern to the Bureau of Land Management (BLM), and shall immediately advise BLM of such issues and communication.

3. Communciate with the applicant on issues of concern to the Office of Surface Mining (OSM), and shall immediately advise OSM of such issues and communications.

4. Communciate with the applicant on issues of concern to the United States Geological Survey (GS) and shall immediately advise GS of such issues and communciations as it pertains to the application.

5. Communciate with the applicant on issues of concern to other agencies within the Department, as appropriate, and shall immediately advise such agencies of such issues and communications.

B. GS will:

1. Be the point of contact with the applicant on issues concerned exclusively with MLA requirements not addressed in the applications.

2. Provide MLRD with copies of pertinent correspondence.

C. OSM will:

1. Be responsible for ensuring that any information OSM receives which has a bearing on decisions regarding the permit application or application for a permit revision is sent promptly to MLRD.

II: Receipt and Distribution of Permit Applications and Applications and Applications for Permit Revisions

A. MLRD will:

1. Receive the permit application, the application for a permit revision or the review correspondence from the applicant and transmit an appropriate number of copies to BLM, GS, OSM and other agencies specified by the Secretary after the application has been filed. Such transmittal will include the review schedule mandated by Section 34–33–118 and 119, CRS 1973, as amended, as appropriate, and a request for a conference on the submissions, as needed.

2. Identify an application manager responsible for coordinating the review.

B. OSM, GS and BLM will:

1. Identify an application manager upon receipt of the application and notify MLRD of the identify of the application manager.

III: Determination of Completeness

A. MLRD will:

1. Determine the completeness of a permit application or application for a permit revision in accordance with Section 34–33–118(i) CRS 1973, as amended and as defined in Rule 1.04(30) of the Rules and Regulations of the Colorado Mined Land Reclamation Board for Coal Mining promulgated pursuant to the Colorado Surface Mining Reclamation Act.

2. Issue public notice of a complete application in accordance with the procedures of Section 34–33–118(2) CRS 1973, as amended.

IV: Determination of Preliminary Findings of Substantive Adequacy

A. MLRD will:

1. Consult with GS, BLM, OSM, and other Federal agencies specified by the Secretary to review the filed application for preliminiary findings of substantive adequacy (henceforth "preliminary findings") and to assess the probability of extraordinary data requirements.

2. Arrange meetings and field examinations with the interested parties as necessary to determine the preliminary findings.

3. Advise the applicant of the preliminary findings upon the advice and consent of BLM, GS, OSM and other Federal agencies specified by the Secretary.

4. Transmit the letter(s) informing the applicant of the preliminary findings with copies to BLM, OSM, GS and other agencies specified by the Secretary.

B. OSM will:

1. At the request of the MLRD, review the permit application or application for a permit revision for preliminary findings and provide technical assistance to the MLRD.

2. Furnish MLRD with preliminary findings as specified by the MLRD within 45 calendar days of receipt of the permit application or application for a permit revision with specific requirements for additional data.

3. Will issue public notice in the **Federal Register** of the availability of complete applications for the public to review in accordance with the public review procedure set forth in Section 34–33–118 and 119 CRS 1973, as amended.

4. Participate, as arranged, in meetings and field examinations.

C. BLM will:

1. Review the permit application or application for permit revision for preliminary findings in regard to post-mining land use and the adequacy of measures to protect Federal resources not covered by the rights granted by the Federal coal lease.

2. Furnish MLRD with preliminary findings within 45 calendar days of receipt of the permit application or application for a permit revision with specific requirements for additional data.

3. Participate as arranged, in meetings and field examinations.

D. GS will:

1. Review the permit application or application for a permit revision in regard to MLA requirements addressed in the application.

2. Furnish MLRD with the preliminary findings within 45 calendar days of receipt of the permit application or application for a permit revision with specific requirements for additional data.

3. Participate, as arranged in meetings and field examinations.

E. Other agencies specified by the Secretary will:

1. Review the permit application or application for a permit revision for preliminary findings in regard to their responsibilities under law.

2. Furnish MLRD with preliminary findings within 45 calendar days of receipt of the application with specific requirements for additional data.

3. Participate, as arranged, in meetings and field examinations.

V: Findings of Technical Adequacy

A. MLRD will:

1. Develop and coordinate the technical review of permit applications or applications for a permit revision. The review will include representatives of MLRD, GS, BLM, OSM and other agencies specified by the Secretary, as appropriate.

2. Coordinate, for the purpose of eliminating duplication, with OSM to conduct a technical analysis pursuant to SMCRA and the Program as approved by the Secretary that will provide the technical base for an EA or an EIS as may be necessary to determine NEPA compliance.

3. Coordinate, for the purpose of eliminating duplication, with GS to conduct a technical analysis that will assist the GS in making findings as may be necessary to determine compliance with the MLA.

4. Coordinate, for the purpose of eliminating duplication, with BLM to conduct a technical analysis of issues regarding post-mining land use and the adequacy of measures to protect Federal resources not covered by the rights granted by the lease.

5. Coordinate, for the purposes of eliminating duplication, with other agencies

specified by the Secretary, to conduct a technical analysis of issues within their jurisdiction.

B. OSM will:

1. Review the applications for technical adequacy in a timely manner as set forth by a schedule. Such schedule will be governed by the deadlines set forth in the Colorado Surface Coal Mining Reclamation Act and shall be developed by MLRD in cooperation with OSM.

2. Determine within 75 days of receipt of the permit application the need for an EA or an EIS, pursuant to NEPA, with the assistance of BLM, GS, MLRD and other appropriate agencies, as arranged.

3. Take the leadership role for the development of the EA and EIS for issues not governed by the Act or the Program.

4. Where an EIS is required, develop with the assistance of MLRD, the necessary planning documents to ensure that the necessary administrative requirements are met and complete the statement.

C. GS will:

1. Review the permit application or application for a permit revision for technical adequacy in regard to MLA requirements.

2. Furnish MLRD findings on the technical adequacy in a timely manner as set forth by schedule. Such schedule will be governed by the statutory deadlines set forth in the Colorado Surface Coal Mining Reclamation Act and shall be developed by MLRD in cooperation with GS.

3. Participate, as arranged, in meetings and field examinations.

D. BLM will:

1. Review the permit application or application for a permit revision in regard to post-mining land use the adequacy of measures to protect Federal resources not covered by the rights granted by the Federal Coal Lease.

2. Furnish MLRD findings on the technical adequacy in a timely manner as set forth by schedule. Such schedule will be governed by the statutory time limits set forth in the Colorado Surface Coal Mining Reclamation Act and shall be developed by MLRD in cooperation with BLM.

3. Participate, as arranged, in meetings and field examinations.

E. Other agencies specified by the Secretary will:

1. Review the permit application or application for a permit revision in regard to their responsibilities under law.

2. Furnish MLRD findings on the technical adequacy in a timely manner as set forth by schedule. Such schedule will be governed by the statutory deadlines set forth in the Colorado Surface Coal Mining Reclamation Act and shall be developed in cooperation with MLRD.

3. Participate, as arranged, in meetings and field examinations.

VI: Preparation of the Decision Document and Transmittal

A. MLRD will:

1. Prepare the decision document for the permit application or application for a permit revision, unless the work plan and schedule agreed upon provides otherwise. The decision document will be in a format approved by the Secretary. This decision document shall contain the following:

a. a brief, but comprehensive discussion of the need for the proposal and alternatives to the proposal;

b. an integrated, multidisciplinary analysis of the environmental impacts of the proposal and alternatives to the proposal;

c. a finding of compliance with the Program as approved by the Secretary and the regulations promulgated thereunder, which will consist of an analysis of critical issues raised during the course of the review and the resolution of those issues;

d. all other specific written findings required under Section 34–33–114 CRS 1973, as amended;

e. the incorporation of the NEPA findings of compliance, as may be necessary, into the decision document in cooperation with OSM;

f. the incorporation of the findings and recommendations of BLM in cooperation with BLM;

g. the memorandum of recommendation from the GS to the Assistant Secretary, Energy and Minerals, with regard to MLA requirements;

h. the incorporation of the comments of other agencies, as appropriate, specified by the Secretary.

2. Transmit copies of drafts of the decision document to GS, BLM, OSM and the Special Assistant to the Secretary, Denver Region (Special Assistant) for their review.

3. Consider the comments of the OSM, GS, BLM and the Special Assistant and transmit to the Assistant Secretary, Energy and Minerals, the final decision document.

B. OSM will:

1. Coordinate with MLRD to incorporate the NEPA findings of compliance into the decision document.

2. Evaluate the draft decision document and promptly inform MLRD of suggested changes that should be made.

3. Provide written concurrence of the final decision document to MLRD.

C. BLM will:

1. Coordinate with MLRD to incorporate findings regarding post-mining land use and the adequacy of measures to protect Federal resources not covered by the rights granted by the Federal coal lease.

2. Evaluate the draft decision document and promptly inform MLRD of suggested changes that should be made pertinent to BLM's area of responsibility.

3. Provide written concurrence of the final decision document to MLRD with regard to post-mining land use and the adequacy of measures to protect Federal resources not covered by rights granted by the Federal coal lease.

D. GS will:

1. Provide MLRD with their findings regarding their responsibilities under the MLA.

2. Evaluate the draft decision document and promptly inform MLRD of suggested changes that should be made pertinent to GS responsibilities.

3. Provide written concurrence of the final decision document to MLRD with regard to their responsibilities.

VII: Approval of Mining and Reclamation Plan

A. The Secretary will:

1. Evaluate the analysis and conclusions as necessary to determine whether he concurs in the decision document.

2. Inform the MLRD immediately in writing upon concurrence in the decision and approval of the mine plan.

3. Inform the MLRD immediately in writing if he does not concur in the decision. The reasons for not concurring shall be specified and recommendations for remedy shall be specified.

4. Publish in the **Federal Register** notice of his decision.

B. MLRD will:

1. Issue the permit for surface coal mining and reclamation operations.

VIII: Cooperative Agreement Administration and Resolution of Conflict

A. The Special Assistant will:

1. Be responsible for insuring that the Department adheres to the time-frames set forth in this Agreement.

2. Be responsible for maintaining coordination among agencies of the Department with MLRD.

B. Areas of disagreement between the State and the Department shall be referred to the Governor and the Secretary for resolution.

[FR Doc. 81-22724 Filed 8-4-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1 FRL 1893-1]

Approval and Promulgation of Implementation Plans—Maine; Notice of Proposed Rulemaking: Revision to Sulfur in Fuel Regulation for Portland, Maine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing approval of a revision to the Maine State Implementation Plan (SIP) which would allow burning of 2.5% sulfur content residual fuel by all sources located in that portion of the Metropolitan Portland Air Quality Control Region (AQCR) outside of the "Portland Peninsula" area. Sources located within the "Portland Peninsula" area will continue to burn 1.5% sulfur content fuel, which is the present SIP requirement for the entire AQCR. After November 1, 1985 sources within the "Portland Peninsula" area will be limited to use of 1.0% sulfur content fuel under this revision. Technical analyses performed to support this revision indicate that

National Ambient Air Quality Standards would not be jeopardized.

DATES: Comments must be received on or before August 4, 1981.

ADDRESSES: Copies of the Maine submittal and EPA's evaluation are available for public inspection during normal 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 Department of Environmental Protection, Bureau of Air Quality Control, Ray Building, Hospital Street, Augusta, Maine.

Comments should be submitted to Harley Laing, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Miriam Fastag, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–5609.

SUPPLEMENTARY INFORMATION: On October 30, 1975 the Commissioner of the Maine Department of Environmental Protection (DEP) submitted a revision to the Maine State Implementation Plan (SIP) which would change the allowable sulfur content of fuels burned by sources in the Metropolitan Portland Intrastate Air Quality Control Region (AQCR). Further technical support for the revision was requested by EPA and the revision was resubmitted by the Governor on August 25, 1977. Revised source specific data were subsequently forwarded to EPA. Presently the SIP prohibits use of any fuel with a sulfur content greater than 1.5% by weight in the Metropolitan Portland Intrastate AQCR. The proposed revision would allow use of up to 2.5% sulfur content residual fuel by sources located in that portion of the AQCR outside of the "Portland Peninsula" area. The sulfur in fuel limitation for sources located within the "Portland Peninsula" area would remain at 1.5% sulfur content by weight until November 1, 1985. After November 1, 1985, use of any fuel with a sulfur content greater than 1.0% by weight is prohibited in the "Portland Peninsula" area under this revision.

The "Portland Peninsula" area consists of that section of the City of Portland bordered on the west by Interstate 295, on the south and east by the Fore River, and on the north by Casco Bay and the inlet to Back Cove. These boundaries were established by the Maine Board of Environmental Protection (BEP) based on their evaluation of monitored and modeled air quality levels and emission density characteristics of the Metropolitan Portland Intrastate AQCR. These data showed that the lower sulfur fuel requirement was necessary only for sources in the "Portland Peninsula" area.

Technical support for the proposed revision includes separate modeling studies performed by a consultant and by EPA, and ambient monitoring data collected by the Maine Bureau of Air Quality Control (BAQC). The consultant used the Climatological Dispersion Model (CDM), a Gaussian plume model for determining seasonal or annual average pollutant concentrations in an urban area, to evaluate alternative sulfur dioxide (SO_2) control strategies for the AQCR. As input for the model, they compiled an extensive point source emission inventory and updated the BAQC's area source emission inventory. SO_2 levels were predicted at receptors corresponding to the ambient monitoring sites.

EPA, using the consultant's emission inventories and 5 years of actual meteorological data, performed supplementary modeling to evaluate the impact at additional receptors of the use of 2.5% maximum allowable sulfur content fuel as proposed by the revision. Also, since the consultant used CDM unconventionally to predict maximum 24-hour concentrations, EPA reevaluated 24-hour concentrations by applying a point source screening model under a variety of meteorological conditions for the largest fuel users in the AQCR. Annual and 24-hour SO_2 concentrations predicted by EPA's analyses are below the National Ambient Air Quality Standards (NAAQS) for SO_2.

The available ambient monitoring data include data from the monitor located at the maximum impact point predicted by the modeling studies. The annual and 24-and NAAQS for SO_2 have not been exceeded at this location since 1974. The data also show that NAAQS have never been exceeded at the monitors outside of the "Portland Peninsula" area.

Among the sources evaluated by EPA is Central Maine Power Company's (CMP) Wyman Station, located on Cousins Island in the Town of Yarmouth. In 1974, CMP added a fourth unit with a 425' stack to Wyman Station. Prior to 1974 the station consisted of 3 units each with its own stack. Since the structure housing the new unit would have been taller than the existing stacks, the construction permit required that the effluents from the three existing units be combined into one 320' stack to prevent a predicted downwash problem. Subsequently, the Clean Air Act amendments added Section 123, "Stack Heights," to the Clean Air Act, which states, in part, that the degree of emission limitation required for control of air pollution cannot take into account any stack height above the height that represents good engineering practice, nor can any other dispersion technique be considered. The stack heights at Wyman Station are consistent with Section 123; however, upon promulgation of EPA regulations under Section 123, the stack configuration of Wyman Station will be reevaluated.

Sources affected by this revision are specifically exempted from the Prevention of Significant Deterioration (PSD) requirements for a permit under Maine State regulations, which state that use of an alternative fuel which the source could accommodate prior to January 30, 1980 is not considered a "major modification." This SIP revision, approving a regulatory change made by the state and initially submitted to EPA in 1975, will not result in the consumption of any PSD increment. Rather, the emissions from sources eligible to burn the higher sulfur fuel are included in the baseline for sulfur dioxide. Future growth is not expected to cause NAAQS or PSD increment violations because of Maine's new source review requirements which were approved on January 30, 1980 (45 FR 6784) and the 1.0% sulfur content fuel requirement which will be effective on November 1, 1985.

Based on this information, EPA is proposing to approve this SIP revision excepting one provision. The proposed revision includes a provision which would allow the Commissioner of the Department of Environmental Protection to issue a temporary variance to an oil supplier who was unable to supply conforming fuel during a period of energy crisis and/or equipment outage. EPA is proposing to disapprove this regulatory provision as part of the federally enforceable SIP. Any variance issued under this section of the state laws must be submitted to EPA as a SIP revision. 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. § 605(b) the Administrator has certified that SIP approvals under Section 110 of the Clean Air Act will not have signficant economic impact on a substantial number of small entities. 46 F.R. 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Section

110 within the terms of the January 27 certification. This action only approves state actions and imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because this action, if promulgated, only approves state actions and imposes no new requirements.

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

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Section 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 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 25, 1981.

Leslie A. Carothers,

Acting Regional Administrator Region I.

[FR Doc. 81-22770 Filed 8-3-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 18945]

Approval and Promulgation of Implementation Plans—Vermont; Proposed Rulemaking: Revision to the Vermont State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA received supplementary information from the Vermont Agency of Environmental Conservation (AEC) on November 13, 1979 completing a request to approve a revision to its State Implementation Plan (SIP). This revision, which EPA is proposing to approve, is a change to Vermont Environmental Regulations, Chapter 5, Air Pollution Control, Subchapter II, Regulation 5–221(1), "Sulfur Limitation in Fuel." Under the current federally-approved version of this regulation, the sulfur content of fuels for stationary combustion installations within the State of Vermont for heat or power generation may not exceed 1.0 percent by weight. This revision would raise the maximum allowable sulfur-in-fuel content for fuels used, purchased or sold for use in stationary combustion installations for heat or power generation in Vermont to 2.0 percent by weight.

DATE: Comments must be received on or before September 4, 1981.

ADDRESSES: Copies of the Vermont submittal, EPA's evaluations, and all documents referenced herein are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston, MA 02203; the Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; and the Agency of Enviromental Conservation, State Office Building, Montpelier, VT 05602.

Comments should be addressed to Harley F. Laing, Chief, Air Branch, EPA Region I, J.F.K. Federal Building, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, Air Branch, EPA Region I, J.F.K. Federal Building, Boston, MA 02203, Telephone (617) 223–4448.

SUPPLEMENTARY INFORMATION: On March 5, 1975 the Secretary of the Vermont AEC submitted a SIP revision for EPA approval raising the allowable sulfur-in-fuel content for fuels used, purchased, or sold for use in stationary combustion installations for heat or power generation to 2.0 percent by weight. The 2.0 percent by weight sulfur-in-fuel limitation was adopted by the State on March 16, 1975 under Regulation 5–221(1), Subsection 5–221(1)(a).

Upon determining that the SIP revision submittal was technically deficient, EPA agreed to provide assistance to Vermont in order to present adequate technical demonstrations that the 2.0 percent sulfur-in-fuel allowance would not cause violations of the national ambient air quality standards (NAAQS) for SO_2. In September 1978, EPA issued a report entitled, "The Effects on Air Quality of High Sulfur Fuel Burning in Vermont." Every stationary source in Burlington and Rutland, Vermont's most populated areas, and all of the point sources in the state with SO_2 emissions equal to or greater than 100 TPY were evaluated through the use of dispersion modeling. That report noted that eight point sources might cause violations of the NAAQS for SO_2 by burning 2.0 percent sulfur fuel. Supplemental technical information submitted by the AEC on November 13, 1979 specifically addressed the concerns raised in the 1978 EPA report regarding the impact of those eight sources. EPA's evaluation of that supplemental technical information resulted in a determination that the use of 2.0 percent sulfur fuel is approvable for four of the eight point sources cited in the September 1978 report. The remaining four point sources are the Moran Generating Station, owned by the Burlington Electric Department, Burlington; Goodyear Tire and Rubber, Windsor; Ryegate Paper Mill, East Ryegate; and Yankee Milk, Troy.

EPA is proposing approval of Vermont Regulation 5–221(1) Sulfur Limitation in Fuel, Subsection 5–221(1)(a), which specifies an allowable sulfur content of 2.0 percent by weight for fuels used, purchased, or sold for use in stationary combustion installations for heat and power generation except for four point sources. For those four sources, specified above, the state must develop special operating conditions, binding under state regulations, to mitigate peak SO_2 impacts. The state must then submit dispersion modeling, with input data reflective of those conditions, demonstrating protection of the NAAQS for SO_2. Until documents detailing those operating conditions and such modeling demonstrations are received, EPA must disapprove the use of 2.0 percent sulfur fuel by those sources. Should the state submit such documents and demonstrations for the four sources during the public comment period on today's proposal, EPA would approve the 2.0 percent sulfur-in-fuel regulation, under those binding conditions, for those sources at the time of final rulemaking.

This SIP revision, approving a regulatory change made by the state and initially submitted to EPA in 1975, will not result in the consumption of any PSD increment. Rather, the emissions from sources eligible to burn the higher sulfur fuel are included in the baseline for SO_2. Future growth is not expected to cause NAAQS or PSD increment violations because Vermont has new source review requirements for major sources and modifications in both attainment and nonattainment areas which were approved January 30, 1980 (45 FR 6781) and February 19, 1980 (45 FR 10775) respectively. There have been no monitored violations of the NAAQS for SO_2 in Vermont since 1974.

Regulation 5–221(1) has a provision, under Subsection 5–221(1)(b), that waives the 2.0 percent by weight sulfur-in-fuel requirement of 5–221(1)(a) where compounds of sulfur are removed from the flue gas to the extent that the emissions of compounds of sulfur to the ambient air space are no greater than that which would be emitted under 5–

221(1)(a). Additionally, Subsection 5–221(1)(b) requires source testing to demonstrate that the sulfur compounds have been adequately reduced. Because the provisions of 5–221(1)(b) specifically require flue gas desulfurization to reduce emissions to a level equivalent to 5–221(1)(a) and emission testing, EPA proposes approval of Subsection 5–221(1)(b).

Regulation 5–221(1) also has a provision, under Subsection 5–221(1)(c), for the unavailability of conforming fuels. That provision would allow the Secretary of the AEC to issue a permit to a person allowing the use, purchase, and sale of 2.2 percent sulfur fuel upon adequate demonstration that 2.0 percent sulfur fuel is not available. EPA proposes to disapprove paragraphs (c)(i) and (ii) of Subsection 5–221(1)(c). Any variance from Subsection 5–221(1)(a), except as provided in Subsection 5–221(1)(b), must be submitted to EPA as a SIP revision.

Paragraph (c)(iii) of Subsection 5–221(1)(c) states that if there is a contravention of the NAAQS for SO_2 the Secretary of the AEC may impose more stringent sulfur limitations in fuel than contained in Subsection 5–221(1)(a) on a regional, or individual basis and for such time periods as is necessary to assure continued compliance with the NAAQS for SO_2. EPA proposes approval of this paragraph.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator certified (46 FR 8709) that the foregoing rule will not, if promulgated, have a significant adverse economic impact on a substantial number of small entities. This action only approves state actions, and imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because this action, if promulgated, only approves state actions and imposes no new requirements.

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

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Section 110(a)(2)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 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 25, 1981.

Leslie A. Carothers,

Acting Regional Administrator.

[FR Doc. 81-22793 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1895-1]

Proposed Rulemaking: Approval and Promulgation of State Implementation Plan—Illinois

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Open burning regulations were adopted by the Illinois Pollution Control Board (IPCB) on September 2, 1971, and amended on November 8, 1972, in order to allow the open burning of landscape waste in small municipalities outside of metropolitan areas. These regulations (Rules 501–506) were submitted to EPA on April 4, 1979, as part of its draft State Implementation Plan (SIP). On November 29, 1979, the IPCB amended the definitions of "disaster" and "disaster area" in Rule 501 of the air pollution control regulations. These amendments were submitted to EPA as SIP revisions on January 16, 1980. A temporary variance from Rules 502 and 505 of Chapter 2 of the Air Pollution Control Regulations was granted by IPCB to allow International Mineral and Chemical Corporation (IMC) to burn 4 million pounds of deteriorating, flashless, non-hydroscopic (FNH) explosives at its plant near Marion in Williamson County, Illinois. This September 6, 1979, Order was submitted to EPA as a SIP revision on October 31, 1979. A second temporary variance from these Air Pollution Control Regulations was granted to permit IMC to burn not more than 8,000 pounds of explosive contaminated packaging, reject primers, reject shells, and similarly contaminated materials each week at its manufacturing facility located near Wolf Lake in Union County, Illinois.

In this notice, EPA proposes rulemaking and solicits public comment on these portions of the Illinois SIP.

DATE: Written Comments must be submitted on or before September 4, 1981.

ADDRESS: Mr. Carl Nash, Acting Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the SIP revisions, EPA's evaluation and public comments received are available for inspection during normal business hours at the following addresses: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. In addition, copies of the SIP revisions are available for inspection at the following addresses: U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW, Washington, D.C. 20460. Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: Rule 501 contains the definitions used in Rules 502 through 506. Rule 502 contains a general prohibition against opening burning except as provided in Rule 503, 504 and 505. Rule 502 also prohibits the burning of any refuse except in a chamber or apparatus designed for the purpose of disposing of the class of refuse being burned. Rule 503 provides limited exemptions for the open burning of agricultural waste, domicile waste, landscape waste, the setting of fires to combat existing fires, small recreational fires, flares for the burning of waste gases and small open flames for heating tar, welding and similar uses.

Rule 504 allows the Illinois Environmental Protection Agency (IEPA) to grant permits for open burning for the following: instructional or testing purposes, the onsite destruction of vegetation when its removal would necessitate significant environmental damage, research or management in prairie or forest ecology, burning of landscape waste with an air curtain destructor, destruction of oil sludges in petroleum production, or clean wooden building debris, landscape and agricultural waste caused by a disaster. Rule 505 requires a variance be issued before hazardous materials are burned. Rule 506 requires local government to enforce the Illinois open burning regulations.

On November 29, 1979, Rule 501 was amended by the IPCB to incorporate broader definitions of "disaster" and "disaster area." "Disaster" was redefined as a major disaster declared by the President of the United States or the Governor of Illinois. "Disaster area" was redefined as an area in which a major disaster has been declared by the President of the United States or the Governor of Illinois. Prior to this amendment only the President of the

United States could declare a disaster. Allowing for the declaration of a disaster by the Governor is a more reliable means of providing a speedy response to an emergency situation. It will expedite the IEPA approval permits for the open burning of most disaster waste.

EPA proposes approval of incorporation of the Illinois Open Burning Regulations in the State SIP.

On October 31, 1979, EPA received an IPCB Order from the IEPA granting a variance from the requirements of Rule 502(a) of the Air Pollution Control Regulations to allow International Mineral and Chemical Corporation (IMC) to burn 4 million pounds of deteriorating, flashes, non-hydrocarbon (FNH) explosives at its plant near Marion in Williamson County, Illinois over a period of 18 months. This variance expired on March 6, 1981.

On June 15, 1981 EPA received an IPCB Order dated January 8, 1981, from IEPA granting a variance from the requirements of Rule 502(a) of Chapter 2 of the Air Pollution Control Regulations to allow IMC to burn not more than 8,000 pounds of explosive contaminated packaging, reject primers, reject shells and similarly contaminated materials each week at its manufacturing facility located near Wolf Lake in Union County, Illinois over a period of 18 months. This variance will expire on June 30, 1982.

EPA proposes approval of these variances. Analyses indicated that the predicted TSP impact for this operation would be below the applicable National Ambient Air Quality Standard and the Class II Prevention of Significant Deterioration increment. These variances contain sufficient conditions to safeguard the public against ambient TSP concentrations in excess of the standards.

All interested parties are invited to comment on these revisions to the Illinois SIP and on USEPA's proposed actions. Comments should be submitted to the address listed in the front of this notice. Public comments received on or before September 4, 1981 will be considered in USEPA's final rulemaking on the SIP. All Comments received will be available for inspection at Region V Air Programs Branch, 230 South Dearborn, Chicago, Illinois 60604.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified on January 27, 1981, 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 actions.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. These proposed regulations are not major because they affirm State regulations and impose no new requirements.

These regulations were submitted to the Office of Management and Budget (OMB) for review as required by, Executive Order 12291.

This proposed rulemaking is issued under the authority of section 110 of the Clean Air Act as amended.

Dated: July 16, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-22794 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PP 9E2244/P187; PH-FRL 1900-4]

N,N-Diethyl-2-(1-Naphthalenyloxy) Propionamide; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposal requests the establishment of a tolerance for residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy)propionamide in or on the raw agricultural commodity coffee beans at 0.1 part per million (ppm). This regulation was requested by Stauffer Chemical Co. This rule establishes the maximum permissible level for residues of the herbicide in or on coffee beans.

DATE: Written comments must be received on or before September 4, 1981.

ADDRESS: Written comments to: Robert J. Taylor, Product Manager (PM) 25, Office of Pesticide Programs, Registration Division (TS-767C), Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Robert Taylor (703-557-7066).

SUPPLEMENTARY INFORMATION: Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804, has filed a pesticide petition (PP 9E2244) with the EPA proposing to amend 40 CFR 180.328 by establishing a tolerance for residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy)propionamide in or on the raw agricultural commodity coffee beans at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The toxicology data submitted included an acute oral LD_{50} study (rats) with a LD_{50} greater than 5,000 milligrams (mg)/kilogram (kg)/day; a 90-day feeding study (rats) with a no-observable-effect-level (NOEL) of 25 mg/kg/day; a 90-day feeding study (dogs) with a NOEL of 40 mg/kg/day; a 2-year feeding/oncogenicity study (rats) with a tentative NOEL of 10 mg/kg/day; mutagenicity studies (rec-assay, host-mediated assay, Ames test) all negative for mutagenic effects; and an acceptable general metabolism study on rats.

Data desirable but currently lacking are final review of a 2-year feeding/oncogenicity study in rats, a 2-year oncogenicity study in mice, a 3-generation reproduction study in rats and a teratology study in rats. The studies have been submitted by the company and are currently undergoing final review by the agency.

The provisional acceptable daily (ADI) is calculated to be 0.0125 mg/kg/day based on a NOEL of 25 mg/kg/day in the 90-day rat feeding study and using a safety factor of 2000. For 60 kg person the maximum permissible intake (MPI) is 0.75 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances (citrus fruits, figs, nuts, pome fruits, stone fruits, and fruiting vegetables at 0.1 ppm) and from tolerances which are established in a related document which appears elsewhere in this issue of the **Federal Register** (artichokes, asparagus, avocados, kiwifruit, mint, olives, and persimmons at 0.1 ppm) is 0.017 mg/day for a 1.5 kg diet. The proposed 0.1 ppm tolerance on coffee beans will utilize 0.15 percent of the ADI and add 0.0011 mg/day to the TMRC to give a total TMRC of 0.0176 mg/day (1.5 kg diet), which represents 2.42 percent of the ADI.

There are no regulatory actions pending against the herbicide and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The nature of the residues in plants are adequately understood. An adequate analytical method (gas-liquid chromatography using the Coulson conductivity detector specific for nitrogen) is available for enforcement purposes. Since coffee is not a feed item, there is no reasonable expectation of finite residues in meat, milk, poultry, and eggs from the proposed use. Although review of long-term data has not been completed, the agency has concluded, based on the information summarized above, that the establishment of a tolerance of 0.1 ppm for residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy) propionamide in or on coffee beans will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[PP 9E2244/P187]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Robert J. Taylor from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

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

Effective date: August 5, 1981.

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

Dated: July 22, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR 180.328 be amended by alphabetically inserting the raw agricultural commodity "coffee beans" to read as follows:

§ 180.328 N,N-diethyl-2-(1-naphthalenyloxy)propionamide; tolerances for residues.

* * * * *

Commodity	Parts per million
Coffee beans	0.1

* * * * *

[FR Doc. 81-22801 Filed 8-4-81; 8:45 am]
BILLING CODE 6560-32-M

Notices

Federal Register
Vol. 46, No. 150
Wednesday, August 5, 1981

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

DEPARTMENT OF AGRICULTURE

Forest Service

Continental Divide National Scenic Trail Environmental Impact Statement; Record of Decision

I have determined the Final Environmental Impact Statement, as published by the Bureau of Outdoor Recreation on May 3, 1977, meets the standards for an adequate statement under the Council on Environmental Quality, National Environmental Policy Act implementation regulations, 40 CFR 1500. On-going public involvement and input from the Advisory Council have indicated these findings are still valid. No new significant issues or management concerns have been identified. The comprehensive plan will contain specific mitigation measures to be used by the land management agencies.

It is my decision, in accordance with 40 CFR 1506.3, to adopt the Final Environmental Impact Statement for the Proposed Continental Divide National Scenic Trail as prepared by the Bureau of Outdoor Recreation. As a result of this decision, the environmental analysis or information contained in the Final Environmental Impact Statement for the Proposed Continental Divide National Scenic Trail will be used in development of the comprehensive plan and/or future environmental documents prepared under 40 CFR 1500.

Adoption of the Final Environmental Impact Statement as prepared by the Bureau of Outdoor Recreation for the Continental Divide National Scenic Trail may take place immediately.

This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19. The 45-day period for administrative review begins with the date of this decison.

Summary

The Bureau of Outdoor Recreation, U.S. Department of the Interior published a Final Environmental Impact Statement for the Proposed Continental Divide National Scenic Trail on May 3, 1977.

The Final Environmental Impact Statement recommended a 3,100-mile route from Canada to Mexico, which traverses Colorado, Idaho, Montana, New Mexico, and Wyoming, be designated as the Continental Divide National Scenic Trail.

Background

The Bureau of Outdoor Recreation consulted with the Forest Service, National Park Service, and the Bureau of Land Management during the environmental analysis process and the preparation of the Final Environmental Impact Statement.

The Final Environmental Impact Statement considered four alternatives. They were: (a) no action; (b) different trail segments (shorter trails); (c) different trail standards; and, (d) different trail locations.

It was determined that the designated trail be limited initially to those segments of trail already in existence on Federal lands. New trail development would be deferred until the more immediate trail needs of population centers in the vicinity were met. The Forest Service agrees that this is the environmentally preferable alternative.

Sixty-two percent, or 1,900 miles, of the proposed Continental Divide Trail route were in existence at the time the Final Environmental Impact Statement was prepared. Upgrading of some of the existing trail would cause some adverse environmental effects through the disturbance of soil and vegetation. Additional adverse impacts would occur for some of the trail segments due to anticipated increased use by hikers, horseback riders, and pack animals, and increased disposal of wastes on both public and private lands. The proposed management of the trail will mitigate adverse impacts.

Based on the Final Environmental Impact Statement, the National Parks and Recreation Act of 1978 (Pub. L. 95-625) formally established the Continental Divide National Scenic Trail and directed that the trail be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior.

Information

Public Law 95-625 also directed the Secretary of Agriculture to develop a comprehensive plan for the management and use of the trail. Based on the environmental analysis and information in the Final Environmental Impact Statement for the Proposed Continental Divide National Scenic Trail, the Forest Service, in cooperation with other Federal agencies, affected State governments, the public and interested private landowners, is currently developing the comprehensive plan and environmental analysis to be submitted to Congress by October 1981.

The comprehensive plan will provide standards and guidelines for the location, development, and management of the Continental Divide National Scenic Trail in the respective agencies' land management plans. A draft of the plan and documentation will be available for public review in mid-July 1981. For further information, contact Charles E. McConnell, Continental Divide National Scenic Trail Coordinator, Rocky Mountain Region, USDA Forest Service, P.O. Box 25127, Lakewood, CO 80225, (303) 234-4082, FTS-234-4082.

Dated: July 29, 1981.

D. R. Leisz,

Acting Chief, Forest Service.

[FR Doc. 81-22830 Filed 8-4-81; 8:45 am]
BILLING CODE 3410-11-M

Soil Conservation Service

A. D. Gray Subdivision Land Drainage RC&D Measure, Indiana

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Rd., Indianapolis, Indiana 46224, telephone 317-269-6515.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil

Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture is not being prepared for the A. D. Gray Subdivision Land Drainage Measure, Hendricks County, Indiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. Robert L. Eddleman, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The measure concerns a plan for land drainage. The planned works of improvement include constructing a waterway approximately 1,800 ft. in length, an open drain approximately 1,200 ft. in length, a surface drainage approximately 1,560 ft. in length, a rock chute structure and subsurface drainage approximately 3,360 ft. in length. Approximately 2 acres of seeding and fertilizing will be done after construction is completed.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by contacting Mr. Robert L. Eddleman. The FNSI has been sent various Federal, State and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 4, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 22, 1981.

David G. Unger,

Associate Chief.

[FR Doc. 81-22834 Filed 8-4-81; 8:45 am]

BILLING CODE 3410-16-M

Indian Creek School Critical Area Treatment RC&D Measure, Indiana

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Rd., Indianapolis, Indiana 46224, telephone 317-269-6515.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Indian Creek School Critical Area Treatment RC&D Measure, Johnson County, Indiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. Robert L. Eddleman, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include the construction of 2,200 linear ft. of grassed waterway with 3,000 ft. of tile, and approximately 2 acres of critical area grading and shaping for seeding and mulching. Approximately 4 acres (including waterways) of seeding and fertilizing will be done after construction is completed.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by contacting Mr. Robert L. Eddleman, State Conservationist. The FNSI has been sent to various Federal, State and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 4, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 22, 1981.

David G. Unger,

Associate Chief.

[FR Doc. 81-22835 Filed 8-4-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 39731]

Mackey International, Inc. Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on September 23, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room "B," Universal North Building, 1875 Connecticut Ave., N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., July 30, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-22809 Filed 8-4-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 33362, 38976, 38977]

Former Large Irregular Air Service Investigation; Applications of Overseas National Airways Inc.; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on September 3, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room "B," Universal North Building, 1875 Connecticut Ave., N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., July 30, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-22810 Filed 8-4-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 8-81]

Foreign-Trade Zone No. 23, Buffalo, New York; Application for Expansion

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Erie, New York (the County) grantee of Foreign-Trade Zone No. 23, requesting authority to expand its zone in Buffalo to include two additional sites within the City. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on July 28, 1981. The applicant is authorized to make this proposal under Chapter 201 of the Laws of New York (Act of April 16, 1974).

On March 31, 1976, the County received authority from the Board to establish a foreign-trade zone at the Buffalo Marine Terminal (Board Order No. 110). It became operational in May 1976. The zone was expanded on November 2, 1979 to accommodate light industrial users and distributors at a 33-acre site (Site 2) near the Buffalo International Airport in the Town of Amherst (Board Order 148). During fiscal year 1980, the zone served 29 companies which received $4.9 million in merchandise.

The County now proposes to add two new sites to its zone project: A 13.1-acre parcel consisting of Blocks 19, 20, and 21 in the Oak-Michigan Industrial Corridor, Buffalo (Site 3); and a 22.4-acre parcel at the former American Standard plant at Rano and Tonawanda Streets, Buffalo (Site 4). Sites 3 and 4 will be purchased and leased respectively by the City of Buffalo, and developed by the Buffalo Urban Renewal Agency. Buffalo Foreign-Trade Zone Operators, Inc., which is currently managing the existing zone, has been designated to operate the new sites.

Sites 3 and 4 will play an important role in the joint City-County efforts to encourage foreign firms to shift assembly operations to the Buffalo area from abroad. The proposal is consistent with the area's overall economic development program to attract new industry to the area's declining economic base.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), International Trade Specialist, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner (Operations), U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel George P. Johnson, District Engineer, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, New York 14207.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before September 1, 1981.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, International Trade Administration, 1312 Federal Building, 111 West Huron St., Buffalo, New York 14202

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, NW, room 2006, Washington, D.C. 20230

Dated: July 30, 1981.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 81-22838 Filed 8-4-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Certain Iron Metal Castings From India; Antidumping: Final Determination of Sales at Not Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Final determination of sales at not less than fair value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that certain iron metal castings from India are not being sold at less than fair value within the meaning of section 735 of the Tariff Act of 1930, as amended ("the Act").

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Steven S. Lim or Richard Rimlinger, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (202-377-1776 or 377-4136).

SUPPLEMENTARY INFORMATION: On November 19, 1980, we received a petition in proper form from the Pinkerton Foundry of Lodi, California and a group of foundries composed of LeBaron Foundry of Brockton, Massachusetts, Vulcan Foundry of Denham Springs, Louisiana; Neenah Foundry of Neenah, Wisconsin; U.S. Foundry and Mfg. Corp. of Miami, Florida; Deeter Foundry of Lincoln, Nebraska; Richard Foundry of Norfolk, Virginia; Alhambra Foundry of Alhambra, California; Flockhart Foundry of Newark, New Jersey; Jordan Iron Works of East Jordan, Michigan; Campbell Foundry of Harrison, New Jersey; Waterbury Foundry of Waterbury, Connecticut; Municipal Castings of Madison, Wisconsin; and Allegheny Foundry of Pittsburgh, Pennsylvania. The petition alleged that certain iron metal castings are being sold in the United States at less than fair value.

After conducting a summary review of the allegations in the petition, as section 732 of the Act requires, we decided that a formal investigation was warranted. Therefore, we notified the U.S. International Trade Commission ("the ITC") of our decision, and on December 12, 1980, we initiated an antidumping investigation (45 FR 81802).

On January 5, 1981, the ITC found that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, a U.S. industry. The ITC's determination was published on January 14, 1981 (46 FR 3302). On April 10, 1981, in response to the petitioner's request, we extended the deadline for our preliminary determination from April 28, to May 20, 1981 (46 FR 21403).

Finally, on May 27, 1981, we announced our preliminary determination that certain iron metal castings from India were not being sold in the United States at less than fair value (46 FR 28463). Our notice gave interested parties an opportunity to submit written and oral views concerning that determination.

Scope of the Investigation

The types of casting covered by this investigation are manhole covers and frames, clean-out covers and frames, and catch-basin grates and frames. Used primarily for draining and access to the water and sanitary systems of public utilities, these castings are currently classified under item 657.09 of the Tariff Schedules of the United States. They are heavy-duty, thick-walled castings that fall within a broader product grouping commonly referred to as "public works castings."

This product was also recently the subject of a countervailing duty investigation. We determined that the Indian Government was subsidizing its manufacturers, producers and exporters of this merchandise and, on October 16, 1980, we published a countervailing duty order (45 FR 68650).

We investigated the following Indian producers of castings, all located in the Calcutta vicinity: RSI India Pvt., Ltd.; Gupta Iron and Steel; Govind Steel Co., Ltd.; Basant Udyog; Kejriwa Iron; and Steel Works; Serampore Industries Pvt., Ltd., and Uma Iron and Steel Co.

Although we did not initially select Uma for the investigation, we included the company because it voluntarily submitted a response to our antidumping questionnaire. We estimate that the manufacturers investigated account for approximately 80 percent of the United States imports of the castings under investigation from India and therefore form an adequate basis of investigation as set out in § 353.38 of the Commerce Regulations.

This investigation covers sales made between April 1, 1980, and December 31, 1980. We chose a nine-month sales period rather than the normal six-month period because the exporters' sales activity between June 1, 1980, and November 31, 1980, was unusually depressed, resulting in too few sales for an adequate investigation.

Methodology

In this final determination, we have made all fair value comparisons, with one exception, by comparing U.S. price based on purchase price with foreign market value based on the constructed value of the imported merchandise. In the case of Govind, we compared U.S. price based on purchase price with the foreign marked value based on sales to Canada.

U.S. Price

For all seven producers we used purchase price, as defined in section 722(b) of the Act, as the U.S. price. We did so because the price of the castings to unrelated United States customers was agreed to before they were imported into the United States.

For six of the seven producers, we calculated purchase price on the basis of the FOB or C&F price to unrelated U.S. importers. In the case of Gupta, we calculated the purchase price on the basis of the ex-factory price to Kajaria Exports, an unrelated exporter through which Gupta made all of its U.S. sales of the products under investigation. This price was used because the merchandise was sold for export to the United States prior to the date of importation and Gupta knew at the time of sale to Kajaria that the goods were sold to the United States. Where appropriate we deducted from the purchase price shipping and other FOB charges. We also added, in accordance with section 772(d)(1)(D) of the Act, the amount of countervailing duty assessed by the United States Government on imports of Indian metal castings. That section limits such adjustment to countervailing duties attributable to the payment of export subsidies. In this particular case, all of the subsidies in question are export subsidies and therefore the full amount of the countervailing duty was added to purchase price.

Foreign Market Value

For six of the seven companies we used constructed value, as defined in section 773(e) of the Act, to determine the foreign market value of the castings. None of these companies had adequate sales of such or similar merchandise in the home market or in countries other than the United States ("third countries"). In the case of Govind, we used third-country sales, in accordance with section 733(a)(1)(B) of the Act, because Govind's sales to Canada were adequate in volume for comparison with U.S. price.

We calculated constructed value by adding the costs of raw materials, fabrication, general expenses, profit and packing. For materials, fabrication and packing costs, we used each firm's actual cost figures. For general expenses, we used each firm's actual, general expenses allocated over its respective castings production.

In cases where the actual, general expenses are less than the statutory amount of 10 percent of the total cost for materials and fabrication, we used 10 percent for general expenses. We calculated profit on the basis of the statutory minimum of 8 percent of materials, fabrication, and general expenses. As explained in our preliminary determination, the statutory minimum profit of 8 percent was used because we were unable to use other sales of comparable merchandise in either the home market or to third countries to determine profit. Govind's sales to Canada were made on an FOB basis. We deducted all shipping and FOB charges from the Canadian price. On its sales to the United States, Govind demands payment on presentation of documents to the bank. On its sales to Canada, Govind allows 90 days for payment but adds an interest charge directly to the sales price to cover the cost of extending the payment period. Therefore, we have deducted the interest charge from the Canadian sales price.

The Act requires that fair value comparisons be made absent of any differences in the circumstances of sale. As previously explained, we added to the purchase price the amount of the countervailing duty attributable to export subsidies assessed by the United States Government on this merchandise. The Department of Commerce has determined that the export sales of metal castings by Govind to Canada which are being used to calculate foreign market value for that firm also benefit from the same export subsidies. The rationale for the provision regarding the addition of countervailing duties to U.S. price is set out in the United States Senate Committee on Finance Report (S. Rep. No. 96-249, 96th Cong., 1st Sess. 94 (1979)), which states:

> The purpose of the amendment regarding additions to purchase price and exporter's sales price with respect to countervailing duties also being assessed because of an export subsidy is designed to clarify that such adjustment is made only to the extent that the exported merchandise, and not the other production of the foreign manufacturer or producer or other merchandise handled by the seller in the foreign country, benefits from a particularl (sic) subsidy. The principal (sic) behind adjustments to the price paid in these instances is to achieve comparability between the price (sic) which are being compared. Where the situation is the same, e.g., both the merchandise examined for the purpose of determining "purchase price" and such or similar merchandise examined for the purpose of determining "foreign market value" benefit from the same subsidy, then no adjustment is appropriate.

Since Govind's exports to both the U.S. and Canada benefit from the same export subsidies, the desired price comparability existed before the addition of the countervailing duty to U.S. price. Therefore, in order to re-establish the necessary comparability between U.S. price and foreign market value for fair value comparison, we have made an adjustment under § 353.15 of the Commerce Regulations, increasing the price of Govind's sales of metal castings by the export subsidies received on exports of this product to Canada as well as the United States. In Govind's case, the amount of the export subsidies was estimated to be 13.3 percent of the FOB price to Canada.

In calculating foreign market value, we made currency conversions from Indian rupees to U.S. dollars at a certified quarterly exchange rate of the Federal Reserve Bank of New York at the date of purchase of each sale, as required by § 353.56(a)(1) of the Commerce Regulations, for comparisons involving purchase price. In the case of Serampore, margins were found on sales made during a period of sustained changes in prevailing exchange rates. This period involved the second and third quarters of 1980, in which the rupee increased in value against the dollar by approximately six percent. The sales in question were made during the third quarter of 1980. For these sales, we applied a currency conversion adjustment which is authorized by § 353.56(b) of the Commerce Regulations. To allow Serampore a reasonable period of time to take into account price differences resulting from sustained changes in prevailing exchange rate fluctuations, we used the second quarter exchange rate to calculate foreign market value for comparison with purchase price on third quarter sales. There is precedent for this adjustment from the antidumping cases involving motorcycles from Japan (43 FR 35140) and the melamine in crystal form from the Netherlands (45 FR 29619).

Submitted Views

In response to our preliminary determination of sales at not less than fair value, counsel for petitioners submitted written views. The issues contained in the submission are as follow:

1. Since the Government of India controls rents and the distribution of raw materials such as pig iron, scrap iron and coke, the relevant sector of the economy is state-controlled and foreign market value should be determined by reference to a non-state controlled economy country;

2. The sale of raw materials through the Government of India's allocation methods at prices below the price levels reported on the open market constitutes a subsidy and should be investigated;

3. In calculating constructed value for Gupta, the Department is required to include all costs which were absorbed by Kajaria in the production of this merchandise;

4. Govind's third country sales cannot be used to determine foreign market value until there is a determination that those sales are at prices above the cost of production;

5. Variations in the cost figures reported by the Indian firms raise questions concerning the reliability of the information provided;

6. The Department should have imputed a cost for interest on capital investment and included this cost in determining cost of production;

7. Unverified information submitted to the Department cannot be used for a final determination.

We have given consideration to the issues raised by petitioners' counsel and have concluded as follows:

1. The Government of India's control of the economy is only peripheral in nature with the costs of goods and services basically determined by market conditions. Although the state does appear to control rents and to some degree the prices of certain raw materials, there is not sufficient government control to classify India's economy as state-controlled within the meaning of section 773(c) of the Act;

2. Subsidy practices are not investigated in the course of an antidumping investigation. They would normally be investigated through a special countervailing duty investigation upon receipt by the Department of a petition in proper form. Because this merchandise is already covered by a countervailing duty order, any possible new subsidies would be investigated by the Department during our annual review of the countervailing duty order. With respect to the practice in question, the state determines the prices of raw materials sold through the public sector but does not sell the raw materials at discriminatory or preferential prices to home market purchasers. This practice would not normally be considered countervailable;

3. Although Kajaria did furnish patterns and technical services to Gupta and absorbed the costs for packing, inspection, port charges and inland freight, there was not a significant business interest between the two firms which would make them related within the meaning of section 771(13) of the Act. We have, therefore, used the prices of Gupta to Kajaria for comparison with constructed value. Since Gupta's prices to Kajaria would not reflect the value of the assists supplied by Kajaria, it would not be proper to add the cost of the assists to constructed value;

4. During this investigation we have requested and received cost information from Govind which indicates that Govind's sales prices to Canada are above the cost of production;

5. The variations in cost figures reported by the Indian firms reflect different business practices and degrees of efficiency which are normal within any given industry. Our verification of the cost figures was thorough enough to establish their reliability;

6. While the calculation of an imputed interest cost on equity investment may be an acceptable tool for a company in evaluating its future capital plans, it is not a concept of generally applied accounting principles used to calculate "costs" to produce merchandise. It has been the long standing practice of the Departments of the Treasury and Commerce to calculate the cost of production by reference to costs determined in accordance with generally applied accounting principles in the country of manufacture (unless these artificially distort the results, in which case U.S. generally applied accounting principles may be applied). In the absence of any evidence that such imputed costs of capital would be regarded as cost of production under generally applied accounting principles in the U.S., much less in India, no adjustment for these costs has been allowed.

7. All information that the Department has relied on in making this final determination has been verified. Wherever the cost of production source documents were available we considered the best estimated figures received to be reliable and in line with corresponding cost figures which were submitted and verified for the other firms.

Verification

In accordance with section 776(a) of the Act, we verified all information used in making this determination to the extent possible. We were granted access to the books and records of the foreign producers and Kajaria Exports. We used traditional verification procedures, including on site inspection of the manufacturers' operations and examination of accounting records and randomly selected documents containing relevant information.

Final Determination

Based on our investigation and in accordance with section 735(a) of the Act, we have reached a final determination that certain iron metal castings from India are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act. Of the seven companies we investigated, only one—Serampore Industries Pvt., Ltd.—had dumping margins on any sales. However after taking into account currency fluctuations, Serampore's weighted-average dumping margin was only 0.4 percent, which for the purposes of this investigation is considered to be *de minimis*.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to section 774 of the Act (19 U.S.C. 1677c), and all expressed views have been considered in making this final determination.

This determination is being published pursuant to section 735(d) of the Act (191 U.S.C. 1673d(d)).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 81-22807 Filed 8-4-81; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Canada; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On June 11, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on pig iron from Canada. The review covered the three known shippers to the United States subject to the finding and separate time periods for each shipper up to June 30, 1980.

Interested parties were given an opportunity to submit comments or request a hearing on these preliminary results. Based on comments received from one of the three shippers and one importer, the Department has made adjustments resulting in new weighted-average margins for that shippper. The margins in the preliminary review remain unchanged for the two other shippers.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Betsy E. Stillman or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4833).

SUPPLEMENTARY INFORMATION:

Background

On July 24, 1971, a dumping finding with respect to pig iron from Canada was published in the **Federal Register** as Treasury Decision 71–193 (36 FR 13780). On May 12, 1975, Treasury Decision 75–107 was published in the **Federal Register** excluding shipments made by Quebec Iron and Titanium from the scope of the finding (40 FR 20617). On June 11, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review of the finding (46 FR 30641–42). The Department has now completed its adminstrative review of that finding.

Scope of the Review

Imports covered by this review are shipments of pig iron. Pig iron is currently classifiable under items 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the three known shippers of Canadian pig iron to the United States which are covered by the finding. The shippers are listed below, together with the periods of review for each.

Analysis of Comments Received

We received the following comments from one exporter, Dofasco, and an importer:

1. Dofasco demonstrated that certain of its sales were made in U.S. rather then Canadian dollars and that a discount was allowed on certain sales. Consequently, we recalculated United States price for those sales during the one affected period.

2. Based on information submitted by Dofasco in response to our request, we adjusted foreign market value for selling expenses actually incurred, up to the amount of the commissions paid to an unrelated U.S. sales agent.

3. The importer criticized the adequacy of the Department's explanation of the preliminary results of the review. We disagree. All interested parties who requested disclosure were provided a full written or oral explanation of the methodology we used.

4. The importer argued that the Department should accept all general and administrative expenses (characterized as selling expenses) which the shipper allocated to sales of pig iron in the home market as an offset to the commission paid to unrelated parties on U.S. sales. Under § 353.15(c) of the Commerce Regulations, only actual selling expenses are allowed as an offset to the commission.

5. The importer also argued that, since sales occur at a level of trade in the home market different from that in the U.S., the Department should make a level of trade adjustment. However, the shipper has not claimed that prices vary by class of purchaser nor did the shipper submit data supporting such an adjustment.

6. The importer argued that the Department exceeded its authority in conducting an administrative review of entries for more than the most recent one year period. We disagree. The Department must conduct annual reviews of each finding and is not restricted by section 751 of the Tariff Act to reviewing the most recent one year period. Entries unliquidated by January 1, 1980 and not covered by prior appraisement instructions must still be appraised, using the substantive provisions of the Antidumping Act of 1921. However, any such appraisement must be made under the procedures introduced by the Trade Agreements Act of 1979.

Final Results of the Review

As a result of adjustments made based on comments received, we determine that the following weighted average margins exist:

Shipper	Time period	Margin (percent)
1. Abex Industries, Ltd.	9/1/74–12/31/74	
	1/1/75–6/30/80	(1)
2. Algoma Steel Corp., Ltd.	5/1/77–6/30/80	
	8/71 (one entry)	
3. Dofasco Inc	1/1/74–12/9/76	
	12/10/76–12/31/77	2.2
	7/1/78–4/30/79	2.7
	5/1/79–6/30/80	2.7

[1] No shipments during this period.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries by these firms with purchase dates or export dates during the periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent of the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to complete the next administrative review by the end of July, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Leonard M. Shambon,

Director, Office of Compliance, Import Administration.

July 31, 1981.

[FR Doc. 81–22806 Filed 8–4–81; 8:45 am]

BILLING CODE 3510–25–M

Sandia National Laboratories; Decision on Application for Duty-Free Entry of Scientific Article, and Rescission of Decision Previously Published

The decision on Docket Number 80–00312, published in the **Federal Register** of July 8, 1981 (46 F.R. 35325 (1981)), is hereby rescinded.

The law requires the Department of Commerce, when it makes a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) to report its finding to the Secretary of the Treasury and to the applicant institution. The Department's letter to the applicant institution contained misinformation which was possibly prejudicial to the applicant's ability to exercise its right of appeal in a timely manner. This rescission of the decision cited above affords the applicant an opportunity to appeal the decision on or before August 25, 1981.

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 80–00312. Applicant: Sandia National Laboratories, 1515 Eubank Blvd., S.E., Albuquerque, NM 87115. Article: Mass Spectrometer, MM ZAB–2F. Manufacturer: VG Micromass, United Kingdom. Intended use of article: See Notice on page 45935 in the Federal Register of July 8, 1980.

Comments: No comments have been received with respect to this application. Decision: Application denied. Reasons: A domestic manufacturer was both willing and able within the meaning of Subsection 301.11(b) of the regulations to manufacture an instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, at the time the article was ordered (December 16, 1979).

Discussion

The legislative history of Pub. L. 89–651 ("the Act") provides the following guidance for interpreting the phase "being manufactured in the United States":

> It is considered that there would be justification for a finding that an instrument or apparatus is being manufactured in the United States if a manufacturer in the United States has in stock, or lists in a current catalog and offers for sale, such an instrument or apparatus which it has produced domestically. Moreover, in other instances, such a finding would be justified if there is satisfactory evidence that a manufacturer is willing to produce and have such a domestic article available promptly so that it may be obtained by the applicant without unreasonable delay, taking into account the normal commercial practice applicable to the production and distribution of instruments or apparatus of the same general type (Senate Report 1678, 89th Cong., p. 12).

The Department's regulations, in pertinent part, are as follows:

> An instrument, apparatus or accessory shall be considered as being manufactured in the United States if it is customarily produced for stock, produced on order, or custom-made within the United States. In determining whether a U.S. manufacturer is able and willing to produce a produced on order, or custom-made instrument, apparatus, or accessory and have it available without unreasonable delay to the applicant the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category. For example, in determining whether a domestic manufacturer is able to produce a custom-made instrument, apparatus, or accessory the Deputy Assistant Secretary may take into account the production experiences of the domestic manufacturer with respect to the types and complexity of products, the extent of the technological gap between the instrument, apparatus, or accessory to which the application relates and the manufacturer's customary products, and the availability of the professional and technical skills, as well as manufacturing experience essential to bridging the gap and the time required by the domestic manufacturer to produce an instrument or accessory to purchaser's specifications. (CFR 301.11(b))

A domestic firm, Nuclide Corporation, responded positively to the applicant's request for information (Q–04–5322) on April 23, 1976. Nuclide enclosed a technical and price proposal; stated its willingness to consider various financing arrangements, including leasing or rental; accepted the applicant's suggested "go/no go" basis for the contract; described its 20 years of experience in building mass spectrometers commercially, including special developments under Federal contracts; and offered to put $140,000 of its own funds into development of the instrument in the hope this would justify consideration by the applicant of a "sole-source second-round procurement."

In its memorandum of October 17, 1980, NBS advises that Nuclide "has been building mass spectrometers for over 20 years." NBS further advises that it does not consider the applicant's statement that the "foreign manufacturer has a good reputation" as "an appropriate justification" for duty-free entry.

In an internal memorandum dated January 30, 1976, a member of the applicant's technical committee formed for the purpose of acquiring a suitable instrument stated that such a mass spectrometer "is not commercially available, but is within the state-of-the-art to build." The same memorandum notes the need to "obtain cost estimates from potential vendors."

The record therefore shows that the instrument required by the applicant was within the state-of-the-art for the same general type of instruments and clearly could have been made available promptly by the domestic firm having more than 20 years experience in producing such instruments to purchaser specifications. That firm made an offer to the applicant which not only addressed technical aspects of the applicant's request for information but strongly solicited as well the applicant's business with an extraordinary commitment of its own resources to the development effort. That offer provides compelling evidence of the domestic firm's willingness to produce the instrument and of its confidence that the purchaser would be satisfied with the technical capabilities of the domestic instrument.

A variety of material in the attachments to its application appear to constitute a contention by the applicant that, as paraphrased in the NBS memorandum, "the foreign article was the third phase of a development program in which the applicant and his collaborators funded development of the instrument by the foreign manufacturer in the first and second phases of the program."

The Department notes in this connection that selection of a design source in the first phase of the applicant's development program occurred in August 1977, more than fifteen months after Nuclide submitted its proposal. Furthermore, the Department does not, in any event, consider funding and sourcing decisions of applicant institutions as pertinent to its determinations under Pub. L. 89–651. To the extent that the applicant might consider such prior decisions technically and financially determinative of its decision to order an instrument, the Department is warranted to accept as conclusive the evidence of domestic ability and willingness to produce an equivalent instrument at the time the preliminary decisions were made, although the Department's acceptance of such evidence is not to be construed as limiting its discretion to consider domestic willingness and ability to provide a comparable instrument at the time a purchase order is placed. In either event, in this case, the Department finds in favor of Nuclide's willingness and ability to provide an equivalent instrument to the applicant.

For these reasons, NBS advice and our own review of the application, we find that a domestic manufacturer was willing and able (within the meaning of § 301.11(b)) to manufacturer an instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-22808 Filed 8-4-81; 8:45 am]

BILLING CODE 3519-25-M

Sandia National Laboratories et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

Correction

In FR Doc. 81-22154 appearing on page 38947 in the issue of Thursday, July 30, 1981, make the following correction:

In the second column of page 38947, second paragraph, after "Docket No. 81-00109", the name of the applicant should have read "Applicant: Cornell University, Materials Science Center".

BILLING CODE: 1505-01-M

National Bureau of Standards

Approved Interpretation of Federal Standard COBOL (FIPS PUB 21-1)

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759 (f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform Federal automatic data processing standards. FIPS PUB 21-1 specifies Federal Standard COBOL. The Standard defines the elements of COBOL and rules for their use. During the use of the standard, questions arise as to the meaning of certain language specifications. FIPS PUB 29 defines the procedures to be followed in providing solutions to these questions. The procedures allow for the solutions to be applied uniformly throughout the Federal Government and to be applied by all implementors of compilers acquired by the Federal Government. Accordingly, in the December 30, 1980, issue of the **Federal Register** (45 FR 85806), the National Bureau of Standards published a notice of proposed interpretation of Federal Standard COBOL as pertains to the specification of the OCCURS clause. All comments submitted about the proposed interpretation have been duly considered.

The following approved interpretation contains a definition of the problem, discussion of the issues, approved interpretation, supporting justification, necessary clarifications to Federal Standard COBOL, and the effective date of the interpretation. The approved interpretation, as of the effective date, becomes an integral part of Federal Standard COBOL and, as such, is considered to be included whenever reference is made to Federal Standard COBOL.

Interested parties may submit comments concerning interpretations of Federal Standard COBOL to the Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234.

Dated: July 31, 1981.

Ernest Ambler,

Director.

Federal Standard Cobol; Interpretation No. 7—The Occurs Clause

Problem: When a group data item, having subordinate to it an entry that specifies the OCCURS DEPENDING ON clause, is the receiving field in a statement which moves data to the item, is it permissible for contents of subordinate variable-occurrence data items whose occurrence numbers exceed the value of the data item referenced in the OCCURS DEPENDING ON clause to be changed in a predictable way as a side effect of executing the statement?

Issues: The situation of concern arises where there are occurrences of a data item which lie beyond the maximum occurrence for a table determined by the value of another data item referenced in an OCCURS DEPENDING ON clause. It is necessary to determine the extent to which an implementation is permitted to change the contents of these occurrences. In particular, the question must be answered whether or not it is allowed for the contents of such occurrences to be changed as if they were part of the table area during the execution of statements which refer to a group data item which has the variable-occurrence data item subordinate to it.

Interpretation: This interpretation applies to American National Standard COBOL, X3.23-1974, as it has been adopted as Federal Standard COBOL FIPS PUB 21-1. The interpretation is that the contents of data items whose occurrence numbers exceed the value of the data item referenced in the OCCURS DEPENDING ON clause are not predictable and may be changed or left intact as the implementor sees fit until the value of the data item referenced in the OCCURS DEPENDING ON clause is increased. After the value of the data item referenced in the OCCURS DEPENDING ON clause is increased, the variable-occurrence data items which previously had unpredictable contents cannot be assumed to contain or not to contain any particular values until data is next moved into them.

Supporting Justification

References: The following references are to American National Standard COBOL, X3.23-1974:

(a) Pages III-3 and III-4, Paragraph 2.1.4, General Rule 3.b, states: " * * * the current value of the data item referenced by data-name-1 represents the number of occurrences. This format specifies that the subject of this entry has a variable number of occurrences . . . This does not imply that the length of the subject entry is variable, but that the number of occurrences is variable . . . Reducing the value of the data item referenced by data-name-1 makes the contents of data items, whose occurrence number now exceed the value of the data item referenced by data-name-1 unpredictable."

(b) Page III-4, Paragraph 2.1.4, General Rule 4, states: "When a group item, having subordinate to it an entry that specifies Format 2 of the OCCURS clause, is referenced, only that part of the table area that is specified by the value of data-name-1 will be used in the operation."

Discussion: Consider the following excerpts from a COBOL program:

```
01 A.
   02 B PICTURE IS 9.
   02 C.
   03 D OCCURS 1 TO 9 TIMES
      DEPENDING ON B PICTURE IS X.
PARA-1. MOVE 9 TO B.
   MOVE "ABCDEFGHI" TO C.
PARA-2. MOVE 5 TO B.
PARA-3. MOVE "123456789" TO C.
PARA-4. MOVE 9 TO B.
PARA-5. IF C = "12345FGHI"
   PERFORM INTACT
   ELSE IF C = "123456789"
   PERFORM SIDE-EFFECT.
```

(a) Execution of the two statements in paragraph PARA-1 establish the size of C as nine characters, including all nine occurrences of D, and results in the contents of C being "ABCDEFGHI". Execution of the statement in PARA-2 then causes C to include only the first five occurrences of D for purposes of executing subsequent statements which refer to C. The last four occurrences of D have unpredictable contents according to reference (a). The statement in PARA-3 results in "12345" being moved into the leftmost characters of C according to reference (b). The statement in PARA-4 causes C to include all nine occurrences of D for purposes of executing subsequent statements. During execution of the following IF statements, control will pass to the procedure INTACT if the last four occurrences of D have been left intact throughout the execution of the statements in PARA-2, PARA-3, and PARA-4. Control will pass to the procedure SIDE-EFFECT if the result of executing the statement in PARA-3, in

apparent violation of reference (b), is "as if" all nine occurrences of D had been used as the receiving field for the movement of data. This interpretation of Federal Standard COBOL allows for control to pass to either procedure or to neither of the procedures.

(b) Reducing the value of B to five in the statement in PARA–2, according to reference (a), causes the contents of D(6), D(7), D(8), and D(9) to be unpredictable. Concurrently with executing the statement in PARA–2 which reduces the value of B or any subsequently executed statement in PARA–3 or PARA–4, the contents of D(6), D(7), D(8), and D(9) may be changed since they are unpredictable. In PARA–4 the value of B is increased to nine. After completing the execution of this statement, the contents of D(6), D(7), D(8), and D(9) must no longer be changed except by execution of statements which move data to them according to the rules for the various COBOL statements. There are no statements to reinitialize the data in D(6), D(7), D(8), and D(9) after the value of B is increased in PARA–4. Therefore, either or both of the two conditions in the following IF statements can be false. Control need not pass to either of the procedures INTACT or SIDE-EFFECT.

(c) The specifications in American National Standard COBOL, X3.23–1974, are directed both to implementors of COBOL compilers and to users who write programs for interchangeable use with various compilers. Reference (a) specifies that the contents of occurrences which lie outside the current table area are unpredictable. Reference (a) is obviously not intended to require that an implementation must introduce indeterminacy in the contents of data items outside the table area. For a given implementation, these contents may be predictable, and this does not make the compiler noncompliant with the standard. In the example, presented, reference (a) is no obstacle to passing control to either of the procedures INTACT or SIDE-EFFECT.

The specification of unpredictability is directed instead to the programmer. Standard-complaint programs cannot depend for their correctness upon the contents of occurrences which lie outside the current table area either being left intact or being changed in a particular way, despite the fact that any one implementation may give consistent results.

(d) Reference (b) specifies that only the occurrences that are part of the current table area will be used in an operation referencing a group data item to which the occurrences are subordinate. If, at the time of executing the statements in PARA–5, the contents of D(6), D(7), D(8), and D(9) are "6", "7", "8", and "9", respectively, control passes to the procedure SIDE-EFFECT. It appears "as if" all occurrences of D, rather than just the first five, had been used as the receiving field when the group data item C was referenced in the execution of the MOVE statement in PARA–3.

This appearance is not, however, prohibited by reference (b). Neither reference (a) nor any other specification restricts the times at which the contents of occurrences outside the current table area can be changed once they become unpredictable. If these contents are subsequently found to have any particular values, this is an accident of implementation that need not be attributed to any one operation during the execution of statements. This is true even if the values are the same as those which could result from an hypothetical aberrant execution of a statement.

Clarification of Federal Standard COBOL: None.

Effective Date of Interpretation: This interpretation is effective on September 4, 1981.

[FR Doc. 81–22756 Filed 8–4–81; 8:45 am]

BILLING CODE 3510–13–M

Approved Interpretation of Federal Standard COBOL (FIPS PUB 21–2)

Under the provisions of Pub. L. 89–306 (79 Stat. 1127; 40 U.S.C. 739 (f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. FIPS PUB 21–1 specifies Federal Standard COBOL. The Standard defines the elements of COBOL and rules for their use. During the use of the standard, questions arise as to the meaning of certain language specifications. FIPS PUB 29 defines the procedures to be followed in providing solutions to these questions. The procedures allow for the solutions to be applied uniformly through the Federal Government and to be applied by all implementors of compilers acquired by the Federal Government. Accordingly, in the October 24, 1980, issue of the **Federal Register** (45 FR 70535), the National Bureau of Standards published a notice of proposed interpretation of Federal Standard COBOL as pertains to the specification of the SORT statement. All comments submitted about the proposed interpretation have been duly considered.

The following approved interpretation contains a definition of the problem, discussion of the issues, approved interpretation, supporting justification, necessary clarifications to Federal Standard COBOL, and the effective date of the interpretation. The approved interpretation, as of the effective date, becomes an integral part of Federal Standard COBOL and, as such, is considered to be included whenever reference is made to Federal Standard COBOL.

Interested parties may submit comments concerning interpretations of Federal Standard COBOL to the Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234.

Dated: July 31, 1981.

Ernest Ambler,

Director.

Federal Standard COBOL; Interpretation No. 6—The SORT Statement

Problem: Can the input and output procedures associated with a SORT statement contain OPEN statements specifying associated GIVING and USING file-names, respectively? Further, can USING and GIVING file-names be specified in a SAME clause with a filename that is specified in an OPEN statement contained in sort output and input procedures, respectively?

Issues: Given the following excerpt from a COBOL program:

```
I–O–CONTROL.
  SAME SORTIN–2E, SORTOUT–2E.
PROCEDURE DIVISION.
  SORT SORTFILE–2E ON
    ASCENDING SORTFILE–KEY
    USING SORTIN–2E OUTPUT
    PROCEDURE OUT–PROCEDURE.
  SORT SORTFILE–2E ON
    ASCENDING SORTFILE–KEY
    USING SORTIN–2E OUTPUT
    PROCEDURE OUTPROC.
OUTPROC SECTION.
OS–1. OPEN OUTPUT SORTOUT–2E.
OUT–PROCEDURE SECTION.
OPS–1. OPEN OUTPUT SORTIN–2E.
```

A SORT USING file must not be open at the time of execution of the SORT statement. In the above program excerpt, is it permissible for the OPEN statement to specify file SORTIN–2E? What is the duration of the "execution of the SORT statement"? Does the duration include the execution of the output procedures or is the execution of the output procedure considered to be separate from the execution of the SORT statement?

Two or more files that are not sort or merge files can be specified in a SAME clause. However, because these files share the same storage areas, no more than one of these files may be open at one time. In the above program excerpt,

are the files SORTOUT–2E and the USING file, SORTIN–2E, considered to be implicitly open at the same time?

Interpretation: This interpretation applies to American National Standard COBOL, X3.23–1974, as it has been adopted as Federal Standard COBOL, FIPS PUB 21–1. The interpretation is that it is not permissible in a given SORT statement:

(a) To execute in input and output procedures associated with the SORT statement an OPEN statement for the associated GIVING and USING files, respectively.

(b) To execute in output and input procedures associated with that SORT statement an OPEN statement specifying a file-name that is specified in a SAME clause in which associated USING and GIVING file-names, respectively, are also specified.

Supporting Justification

References: The following references are to American National Standard COBOL, X3.23–1974:

(a) Page I–92, Paragraph 5.3.4.3, first subparagraph numbered (1), states: "If a paragraph is being executed under control of another COBOL statement (for example * * * SORT * * *) and the paragraph is the last paragraph in the range of the controlling statement, then an implied transfer of control occurs from the last statement in the paragraph to the control mechanism of the last executed controlling statement * * *"

(b) Page IV–8, Paragraph 2.1.3.4, General Rule 3, states: "The SAME AREA clause specifies that two or more files that do not represent sort or merge files are to use the same memory area during processing * * * therefore, it is not valid to have more than one of the files open at one time * * *"

(c) Page VII–14, Paragraph 4.4.1, states: "The SORT statement creates a sort file by executing input procedures or by transferring records from another file, sorts the records in the sort file * * * makes available each record from the sort file * * * to some output procedure or to an output file."

(d) Page VII–17, Paragraph 4.4.4, General Rule 8, states: "If an output procedure is specified, * * * The compiler inserts a return mechanism at the end of the last section in the output procedure and when control passes the last statement in the output procedure, the return mechanism provides for termination of the sort and then passes control to the next executable statement after the SORT statement * * *"

(e) Page VII–17, Paragraph 4.4.4, General Rule 10, states: "If the USING phrase is specified * * * At the time of execution of the SORT statement, file-name-2 and file-name-3 must not be open. The SORT statement automatically initiates the processing of, makes available the logical records for, and terminates the processing of file-name-2 and file-name-3 * * * The terminating function for all files is performed as if a CLOSE statement * * * had been executed for each file * * *"

Discussion: The SORT statement according to reference (c) includes the creation of the sort file by transferring records from another file (USING file-name), sorting the sort file, and making the sorted records availabe to some output procedure. The input and output procedures according to reference (a) are considered in the range of the controlling (SORT) statement. The sort operation according to reference (d) is terminated by the return mechanism that is inserted by the compiler at the end of the last section in the output procedure when control passes the last statement in the output procedure. The "execution of the SORT statement" (reference (e)) is that interval that begins the moment control is transferred to the SORT statement and ends when control is transferred to the next executable statement following the SORT statement in the source program. This duration of execution of the SORT statement includes the execution of any associated input or output procedures. Accordingly, based on reference (e), the USING files must not be open in the output procedure.

The SORT statement according to reference (e) implicitly initiates the processing of the USING file. Since this file processing is terminated as if a CLOSE statement had been executed for the file, it is logical that the implicit initiation of the processing of the USING file is performed as if an OPEN statement had been executed for the file. Therefore, according to reference (b) any files specified in the same SAME clause as a USING file must not be opened in the output procedure associated with the same SORT statement as the USING file, otherwise, more than one of the files would be open at the same time.

Clarification of Federal Standard COBOL: None.

Effective Date of Interpretaton: This interpretation is effective on September 4, 1981.

[FR Doc. 81–22757 Filed 8–4–81; 8:45 am]

BILLING CODE 3510–13–M

National Communications System

Packetized Data Communications Networks and Equipment; Proposed Joint Federal Telecommunication Standard and Federal Information Processing Standard

Under the provisions of Pub. L. 89–306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform Federal automated data processing standards. The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the National Communications System (NCS) was designated by the Administrator, GSA, as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communication interface.[1]

The following proposed joint Federal Information Processing Standard and Federal Standard, when approved, will become part of a family of joint standards falling within the area of mutual responsibility of the National Communications System and the National Bureau of Standards, as defined in the appendix to FIPS PUB 12–2[2] and NCS Circular 175–1.[3]

The technical specifications for this proposed joint standard were developed by NCS and NBS staff.

Prior to the final approval of this proposed joint standard, it is essential to consider the views of manufacturers, network providers, the public, and local and state governments. The purpose of this notice is to solicit such views.

The proposed joint standard contains two portions: (1) An announcement, which provides information concerning the applicability, implementation, and maintenance of the joint standard and (2) a technical specification of the requirements of the joint standard.

The joint standard is based on Recommendation X.25 "Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Terminals Operating in the Packet Mode on Public Data Networks," adopted by the

[1] DOD Directive 5100.41 "Arrangements for discharge of executive agent responsibility for the NCS."

[2] Copies available from the U.S. Government Printing Office, Washington, D.C. 20402 (Order as SD Catalog Number C13.52:12–2).

[3] Copies available from the Office of Manager, NCS, Washington, D.C. 20305.

International Telegraph and Telephone Consultative Committee of the International Telecommunication Union.

Written comments on this joint standard should be submitted to: Institute for Computer Sciences and Technology, ATTN: Proposed Joint NBS/NCS X.25 Standard, National Bureau of Standards, Washington, D.C. 20234. To be considered, comments must be received by November 3, 1981.

Written comments in response to this notice, plus written comments obtained from Federal departments and independent agencies will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, Constitution and 16th Street, NW., Washington, D.C. 20230.

Copies of the joint standard may be obtained by contacting Standards Administration Office, Institute for Computer Sciences and Technology, National Bureau of Standards, Technology B-64, Washington, D.C. 20234, phone 301-921-3157.

Further information may be obtained by contacting Mr. Eric Scace of the National Bureau of Standards, 301-921-3723, or Mr. Harold Folts of the National Communications System, 202-692-2124.

Dated: July 31, 1981.

Ernest Ambler,

Director, National Bureau of Standards.

William J. Hilsman,

Lt. General, U.S. Army, Manager, National Communications System.

FEDERAL STANDARD 1041

Federal Information Processing Standards Publication————

(date)

Announcing the Joint Standard for Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Operation with Packet-Switched Data Communications Networks

Federal Information Processing Standards Publications are developed and issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15, Code of Federal Regulations (CFR).

Federal Standards in the "telecommunications" series are developed by the Office of the Manager, National Communications System. These Federal Standards are issued by the General Services Administration pursuant to the Federal Property and Administrative Services Act of 1949, as amended.

Name of Standard: Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Operation with Packet-Switched Data Communications Networks.

Category of Standard: Hardware, Data Transmission.

Explanation: Federal automated data processing equipment, services, and telecommunication equipment using packet-switched data communications networks (PSDCN) shall employ the interface and protocols specified in this joint standard. The joint standard provides:

—A family of physical layer interfaces, from which a particular interface may be selected; and

—A single data link layer control procedure; and

—Packet level procedures for virtual calls and permanent virtual circuits, and an optional datagram operation.

This joint standard is intended to enhance interoperability by specifying certain subsets and other constraints on Federal use of CCITT Recommendation X.25.

The Government's intent in employing this joint standard is to reduce the cost of acquiring and using Federal automated data processing equipment, services, and telecommunication equipment with PSDCN. The joint standard is also intended to reduce the cost of acquiring and using Government-owned or leased PSDCN. These goals will be achieved by:

—Increasing the available alternative sources of supply;

—Increasing the reutilization of Government resources; and,

—Assuring the required interoperability.

Approving Authority: Secretary of Commerce (Federal Information Processing Standards). Administrator, General Services Administration (Federal Standards).

Maintenance Agency: The maintenance agency for this joint standard will be specified at a later time.

Cross Index: The following are related standards upon which this FIPS PUB is based. The inclusion of a particular standard on this list does not necessarily mean that the standard is applicable in all cases to which this FIPS PUB applies.

(a) International Standard 2110-1980: *Data Communication—25-Pin DTE/DCE Interface Connector and Pin Assignments.*

(b) International Telegraph and Telephone Consultative Committee (CCITT) Recommendation v.24 (1980): *List of Definitions for Interchange Circuits Between Data Terminal Equipment and Data Circuit Terminating Equipment.*

(c) CCITT Recommendation v.28 (1980): *Electrical Characteristics for Unbalanced Double-Current Interchange Circuits.*

(d) Electronics Industries Association (EIA) RS-232-C (1969 August): *Interface Between Data Terminal Equipment and Data Communication Equipment Employing Serial Binary Data Interchange.*

(e) International Standard 4902-1980: *Data Communication—37-Pin and 9-Pin DTE/DCE Interface Connectors and Pin Assignments.*

(f) CCITT Recommendation V.11 (X.27) (1980): *Electrical Characteristics for Balanced Double-Current Interchange Circuits for General Use with Integrated Circuit Equipment in the Field of Data Communications.*

(g) EIA RS-422-A (1978 June): *Electrical Characteristics of Balanced Voltage Digital Interface Circuits.*

(h) Federal Standard 1020A (1980 January): *Telecommunications: Electrical Characteristics of Balanced Voltage Digital Interface Circuits.*

(i) CCITT Recommendation V.10 (X.26) (1980): *Electrical Characteristics for Unbalanced Double-Current Interchange Circuits for General Use with Integrated Circuit Equipment in the Field of Data Communications.*

(j) EIA RS-423-A (1978 June): *Electrical Characteristics of Unbalanced Voltage Digital Interface Circuits.*

(k) Federal Standard 1030A (1980 January): *Telecommunications: Electrical Characteristics of Unbalanced Voltage Digital Interface Circuits.*

(l) CCITT Recommendation X.21bis (1980): *Use on Public Data Networks of Data Terminal Equipment which are Designed for Interfacing to Synchronous D-Series Modems.*

(m) CCITT Recommendation V.54 (1980): *Loop Test Devices for Modems.*

(n) EIA RS-449 (1977 November): *General Purpose 37-Position and 9-Position Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment.*

(o) Federal Standard 1031 (1980 June): *Telecommunications General Purpose 37-Position and 9-Position Interface Between Data Terminal Equipment and Data Circuit Terminating Equipment.*

(Implementing instructions in the form of a Federal Property Management Regulation have not yet been issued. Furthermore, a Federal Information

Processing Standard for ADP applications corresponding to Federal Standard 1031 has not been adopted by the National Bureau of Standards.)

(p) International Standard 4903–1980: *Data Communication—15-Pin DTE/DCE Interface Connector and Pin Assignments.*

(q) EIA Industrial Electronics Bulletin No. 12 (1977 November): *Application Notes on Interconnection Between Interface Circuits Using RS–449 and RS–232C.*

(r) Draft International Standard 2593 (1980): *Data Communication—34-Pin DTE/DCE Interface Connector and Pin Assignments.*

(s) CCITT Recommendation V.35 (1980): *Data Transmission at 48 Kilobits per Second Using 60–108 kHz Group Band Circuits.*

(t) CCITT Recommendation X.21 (1980): *General Purpose Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment for Synchronous Operation on Public Data Networks.*

(u) CCITT Recommendation V.5 (1980): *Standardization of Data-Signalling Rates for Synchronous Data Transmission in the General Switched Telephone Network.*

(v) CCITT Recommendation V.6 (1980): *Standardization of Data-Signalling Rates For Synchronous Data Transmission of Leased Telephone-Type Circuits.*

(w) American National Standard X.31–1976: *Synchronous Signaling Rates for Data Transmisison.*

(x) Federal Information Processing Standard Publication 22–1 (1977) September): *Synchronous Signalling Rates Between Data Terminal and Data Communication Equipment.*

(y) Federal Standard 1013 (1977 August): *Telecommunications: Synchronous Signalling Rates Between Data Terminal Equipment and Data Circuit-Terminating Equipment Utilizing 4 kHz Circuits.*

(z) American National Standard X3.36–1975: *Synchronous High-Speed Data Signalling Rates Between Data Terminal Equipment and Data Communication Equipment.*

(aa) Federal Information Processing Standards Publication 37 (1975 June): *Synchronous High Speed Data Signalling Rates Between Data Terminal Equipment and Data Communications Equipment.*

(ab) Federal Standard 1001 (1975 June): *Telecommunications: Synchronous High-Speed Data Signalling Rates Between Data Terminal Equipment and Data Communications Equipment.*

(ac) EIA RS–269–B (1976 January): *Synchronous Signalling Rates for Data Transmission.*

(ad) International Standard 3309–1979: *Data Communication—High-Level Data Link Control Procedures—Frame Structure.*

(ae) International Standard 4335–1979: *Data Communication—High-Level Data Link Control Procedures—Elements of Procedures.*

(af) Addendum 1 to International Standard 4335–1979: *Data Communication—High-Level Data Link Control Procedures—Elements of Procedures.*

(ag) Addendum 2 to International Standard 4335–1979: *Data Communication—High-Level Data Link Control Procedures—Elements of Procedures.*

(ah) International Standard 6256–1980: *Data Communication—High-Level Data Link Control Procedures—Balanced Class of Procedure.*

(ai) American National Standard X3.66–1979: *Advanced Data Communication Control Procedures (ADCCP).*

(aj) Federal Information Processing Standards Publication 71 (1980 May): *Advanced Data Communication Control Procedures (ADCCP).*

(ak) Federal Information Processing Standards Publication 78 (1980 September): *Guideline for Implementing Advanced Data Communication Control Procedures (ADCCP).*

(al) Federal Standard 1003A (1981 April): *Telecommuniction: Synchronous Bit-Oriented Data Link Control Procedures.*

(am) CCITT Recommendation X.25 (1980): *Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Terminals Operating in the Packet Mode on Public Data Networks.*

(an) Draft Proposed International Standard 7498: *Data Processing—Open Systems Interconnection—Basic Reference Model.*

(ao) CCITT Recommendation X.1 (1980): *International User Classes of Service in Public Data Networks.*

(ap) CCITT Recommendation X.2 (1980): *International User Facilities in Public Data Networks.*

(aq) CCITT Recommendation X.96 (1980): *Call Progress Signals in Public Data Networks.*

Applicability. The technical specifications of this joint standard shall be employed in the acquisition, design, and development of all Federal automated data processing equipment, services, and telecommunication equipment and PSDCN whenever an interface based on or similar to Recommendation X.25 (1980), *Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Terminals Operating in the Packet Mode on Public Data Networks,* is required. (Referred to below as CCITT Recommendation X.25, Recommendation X.25, or X.25.)

Implementation: The provisions of this joint standard are effective January 1, 1982. Any applicable equipment or service ordered on or after the effective date, or procurement action for which solicitation documents have not been issued by that date, must conform to the provisions of this standard unless a waiver has been granted in accordance with the procedures described below.

This joint standard shall be reviewed by the National Bureau of Standards and the Office of the Manager, National Communications System, within five years after its effective date. This review shall take into account technological trends and other factors to determine if the joint standard should be affirmed, revised, or withdrawn.

Specifications. This joint standard adopts a subset, identified below, of the International Telegraph and Telephone Consultative Committee's Recommendation X.25.

(a) At the physical level, the provisions of Section 1 of CCITT Recommendation X.25 shall be used. As a minimum, networks shall support dedicated circuit access; other types of access (e.g., through the general switched telephone network) may also be offered.

CCITT Recommendation X.1 standardizes data signalling rates of 2.4, 4.8, 9.6, and 48 kbits/s for packet mode interfaces. At a minimum, networks shall support the synchronous data signalling rates of 2.4, 4.8, and 9.6 kbits/s full duplex; other speeds (e.g., 19.2 kbits/s) may also be offered. The 48 kbits/s rate need not be supported in those locations where it is not available; 56 kbits/s is recommended in its place (see American National Standard X3.36–1975 and related documents referenced above). The term "user class of service" used in X.25 refers to the data signalling rate of DTE/DCE interface.

In accordance with CCITT Recommendation X.25, networks shall provide one or more of the following interface options:

i. CCITT Recommendation X.21;

ii. EIA RS–232–C, which is essentially equivalent to one of the options in CCITT Recommendation X.21bis;

iii. CCITT Recommendation X.21bis option that is equivalent to RS–449 using only the EIA RS–423A unbalanced electrical characteristics.

Interworking between EIA RS-232-C on one side of the interface and RS-449 on the other side is permitted in accordance with EIA Industrial Electronics Bulletin Number 12.

Networks which support 48 or 56 kbits/s data signalling rates shall provide one or more of the following interface options:

i. CCITT Recommendation X.21;

ii. CCITT Recommendation X.21bis option that specifies CCITT Recommendation V.35; or

iii. CCITT Recommendation X.21bis option that specifies CCITT Recommendation V.36 which is equivalent to EIA RS-449.

Note.—Current study in national and international standards groups may result in the development of additional physical interfaces. Each such physical interface will be evaluated for inclusion in this joint standard. If there are significant savings, one physical interface may be selected as the future mandatory physical interface.

Note.—DTE purchasers and designers should determine which physical interface(s) is provided by the associated DCE(s).

(b) Only the LAPB link level procedures shall be used.

Note.—These procedures are a subset of those described in FIPS PUB 71 and Federal Standard 1003 and correspond to FIPS PUB 78 recommended class B. This subset is identified as follows:

i. Link configuration: two combined stations on a point-to-point link.

ii. Class of procedures: balanced asynchronous (BA) with options two and eight. The RSET commend shall not be used. (RSET is found in option 11 of the FIPS PUB 71. RSET is part of the basic repertoire in Federal Standard 1003A; option 11 of the Federal Standard 1003A deletes the RSET command. Note that RSET is *not* part of CCITT Recommendation X.25.)

iii. Two-way simultaneous operation shall be employed.

iv. The smallest N1 (maximum information field length) which shall be supported shall be 213 octets (the maximum length of fast select clearing packets).

v. The address of the combined station provided by the network shall be 00000001, where the right-hand bit is the first bit transmitted. The address of the other combined station shall be 00000011, where the right-hand bit shall be the first bit transmitted. These addresses are compatible with the extended address format (option seven).

vi. The frame reject information field shall be padded with zero bits to a length of three octets.

(c) The maximum number of outstanding I frames k shall be seven.

(d) The user data field of packets shall be an integral number of octets. If a packet is received which shows a user data field not equal to an integral number of octets, the receiving equipment shall follow the packet level procedures for processing a packet of that type which is too long.

(e) The reject packet shall not be used.

(f) All DCE restart confirmation, DCE reset confirmation, and DCE clear confirmation packets shall be interpreted by the DTE as having local significance only.

(g) The D-bit shall be implemented by all networks. DTE's need not employ the D-bit procedures when transmitting to the network, but no DTE shall reject incoming packets with the D-bit set to one or zero as having this bit in error. Furthermore, a DTE receiving a data packet with the D-bit set to one shall transmit the corresponding P(R) promptly (e.g., without waiting for further data packets) in order to avoid the possibility of deadlock.

(h) The selection of logical channel number for new virtual calls shall follow the procedures suggested in Section 4.1.2 Note 2, Annex 1 Note 5, and Annex 1 Note 6.

(i) In Section 4.3.3, the last paragraph, the last phrase "or by any other means to indicate an invalid general format identifier at the DTE/DCE interface" shall not apply. The reset indication procedure described in this paragraph shall be used under the circumstances described.

(j) Packet sequence numbers shall be modulo eight.

(k) All DTE's and DCE's shall follow the flow control principles outlined in the first two sentences of the first paragraph of Section 4.4.1.3.

(l) The alternative procedure for passing packets containing a P(S) that is out of sequence but within the window as described in the third paragraph of Section 4.4.1.3 of CCITT Recommendation X.25 shall not be used.

(m) The second sentence of Section 4.4.1.4 Note 2 shall not apply. This sentence permits networks to defer updating the window for data packets with D=0, and sent within the window but before a data packet with D=1, until the network receives a corresponding P(R) for the packet with D=1.

(n) The resetting cause filed of a reset request packet shall be set to zero. If a reset request is received with a non-zero resetting cause filed, the packet shall be discarded. The network shall then initiate the resetting procedure with the resetting cause field indicating local/remote procedure error.

(o) The clearing cause filed of a clear request packet shall be set to zero. If a clear request packet is received with a non-zero clearing cause filed, the packet shall be discarded. The network shall then initiate the clearing procedure with the clearing cause field indicating local/remote procedure error.

(p) The restarting cause field of a restart request packet shall be set to zero. If a restart request packet is received with a non-zero restarting cause field, the restart request packet shall be discarded without further action. Additionally, the DCE shall generate a diagnostic packet with diagnostic code #32 (packet not allowed).

(q) A diagnostic code shall be provided in all clear request, reset request, and restart request packets in accordance with the codes listed in Annex 5 of CCITT Recommendation X.25.

(r) The most descriptive diagnostic codes of the list in Annex 5 of CCITT Recommendation X.25 shall be used.

(s) Network- or DTE-specific diagnostic codes not specifically listed in Annex 5 of CCITT Recommendation X.25 shall not be used.

(t) The network shall consider the receipt of a DTE interrupt packet before a previous DTE interrupt packet has been confirmed as an error, and shall execute the error procedure described in Annex 3, Table A3.4/X.25 and the corresponding note 2.

(u) The timeouts and time limits specified in annex 4 shall be observed by all equipment. T21 shall not be less than the value given in table A4.2/X.25. The preferred actions listed in table A4.2/X.25 shall be followed. Table A4.1/X.25 note 2, 3, and 4 shall not be implemented.

(v) When the link level procedures enter the logically disconnected state, the associated packet level procedures shall clear all virtual calls and reset all permanent virtual circuits and datagram logical channels. When the link level procedures reenter the information transfer state, the associated packet level procedures shall execute the restart procedure. The terms "logically disconnected state" and "information transfer state" are used as defined in American National Standard X3.66-1979 (referenced above). Link level procedures enter the logically disconnected state when a DISC command is sent and a UA response is received, for example. The link level procedure shall also be considered to be in the logically disconnected state after N2 T1 retransmissions, where N2 and T1 are as defined in CCITT Recommendation X.25 Section 2.4.11.

(w) The action of the network when the qualifier bit is not set to the same value by the transmitting DTE with a complete packet sequence shall be to discard the packet. The network shall

initiate the resetting procedure with the cause field indicating local/remote procedure error. The third paragraph of Section 4.3.6 of CCITT Recommendation X.25 does not apply.

(x) If a Restart Request packet is received in start r1 which exceeds the maximum permitted length, the DCE shall discard the Restart Request and generate a Diagnostic packet with diagnostic code #39. No further action shall be taken by the DCE on that Restart Request. The last sentence of the "NORMAL" note to Table A3.2 of CCITT Recommendation X.25 does not apply.

(y) If a Reset Indication is issued as a result of an error condition in state d2 for virtual calls, the DCE shall eventually consider the DTE/DCE interface to be in the flow control ready state d1. The last sentence of the second paragraph of the "ERROR" note to Table A3.4 of CCITT Recommendation X.25 does not apply.

(z) The DCE shall discard a DTE Interrupt packet received before a previous DTE Interrupt packet has been confirmed and shall generate a Diagnostic packet with diagnostic code #44. The last sentence of the first paragraph of Note 2 of Table A3.4 of CCITT Recommendation X.25 does not apply.

(aa) In the event that a facility code appears more than once in a facility field, the equipment detecting this condition shall declare a procedure error and clear the virtual call or, for a datagram, reset the datagram logical channel.

(ab) The list of user facilities for packet-switched data networks, extracted from CCITT Recommendation X.2, is given below. These facilities are described in Section 7 of CCITT Recommendation X.25. The following further constraints apply:

i. Networks shall provide the facilities designated as essential "E" below.

ii. Networks shall also implement the Fast Select and Fast Select Acceptance facilities to facilitate more efficient operation in conveying higher layer protocol information or user data during call establishment. DTE's need not employ fast select packets when transmitting to the network, but no DTE shall reject incoming fast packets as a procedure error.

iii. The extended packet sequence numbering facility and packet retransmission facility shall not be used.

iv. All DTE's which employ any of the facilities labelled as additional "A" below (except Fast Select and Fast Select Acceptance) shall also be capable of operating without employing any A facilities (except Fast Select and Fast Select Acceptance).

v. All networks shall supply diagnostic packets when their use is suggested in CCITT Recommendation X.25. No DTE shall reject diagnostic packets as errors.

Facilities of Packet Switched Data Networks

User Facility	VC	PVC	DG[1]
Optional user facilities assigned for an agreed contractual period:			
Extended packet sequence numbering (modulo 128)	A[2]	A[2]	A[2]
Non-standard default window sizes	A	A	A[1]
Non-standard default packet sizes 16, 32, 64, 256, 512, 1024	A	A	-
Default throughput class assignment	A	A	A[1]
Flow control parameter negotiation	E	-	-
Throughput class negotiation	E	-	-
Packet retransmission	A[2]	A[2]	A[2]
Incoming calls barred	E	-	E[1]
Outgoing calls barred	E	-	E[1]
One-way logical channel outgoing	E	-	A[1]
One-way logical channel incoming	A	-	A[1]
Closed user group	E	-	E[1]
Closed user group with outgoing access	A	-	A[1]
Closed user group with incoming access	A	-	A[1]
Incoming calls barred within a closed user group	A	-	A[1]
Outgoing calls barred within a closed user group	A	-	A[1]
Bilateral closed user group	A	-	A[1]
Bilateral closed user group with outgoing access	A	-	A[1]
Reverse charging acceptance	A	-	A[1]
Fast select acceptance	A[3]	-	-
Datagram queue length selection*	-	-	A[1]
Datagram service signal logical channel[1]	-	-	A[1]
Datagram non-delivery indication*	-	-	E[1]
Datagram delivery confirmation*	-	-	E[1]
D-bit modification	A	A	-
Optional user facilities requested by the DTE on a per call basis:			
Closed user group selection	E	-	E[1]
Bilateral closed user group selection	A	-	A[1]
Reverse charging	A	-	A[1]
RPOA selection	A	-	A[1]
Flow control parameter negotiation	E	-	-
Fast select	A[3]	-	-
Throughput class negotiation	E	-	-
Abbreviated address calling	FS	-	A[1]
Datagram non-delivery indication	-	-	E[1]
Datagram delivery confirmation	-	-	E[1]

NOTE.—Detailed explanations of these facilities are provided in CCITT Recommendation X.25.

LEGEND:

E = An essential user service or facility to be offered by all networks.

A = An additional user service or facility which may be offered by certain networks.

FS = Further study is required. This standard will be modified when this study is complete.

- = Not applicable.

DG = Applicable when the datagram service is being used.[1]

VC = Applicable when the virtual call service is being used.

PVC = Applicable when the permanent virtual circuit service is being used.

[1] The datagram service and its related facilities *may* be used *only* when:

—There is to be a one-way transfer of information which does not require recovery at the network layer; and,

—A response to this transfer of information is not required at the network layer; and,

NOTE:—At the present time, the transfer of datagram packets across international borders through public packet-switching networks is not permitted.

DCE's are not required to provide datagram service. DTE's are not required to generate or accept datagrams and datagram-related packets.

[2] The modulo 128 packet sequence numbering and packet retransmission facilities shall not be used.

[3] Fast select shall be provided by all DCE's. All DTE's must be capable of accepting incoming fast select packets (i.e., not reject as a procedure error), but need not generate fast select packets.

(ac) The list of the applicable call progress signals, extracted from CCITT Recommendation X.96, is given below. These signal definitions apply to the cause codes specified in CCITT Recommendation X.25. The related circumstances giving rise to each call progress signal is also defined in Table 1 below. The significance of categories indicates broadly the type of action expected of the DTE receiving the signal:

Category

A Requested action confirmed by network.

B Call cleared because the procedure is complete.

C1 and C2 Call cleared. The calling DTE should call again soon: The next attempt may be successful. However, after a number of unsuccessful call attempts with the same response, the cause could be assumed to be in Category D1 or D2. The interval between successive attempts and the number of maximum attempts will depend on a number of circumstances including:

—nature of the call progress signal;

—users' traffic pattern;

—tariffs;

—possible regulations by the network provider.

or

reset. The DTE may continue to transmit data recognizing that data loss may have occurred.

D1 and D2 Call cleared. The calling DTE should take other action to clarify when the call attempt might be successful.

OR

Reset (for permanent virtual circuit only). The DTE should cease data transmission and take other action as appropriate.

C1 and D1 Due to subscriber condition.

C2 and D2 Due to network condition.

The sequence of call progress signals in the table implies, for Categories C and D, the order of call set-up processing by the network. In general, the DTE can assume, on receiving a call progress signal, that no condition higher up the table is present. Network congestion is an exception to this general rule. The actual coding of call progress signals does not necessarily reflect this sequence.

Users and DTE manufacturers are warned to make due allowance to possible later extensions to this table by providing appropriate fall-back routines for unexpected signals.

Table 1

Call Progress Signal	Definition	Category
Delivery confirmation.	The datagram has been accepted by the destination DTE.	A.
Local procedure error.	A procedure error cause by the DTE is detected by the DCE at the local DTE/DCE interface.	C1.

Table 1—Continued

Call Progress Signal	Definition	Category
Network congestion.	A condition exists in the networks as ... (1) Temporary network congestion..... (2) Temporary fault condition within the network, including procedure error within a network or an international link.	C2.
Invalid facility request.	A facility requested by the calling DTE is detected as invalid by the DCE at the local DTE/DCE interface. Possible reasons include:. — request for a facility which has not been subscribed to by the DTE;. — request for a facility which is not available in the local network;. — request for a facility which has not been recognized as valid by the local DCE.	D1 or D2.
RPOA Out of Order.	The RPOA nominated by the calling is unable to forward the call.	D2.
Not obtainable.	The called DTE address is out of the numbering plan or not assigned to any DTE	D1.
Access barred.	The calling DTE is not permitted the connection to the called DTE. Possible reasons include:. — unauthorized access between the calling DTE and the called DTE;. — incompatible closed user group.....	D1.
Reverse charging acceptance not subscribed.	The called DTE has not subscribed to the reverse charging acceptance facility.	D1.
Fast select acceptance not subscribed.	The called DTE has not subscribed to the fast select acceptance facility.	D1.
Incompatible.	The remote DTE/DCE interface or the transit network does not support a function or facility requested (e.g., the datagram service).	D1.
Out of order.	The remote number is out of order. Possible reasons include:. — DTE is Uncontrolled Not Ready;..... — DCE Power Off;..... — Network fault in the local loop;..... — X.25 Level 1 not functioning;..... — X.25 Level 2 not in operation.....	D1 or D2.
Number busy.	The called DTE is detected by the DCE as engaged on other call(s), and therefore as not being able to accept the incoming call. (In the case of the datagram service, the queue at the destination DCE is full.	C1.
Remote procedure error.	A procedure error caused by the remote DTE is detected by the DCE at the remote DTE/DCE interface.	D1.
Network.....	Network is ready to resume normal operation after a temporary failure or congestion.	C1.
Remote DTE operational.	Remote DTE/DCE interface is ready to resume normal operation after a temporary failure or out of order condition (e.g., restart at the remote DTE/DCE interface). Loss of data may have occurred.	C1.
DTE originated.	The remote DTE has initiated a rest or restart procedure.	B or D1.

Waivers: The waiver procedure for this joint standard will be specified at a later time.

Where to Obtain Copies: Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. When ordering, refer to Federal Information Processing Standards Publication (FIPS-PUB-), and title. When microfiche is desired, this should be specified. Payment may be made by check, money order, purchase order, credit card, or deposit account.

[FR Doc. 81-22755 Filed 8-4-81; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent to Prepare a Draft Supplement to the Final Environmental Impact Statement for the Onaga Dam and Lake Project, Kansas

AGENCY: Kansas City District, US Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft supplement environmental impact statement.

SUMMARY:

1. The purpose of the EIS Supplement is to provide results of an earthquake study and updated environmental information concerning the proposed plan. The EIS Supplement will identify changes required in plan design and evaluate impacts to resources identified by environmental statutes promulgated since the filing of the FEIS with CEQ on January 16, 1975.

2. Alternatives to be addressed in the supplement include the alternatives presented in the FEIS (floodplain zoning, evacuation, no action, alternative damsite locations, dry lake, and levee protection), and additional alternatives developed for the earthquake study (an additional damsite, partial excavation of foundation materials at the proposed damsite and full excavation and compaction of foundation materials at the proposed damsite).

3. Additional coordination is planned with the US Fish and Wildlife Service, Environmental Protection Agency, Department of Agriculture (Soil Conservation Service), Advisory Council on Historic Preservation, Kansas Fish and Game Commission, Kansas Department of Health and Environment, Kansas State Historic Preservation Officer, and other agencies and individuals. Public meetings were held during project planning stages. No additional public meetings have been scheduled in conjunction with this supplement, but any interested agency, affected Indian tribe, organization or individual is invited to comment. Comments presented will be considered in the preparation of the EIS supplement.

4. Environmental concerns analyzed in the supplement will include fish and wildlife resources, endangered species, floodplain management and wetlands, water quality, cultural resources and prime and/or unique agricultural land. Environmental consultation and review will be conducted in accordance with the National Environmental Policy Act and other applicable laws and regulations.

5. The DEIS supplement is scheduled to be available for public review in September 1981.

ADDRESS: Questions concerning the proposed action and EIS supplement should be directed to Mr. James R. Taylor, Chief, Environmental Resources Section, Kansas City District, Corps of Engineers, 700 Federal Building, Kansas City, Missouri 64106. Phone: (816) 374-3672 or FTS 758-3672.

Dated: July 28, 1981.

Paul D. Barber,

Chief, Engineering Division.

[FR Doc. 81-22832 Filed 8-4-81; 8:45 am]

BILLING CODE 3710-KN-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

July 29, 1981.

The USAF Scientific Advisory Board Operational Test and Evaluation Advisory Group will hold a meeting at Kirtland Air Force Base, New Mexico, on September 9 and 10, 1981. The meeting will convene at 9:00 a.m. with no scheduled adjournment time on September 9th and will convene at 9:00 a.m. and adjourn at 2:00 p.m. on September 10th.

The Group will receive classified briefings on AFTEC's OT&E Approach on the Prototype Miniature Air Launched Segment (PMALS) of the Miniature Anti-Satellite System. The meetings will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-22741 Filed 8-4-81; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Defense Science Board Task Force on Application of High Technology to Ground Forces: Notice of Change in Meeting Date

The Defense Science Board Task Force on Application of High

Technology to Ground Forces meeting scheduled for 10 August 1981 at Fort Lewis, Washington, as published in the **Federal Register** (Vol. 46, No 141, dated Thursday, July 23, 1981, FR Doc 81-21557) has been changed to 15 August 1981. In all other respects, the original notice cited above remains the same.

July 30, 1981.

M. S. Healy,

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

[FR Doc. 81-22728 Filed 8-4-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Review of Regulations Under the Regulatory Flexibility Act

AGENCY: Department of Education.

ACTION: Notice of plan for review of regulations.

SUMMARY: The Secretary of Education published this plan for the review of regulations issued by the Department which may have a significant economic impact upon a substantial number of small entities. Publication of a plan for the periodic review of Department regulations is required by the Regulatory Flexibility Act. The purpose of the review is to determine whether the regulations should be continued without change, amended, or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the regulations upon a substantial number of small entities.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Director, Division of Regulations Management, U.S. Department of Education, (Room 2129, FOB-6) 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: Section 610 of Title 5, U.S.C., as added by the Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980 requires the Department to publish a plan for the periodic review of regulations issued by the Department which have or will have a significant economic impact upon a substantial number of small entities. All Department regulations existing on January 1, 1981 must be reviewed by January 1, 1991. Other final regulations must be reviewed within ten years of publication.

The Department will review these regulations in a manner consistent with the stated objectives of applicable statutes in order to minimize any significant economic impact on a substantial number of small entitities. The Department will consider the following factors—

(1) The continued need for the regulations;

(2) The nature of complaints or comments received concerning the regulations;

(3) The complexity of the regulations;

(4) The extent to which the regulations overlap, duplicate, or conflict with other Federal regulations, and, to the extent feasible, with State and local governmental regulations; and

(5) The length of time since the regulations have been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulations.

"Small entities" are defined in the Regulatory Flexibility Act to mean small businesses, small organizations, and small governmental jurisdictions. The Secretary published a notice of proposed definitions of "small local educational agency" and "small institution of higher education" to be used to implement the Act on January 16, 1981 at 46 FR 3920. Comments received on the proposed definitions are under review by the Department.

Plan for Review

In accordance with the Regulatory Flexibility Act the Secretary establishes the following plan for the review of all regulations issued by the Department. The regulations have been separated into three categories for the purpose of this review: 1) regulations for which the Secretary has previously published a notice of intent to review; 2) regulations which will be issued in the future as the result of new legislation enacted by Congress or administrative changes by the Department; and 3) other regulations the Secretary schedules for review.

Notice of Intent To Review

On March 27, 1981 the Secretary published at 46 FR 19000 a notice of intent to review and, if required, amend certain regulations and interpretations. This notice listed 28 regulations and interpretations and established target dates for completion of the review. All reviews are scheduled to be completed by June 30, 1982. The Secretary will consider the factors listed in this notice, in addition to other factors, in completing the general review of these regulations.

New Legislation and Administrative Changes

The Secretary reviews all regulations published as NPRMs after January 1, 1981, prior to publication to determine if the regulations have a significant economic impact on a substantial number of small entities.

Periodic enactment of reauthorizing legislation (e.g., the Education Amendments of 1980) will therefore result in the Secretary reviewing the majority of existing Department program regulations before the statutory deadline of January 1, 1991, as NPRMs are issued to conform existing regulations to the new legislation.

Other Regulations

The Secretary will schedule other regulations, including final regulations not published as NPRMs, for review as necessary in order to meet the statutory deadline. Regulations scheduled for review will appear on the annual Review List described in this notice.

Review List

Each year the Secretary will publish with the October Semiannual Regulations Agenda and Review List a list of the regulations to be reviewed during the succeeding twelve months that may have a significant economic impact on a substantial number of small entities. The list will include a brief description of the regulations and the need for and legal basis of the regulations and will invite public comment on the regulations.

Dated: July 28, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-22735 Filed 8-4-81; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 7G1955/T317; PH-FRL 1900-6]

Aldicarb; Extension of a Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for the combined residues of the insecticide and nematocide aldicarb and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity hops at 15 parts per million (ppm).

DATE: This temporary tolerance expires June 5, 1982.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Rm. 400, CM#2, 1921 Jefferson Davis

Highway, Arlington, VA 22202, (703–557–7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of September 26, 1980 (45 FR 63917) that a temporary tolerance has been renewed for the combined residues of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio) propinaldehyde *O*-(methylcarbamoyl)oxime and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl)oxime and 2-methyl-2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl)oxime in or on the raw agricultural commodity hops at 15.0 parts per million (ppm). The extension was requested by Washington State University, College of Agriculture, Pullman, WA 99164 (PP 7G1955).

This extension of a temporary tolerance was requested to permit the continued marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit (38566–EUP–1) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material have been evaluated and it has been determined that extension of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit and the following provisions:

1. The total amount of the pesticide to be used must not exceed the amount authorized in the experimental use permit.

2. The University of Washington will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The University will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 5, 1982. Residues remaining in or on the raw argicultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with the provisions of the experimental use permit and the temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience indicates that such revocation is necessary to protect the public health.

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

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

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: July 25, 1981.

Douglas D. Campt,

Director, Registration Division, Office Pesticide Programs.

[FR Doc. 81-22775 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-236; PH-FRL 1902-2]

Certain Pesticide Chemicals; Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed pesticide petitions with the EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities.

ADDRESS: Written comments to the products manager cited in the specific petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF–236]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the agency to establish tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2531. Ciba-Geigy Corp., PO Box 11422, Greensboro, NC 27409, proposes amending 40 CFR Part 180 by establishing a tolerance for the combined residues of the fungicide, metalaxyl[*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, each experssed as metalaxyl in or on the raw agricultural commodity avocados at 4 parts per million (ppm). The proposed analytical method for determining residues is gas chromatography with a alkali flame ionization detector operating in the nitrogen-specific mode. (PM 21, Henry M. Jacoby, 703–557–7060).

PP 1F2518. Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, proposes amending 40 CFR 180.364 by establishing tolerances for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl) glycine] and its metabolites aminomethylphosphonic acid in or on the raw agricultural commodities forage grasses at 5.0 ppm and forage legumes (except soybeans and peanuts) at 30 ppm. The proposed analytical method for determining residues is a gas chromatograph fitted with a phosporous-specific flame photometric detector. (PM 25, Robert J. Taylor, 703–557–7066).

PP 1F2533. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposes amending 40 CFR 180.317 by establishing tolerances for the combined residues of the herbicide 3,5-dicholoro-*N*-(1,1-dimethyl-2-propynyl)benzamide and its metabolites (calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide) in or on the raw agricultural commodities apples, cherries, grapes, nectarines, peaches, pears, and plums at 0.05 ppm and artichokes at 0.1 ppm. The proposed analytical method for determining residues is electron-capture gas-liquid chromatography. (PM 25, Robert J. Taylor, 703–557-7066).

(Sec. 408(d)(1), 68 Stat. 512; (7 U.S.C. 135))

Dated: July 24, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-22774 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50541; PH-FRL 1901-4]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

241-EUP-97. American Cyanamid Company, Agricultural Research Div., P.O. Box 400, Princeton, NJ 08540. This experimental use permit allows the use of 10 pounds of the insecticide tetrahydro-5,5-dimethyl-2(1H)-pyrimidinone(3-[4-trifluoromethyl]phenyl]-1-[2-[4-(trifluoromethyl]phenyl]ethenyl]-2-propenylidene)hydrazone in households to evaluate control of various species of cockroaches. A total of 1,500 sites are involved. The program is authorized only in the States of California, Connecticut, Florida, Indiana, Louisiana, New Jersey, New York, North Carolina, and Texas. The experimental use permit is effective from May 8, 1981 to May 8, 1983. (George T. LaRocca, PM 15, Rm. 403, CM#2, (703-557-7046))

352-EUP-106. E.I. du Pont de Nemours and Company, Wilmington, DE 19898. This experimental use permit allows the use of 14,400 pounds of the insecticide methomyl on pineapples to evaluate control of reniform nematode. A total of 400 acres are involved. The program is authorized only in the State of Hawaii. The experimental use permit is effective from April 24, 1981 to April 24, 1982. Temporary tolerances for residues of the active ingredient in or on pineapples and pineapple forage have been established. (Jay S. Ellengerger, PM 12, Rm. 400, CM#2, (703-557-7024))

45639-EUP-1. FBC Chemicals, Inc., P.O. Box 2867, Wilmington, DE 19805. This experimental use permit allows the use of 130 pounds of the insecticide bendiocarb in residential areas to evaluate control of adult mosquitoes. A total of 13,881 acres are involved. The program is authorized only in the States of Arkansas, California, Florida, Illinois, Louisiana, New Jersey, Mississippi, and Texas. The experimental use permit is effective from May 26, 1981 to May 26, 1982. (Jay S. Ellenberger, PM 12, Rm. 400, CM#2, (703-557-7024))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: July 21, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-22777 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50542; PH-FRL 1901-5]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

524-EUP-54. Monsanto Company, 1101 17th Street, NW, Washington, D.C. 20036. This experimental use permit allows the use of 1,344 pounds of the herbicide glyphosate on cotton to evaluate control of weeds. A total of 1,280 acres are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, and Texas. The experimental use permit is effective from April 24, 1981 to April 24, 1983. A temporary tolerance for residues of the active ingredient in or on cottonseed, liver and kidney of cattle, goats, horses, poultry, sheep, and swine has been established. (Robert Taylor, PM 25, Rm. 412E CM#2, (703-557-7066))

38566-EUP-3. University of Maine at Orono, 21 Coburn Hall, Orono, ME 04469. This experimental use permit allows the use of 10 pounds of the insecticide carbaryl on a small pound to study the effects of carbaryl on wildlife. A total of 12 acres are involved. The program is authorized only in the State of Maine. The experimental use permit is effective from May 18, 1981 to May 18, 1982. (Jay Ellenberger, PM 12, Rm. 400, CM#2 (703-557-7024))

11273-EUP-23. Sandoz, Inc., 480 Camino Del Rio South, Suite 204, San Diego, CA 92108. This experimental use permit allows the use of 2.5×10^{11} capsules per gram of the larvicide codling moth granulosis virus on apples, pears, and walnuts to evaluate control of codling moth larva. A total of 90 acres are involved. The program is authorized only in the States of California, Idaho, New York, Oregon, Pennsylvania, and Washington. The experimental use permit in effective from May 15, 1981 to May 15, 1982. A temproary exemption from the requirement of tolerances for residues of the active ingredient in or on apples, pears, and walnuts has been established. (Franklin Gee, PM 17, Rm. 401, CM#2, (703-557-7028))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: July 21, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-22770 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 2G1241/T314; PH-FRL 1902-3]

Methomyl; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been renewed for residues of insecticide methomyl [*S*-methyl-*N*-[(methylcarbamoyl)oxy] thioacetimidate] in or on the raw agricultural commodities pineapple forage at 1 part per million (ppm) and pineapples at 0.2 ppm.

DATE: These temporary tolerances expire April 24, 1982.

FOR FURTHER INFORMATION CONTACT: Jay Ellemberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 20, 1973 (38 FR 22428) that E.I. duPont de Nemours & Co. Inc., Wilmington, DE 19898 had been issued an extension of temporary tolerances for the insecticide methomyl (*S*-methyl-*N*-[(methylcarbamoyl)oxy] thioacetimidate) in or on pineapple forage at 1 ppm and pineapples at 0.2 ppm. These tolerances expired July 11, 1974.

E. I. duPont de Nemours has requested a renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the experimental use permit (352-EUP-106) which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerances will protect the public health. Therefore, the temporary tolerances are renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. E. I. duPont de Nemours will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 24, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will note considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicated such revocation is necessary to protect the public health.

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

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

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: July 21, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-22778 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-235; PH-FRC 1901-6]

Nor-Am Agricultural Products, Inc.; Filing of Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Nor-Am Agricultural Products, Inc. has submitted a pesticide and a feed additive petition to the EPA proposing to establish tolerances and a feed additive regulation for the combined residues of the defoliant thidiazuron (*N*-phenyl-*N'*-1,2,3-thiadiazol-5-ylurea) and its aniline containing metabolites in or on certain raw agricultural commodities and cottonseed hulls.

ADDRESS: Written comments and inquiries to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703-557-7070).

SUPPLEMENTARY INFORMATION: Nor-Am Agricultural Products, Inc., 350 West Shuman Blvd., Naperville, IL 60566, has submitted pesticide petition IF2527 and feed additive petition 1H5308 to the EPA. The petitions propose that tolerances and a feed additive regulation be established for the combined residues of the defoliant thidiazuron (*N*-phenyl-*N'*-1,2,3-thiadiazol-5-ylurea) and its aniline containing metabolites as follows:

PP 1F2527. Proposes that 40 CFR Part 180 be amended by establishing tolerances for the combined residues of the defoliant thidiazuron (*N*-phenyl-*N'*-1,2,3-thiadiazol-5-ylurea) and its aniline containing metabolites in or on the following raw agricultural commodities; cottonseed at 0.4 part per million (ppm); milk at 0.05 ppm; eggs at 0.1 ppm; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm. The proposed analytical method for determining residues is by gas-liquid chromatography.

FAP 1H5308. Proposes that 21 CFR Part 561 be amended by establishing a feed additive regulation permitting the combined residues of the defoliant thidiazuron (*N*-phenyl-*N'*-1,2,3-thiadiazol-5-ylurea) and its aniline containing metabolites on the feed item cottonseed hulls at 0.8 ppm.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: July 24, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-22779 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51289; SH-FRL-1902-1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture

or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commence. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of eleven PMN's and provides a summary of each.

DATES: Written comments by:

PNM 81-349, 81-350, 81-351, and 81-352—September 15, 1981.

PMN 81-353, 81-354, 81-355, 81-356, 81-357, 8-358, and 81-359—September 19, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51289]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-349	George Bagley	202-426-2601	E-208
81-350	Rachel Diamond	202-426-2601	E-206
81-351	Rachel Diamond	202-426-2601	E-206
81-352	Wendy Cleland-Hamnet,	202-426-2601	E-206
81-353	George Bagley	202-426-2601	E-208
81-354	George Bagley	202-426-2601	E-208
81-355	Rachel Diamond	202-426-2601	E-206
81-356	Carrie Berlin	202-426-8815	E-206
81-357	Carrie Berlin	202-426-8815	E-206
81-358	Carrie Berlin	202-426-8815	E-206
81-359	Richard Green	202-426-8815	E-208

Mail address of notice managers: Chemical Control Division (TS-794), Office Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-349

Close of Review Period. October 15, 1981.

Manufacturer's Identity. American Hoechst Corporation, Route 202-206 North, Bridgewater, NJ 08876.

Specific Chemical Identity. 2-naphthalenesulfonic acid, 7-amino-4-hydroxy-3-[(4-[(2-sulfooxyethyl)sulfonyl]2-hydroxyphenyl)azo.

Use. The manufacturer states that the PMN substance will be used as a site-limited use dye intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that the PMN substance will be handled only as a water wet, non-dusting, solid. Three workers could have dermal exposure approximately five hours during manufacture and processing.

Environmental Release/Disposal. The manufacturer states that the PMN substance will be completely consumed by chemical reaction. Disposal will only be of residual material resulting from cleaning of equipment. This will be treated at an on-site National Pollution Discharge Elimination Sustem (NPDES) treatment facility.

PMN 81-350

Close of Review Period. October 15, 1981.

Manufacturer's Identity. Sandoz Colors and Chemicals, Route 10, E. Hanover, NJ 07936.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Oxalamide derivative.

Use. The manufacturer states that the PMN substance will be used as an ultra violet absorber for use in surface coating.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Almost colorless, viscous liquid.

Solubility—Insoluble in water; highly soluble in toluene, xylene, hexane, dioxane.

Flash point—36° C. Abel-Pensky modified.

Ignition point—515° C.

Selling strength, in aromatic solvent.

Toxicity Data

Acute oral toxicity LD_{50} (rats)—Over 10,000 mg/kg.

Skin irritation (rabbits)—Non-irritating.

Eye irritation (rabbits)—Non-irritating.

Ames-Test (with and without metabolic activation)—Negative.

Exposure. The importer estimates that approximately 24 workers have dermal exposure 4 hr/day during processing.

Environmental Release/Disposal. The importer states that since the PMN substance is not volatile under use conditions, it should not escape into the air, and when used for its purpose, it does not come into contact with effluent.

PMN 81-351

Close of Review Period. October 15, 1981.

Manufacturer's Identity. United States Steel Corporation, Chemical Division, Polyester Unit, 1605 W. Elizabeth Avenue, Linden, NJ 07036.

Specific Chemical Identity. Dimethyl ester, 1,4-benzenedicarboxylic acid polymer with 2,2-dimethyl-1,3-propanediol, 1,2-propanediol and hexanedioic acid.

Use. The manufacturer states that the PMN substance will be used as a low profile molding additive.

Production Estimates

	Kilograms per year	
	Minimum	Maximum (millions)
1st year	½	1
2d year	¾	2
3d year	1	4

Physical/Chemical Properties

Vapor pressure (mm Hg) (styrene)—5.2.

Vapor Desity (Air=1) (styrene)—3.6.

Solubility in Water—Negligible.

Specific gravity (Water=1)—1.10.

Percent Volatile by volume—31.00.

Water content (Weight percent)—<0.05.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing, a total of 4 workers could have dermal and inhalation exposure 24 hr/day, 250 days/yr. During processing, exposure occurs when process samples are taken from the reaction vessel.

Environmental Release/Disposal. The manufacturer estimates that less than 10 kg/yr of the PMN substance will be released into the air 24 hrs/day, 250 days/yr. All reactor and binder fumes as well as distillate will be incinerated using an existing thermal oxidizer.

PMN 81-352

Close of Review Period. October 15, 1981.

Manufacturer's Identity. Celanese Plastics and Specialties Company, 26 Main Street, Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Epoxy urethane copolymer.

Use. The manufacturer states that the PMN substance will be used as a component.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	0	14,000
2d year	7,000	55,000
3d year	27,000	275,000

Physical/Chemical Properties

Viscosity (Brookfield)—15,000 cps.
Non Volatile by Weight—60%.
Volatile component—Water.
Flash point—200° F.
Weight per gallon—9.1 lbs.
Weight per expoxide—540.
Appearance—Milky white.

Toxicity Data. The manufacturer states that toxicity data on the new chemical is pending.

Exposure. The manufacturer states that during manufacture 40 workers could have dermal exposure 8 hr/day, 80 days/yrs. Workers will be directly exposed to the new chemical substance during sampling, handling and cleanup operations.

Environmental Release/Disposal. The manufacturer states that 100 to 10,000 kg/yr may be released to land. Disposal will be by landfill.

PMN 81-353

Close of Review Period. October 19, 1981.

Manufacturer's Identity. Crompton and Knowles Corporation, P.O. Box 341, Reading, PA 19603.

Specific Chemical Identity. Claimed confidential business information. Generic name provided. Mixed alkali metal and substituted amine salt of substituted sulfoheterocycle azo sulfocarbocycle azo substituted heterocycle sulfonic acid.

Use. The manufacturer states that the PMN substance will be used as a paper dye.

Production Estimates. Claimed confidential business information.

Physical-Chemical Properties. No data were submitted.

Toxicity Data. The manufacturer states that information in the literature concerning the toxicity of related substances or the potential metabolitis of the substance does not indicate that the substance is likely to pose a health or an environmental hazard. Additional chronic testing underway will provide data for further evaluation.

Exposure. The manufacturer states that during manufacture 2 workers could have dermal exposure 7 hr/day, 17 days/yrs. Exposure may occur during drum-off of liquid dye solution and during blending operations.

Environmental Release/Disposal. The manufacturer states that no environmental release is expected. All process waste from manufacture is evaporated. The condensate from the evaporation is treated by carbon adsorption and bio-oxidation. The residue from evaporation is placed in a lined and covered impoundment, providing permanent segregation from the environment.

PMN 81-254

Close of Review Period. October 19, 1981.

Manufacturer's Identity. Crompton and Knowles Corporation, P.O. Box 341, Reading, PA 19603.

Specific Chemical Identity. Claimed confidential business information. Generic name provided. Mixed alkali metal and substituted amine salt of substituted sulfocarbocycle azo sulfocarbocycle azo substituted carbocyclesulfonic acid.

Use. The manufacturer states that the PMN substance will be used as a paper dye.

Production estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity data. The manufacturer states that information in the literature concerning the toxicity of related substances or the potential metabolites of the substance does not indicate that the substance is likely to pose a health or an environmental hazard. Additional chronic testing underway will provide data for further evaluation.

Exposure. The manufacturer states that during manufacturer 2 workers could have dermal exposure 8 hr/day, 17 days/yr. Exposure may occur during drum-off of liquid dye solution and during blending operations.

Environmental Release/Disposal. The manufacturer states that no environmental release is expected. All process waste from manufacture is evaporated. The condensate from the evaporation is treated by carbon adsorption and bio-oxidation. The residue from evaporation is placed in a lined and covered impoundment, providing permanent segregation from the environment.

PMN 81-355

Close of Review Period. October 19, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—> $500 million.
Manufacturing site—Southeastern Atlantic region.
Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Condensation polymer of aromatic sulfonic acid and urea/triazine.

Use. The manufacturer states that the PMN substance will be used as a leather tanning agent.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, amber liquid.
Viscosity @ 70°F—20 seconds, #4 Ford cup.
Specific gravity—1.3.
Odor—Mild, characteristic.

Toxicity Data

Oral LD_{50} (rat)—>5 g/kg.
Skin irritation (rabbit)—Slight.
Eye irritation (rabbit)—Slight.

Environmental Test Data. TBOD/CDD=0.7 (biodegradable).

Exposure. The manufacturer states that during manufacture 12 workers could have inhalation and dermal exposure 2-3 hr/day, 200 days/yr. Exposure could occur during discharging of the new chemical substance from the reactor into drums for shipment to customers.

Environmental Release/Disposal. The manufacturer estimates that 10 to 100 kg/yr may be released to air 2 to 3 hr/day, 200 days/yr. Approximately 500 gal/month of spent caustic solution plus formaldehyde polymers are sent to publicly owned treatment work (POTW).

PMN 81-356

Close of Review Period. October 19, 1981.

Manufacturer's Identity. American Hoechst Corporation, Route 202-206 North, Bridgewater, NJ 08876.

Specific Chemical Identity. Urea, 1-(3,4-dichlorophenyl)-2-thio.

Use. The manufacturer states that the PMN substance will be used as a site-limited use-precursor to dye intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point (as used)—188-190.5° C.
(Purfied)—195-196.5° C.
Density—0.67 gm/cm^3.
Solubility—Insoluble in water, slightly soluble in alcohol. Substance is stable under normal handling and storage conditions.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing

a total of 8–12 workers could have dermal and inhalation exposure 119 hr/yr.

Environmental Release/Disposal. The manufacturer states that the PMN substance will be completely consumed by subsequent reaction. There will be only residual amounts disposed of as a result of cleaning equipment which will be processed through and on site National Pollution Discharge Elimination System (NPDES) biological treatment facility.

PMN 81–357

Close of Review Period. October 19, 1981.

Manufacturer's Identity. American Hoechst Corporation, Route 202–206 North, Bridgewater, NJ 08876.

Specific Chemical Identity. 2-benzothiazolamine, 6-nitro-sulfate.

Use. The manufacturer states that the PMN substance will be used as a site-limited, use-precursor for dye intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Melting point—234–238° C.
Solubility—<0.5%.
Product precipitates as free base when added to water. Material is otherwise stable under normal conditions of handling and storage.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 3–5 workers could have dermal exposure about 1,200 man hr/yr.

Environmental Release/Disposal. The manufacturer states that the PMN substance will be completely consumed by subsequent reaction. These will be only residual amounts disposed of as a result of cleaning equipment which will be processed through an on-site National Pollution Discharge Elimination System (NPDES) biological treatment facility.

PMN 81–358

Close of Review Period. October 19, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Polymer of tetrabromophthalic anhydride, isophthalic acid, neopentyl glycol, propylene glycol, dipropylene glycol and maleic anhydride.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a cured, thermosetting, cross-linked polyester plastic for commercial articles.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1,000,000	1,200,000
2d year	1,100,000	1,300,000
3rd year	1,200,000	1,400,000

Physical/Chemical Properties

Acid value—25–35.
Viscosity @ 67% NV in methylmeth acrylate—1,000–2,000.
Molecular Weight (estimated)—1,500–1,800.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that the polyester resin will be manufactured in totally enclosed systems equipped with reflex columns vented through an incinerator or scrubber system so that the only by-product is water. The operator is exposed to the resin, in process, for 2–3 minutes approximately once each hour, for sampling.

Environmental Release/Disposal. The manufacturer states that any unusable polyester resin will be disposed of by incineration or polymerized and used in landfill.

PMN 81–359

Close of Review Period. October 19, 1981.

Manufacturer's Identity. The Quaker Oats Company, P.O. Box 3514, Merchandise Mart Plaza, Chicago, IL 60654.

Specific Chemical Identity. Copper para-toluenesulfonate hydrate.

Use. The manufacturer states that the PMN substance will be used as a latent activator for foundry sand.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	50,000
2d year	100,000	300,000
3rd year	200,000	600,000

Physical/Chemical Properties

Specific gravity @ 25° C.—1.101.
Percent Volatile by Volume—60%.
Solubility in Water—Complete.
Flash point—50° F.

Toxicity Data

Oral LD_{50} (rats)—>1,000 mg/kg.
Skin irritation—Mildly irritating.
Eye irritation—Strongly irritating.
Ames Test—No mutagenic activity.

Exposure. The manufacturer states that during manufacture and use 2 workers could have dermal exposure 66 days/yr. Exposure could occur during drumming out of product and weighing up activator in foundry and adding to mixture.

Environmental Release/Disposal. The manufacturer states that 10 to 100 kg/yr may be released to water 1 hr/day, 66 days/yr. Spent sand remaining after casting process will be disposed of by landfill.

Dated: July 27, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-22769 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51291; TSH-FRL 1901-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 81–362, 81–365; September 25, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51291]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-362	Carrie Berlin	202-426-8815	E-206
81-365	George Bagley	202-426-2601	E-210

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information

provided by the manufacturer on the PMN's received by EPA:

PMN 81-362

Close of Review Period. October 25, 1981.

Manufacturer's Identity. King Industries, Inc., Science Road, P.O. Box 588, Norwalk, CT 06852.

Specific Chemical Identity. Naphthalene sulfonic acid, diisononyl-, compound with 2,2', 2''-nitrilotris[ethanol] (1:1).

Use. The manufacturer states that the PMN substance will be used as a water-soluble rust inhibitor.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	3,000	20,000
2d year	10,000	60,000
3d year	20,000	100,000

Physical/Chemical Properties.

Physical state—Viscous liquid.
Color—Brown.
Density at 25°C—1.025 mg/m³.
Viscosity at 100°C—50 cSt (234 SUS).
Flash point—215.5°C (420°F).
Active ingredient—50%.

Toxicity Data

Skin irritation (rabbits)—A moderate primary irritant.

Eye irritation (rabbits)—Moderately irritating.

Acute toxicity LD_{50} (rats)—>5 ml/g.

Exposure. The manufacturer states that exposure would be accidental and limited to dermal contact during sampling, quality control analysis and operation and cleaning of process equipment.

PMN 81-365

Environmental Release/Disposal. Claimed confidential business information.

Close of Review Period. October 25, 1981.

Manufacturer's Identity. Toms River Corporation, Route 37, P.O. Box 71, Toms River, NJ 08753.

Specific Chemical Identity. 2-nitronaphthalene-4,8-disulfonic acid, diammonium salt.

Use. The manufacturer states that the PMN substance will be used as a site-limited intermediate used in the production of another site-limited intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Light yellow to tan aqueous cake.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5.0 g/kg.

Acute dermal toxicity LD_{50} (rabbit)—>2.0 g/kg.

Primary dermal irritation—Minimally irritating.

Eye irritation (rabbit)—Mildly irritating.

Exposure. The manufacturer estimates exposure to be 414 man-hrs/yr distributed over eight workers.

Environmental Release/Disposal. The manufacturer estimates that residual chemical substance will be washed to the plant sewer. The sewer conveys the wash water to a biological waste water treatment plant. The amount of chemical which reaches the environment is negligible.

Date: July 30, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-22771 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51288; TSH-FRL 1900-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of thirteen PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-336—September 7, 1981.

PMN 81-337, 81-341, 81-342, and 81-343—September 11, 1981.

PMN 81-338, 81-339, and 81-340—August 23, 1981.

PMN 81-344, 81-345, 81-346, and 81-347—September 12, 1981.

PMN 81-348—September 14, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51288]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-336	Mary Cushmac	202-426-0503	E-221
81-337	George Bagley	202-426-2601	E-210
81-338	Robert Jones	202-426-2601	E-208
81-339	Robert Jones	202-426-2601	E-208
81-340	Robert Jones	202-426-2601	E-208
81-341	Carrie Berlin	202-426-8815	E-206
81-342	Rachel Diamond	202-426-2601	E-206
81-343	Rachel Diamond	202-426-2601	E-206
81-344	Carrie Berlin	202-426-8815	E-206
81-345	Carrie Berlin	202-426-8815	E-206
81-346	Rachel Diamond	202-426-2601	E-206
81-347	Richard Green	202-426-8815	E-208
81-348	Kathleen Ehrensberger	202-755-1150	E-335B

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-336

The submitter of this document intends to both manufacture and import the chemical substance.

Close of Review Period. October 7, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided: Annual sales—$500 million.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Ester of hydrozamic acid.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a raw material for manufacture of coatings.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Color—White crystalline powder.
Melting point—80°C.

Toxicity Data

LD_{50} Oral (Rats)—abt 5 g/kg.
LD_{50} Dermal (Rabbits)—1.8 g/kg.
Primary skin irritation—No primary skin irritation.

Environmental Test Data

LC_{50} 48h (daphnia magna)—54 mg/l.
LC_{50} 96hj (guppy)—7.5 mg/l.

Exposure. The manufacturer/importer estimates that during processing a total

of 4 workers could have exposure 7 hr/day, 100 days/yr. Exposure could occur during the transfer of slurry to a centrifuge and during removal of the cake to the drying operation. When imported the chemical will be transferred from containers (boxes or drums) to a closed reaction vessel. Dust removal equipment will be in operation precluding the dusting of chemical into the atmosphere.

Environmental Release/Disposal. The manufacturer/importer states that less than 10 kg/yr. of the substance will be released to the land and less than 10 kg/yr., ½hr/day, 1 day/yr. will be released to water. Disposal will be to a publicly owned treatment work (POTW).

PMN 81-337

Close of Review Period. October 11, 1981.

Manufacturer's Identity. Shell Oil Company, P.O. Box 4320, One Shell Plaza, Houston, TX 77210.

Specific Chemical Identity. Epoxy resin modified with substituted organic acid.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Average molecular weight—900.

Epoxide equivalent (ASTM D-1625)—494.

Viscosity, Centipoises (ASTM D-445-74)[1]—7.0.

Color, (Gardner)[2]—2-3.

Toxicity Data. The manufacturer states that the compound is expected to present a very low order of toxicity and will be a minimal hazard because of very low exposure.

Exposure. The manufacturer estimates a very low inhalation exposure of an unknown frequency for chemical and non-chemical industrial employees.

Environmental Release/Disposal. The manufacturer estimates a level of release of <50g/yr.

PMN 81-338

Close of Review Period. September 22, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified phenolic novolak resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81-339

Close of Review Period. September 22, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified phenolic novolak resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81-340

Close of Review Period. September 22, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified phenolic novolak resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81-341

Close of Review Period. October 10, 1981.

Manufacturer's Identity. VP Polymers, 740 E. Main Street, Bridgewater, NJ 08807.

Specific Chemical Identity. Diethylenetriamine, phenol, formaldehyde polymer.

Use. The manufacturer states that the PMN substance will be used as a hardner for epoxide resin products.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	700	1,000
2d year	2,000	3,000
3d year	4,000	5,000

Physical/Chemical Properties

Boiling point—Over 200°C.

Density—1.04g/cm^3.

Flashpoint (DIN 51 758)—111°C.

pH—10.3.

Refractive Index—1.545.

Viscosity (25°C)—600 m/Pa's.

Characterstics—Liquid, miscible with water.

Toxicity Data. No data were submitted.

Exposure. No data were submitted.

Environmental Release/Disposal. No Data were submitted.

PMN 81-342

Close of Review Period. October 11, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Benzene dicarboxylic acid, disubstituted.

Use. The manufacturer states that the PMN substance will be used as a site limited chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical state—High melting solid.

True density g/cc at 25°C—>1.8.

Solubility in Water at 25°C—0.55.

Freezing point, °C—>280.

Octanol/Water Partition Coefficient, Log P (Calc.)—>2.3.

Toxicity Data

Acute oral LD_{50} (rat)—12.3 g/kg body weight.

Acute dermal LD_{50} (rabbit)—>2.0 g/kg body weight.

Acute inhalation, 4 hr. Exp. (rat)—2200 mg/m^3 killed 0/6.

Primary skin irritation (rabbit)—Not an irritant.

Eye irritation (rabbit)—Moderate irritant.

Mutagenicity (Ames)—Negative.

[1] Determined on a 40% wt. solution in MXK @ 25C.

[2] Determined on a 40% wt. solution in butyl DIOXI TOL.

Environmental Test Data

20-Day BOD, % of COD—5–10.
Bluegill sunfish, 96 hr. LC_{50}—In progress.
Daphnia, 48 hr. LC_{50}—In progress.
Exposure. The manufacturer estimates that during manufacturing and processing a combined total of 16 workers could have inhalation and ingestion exposure for 12 hr/day, 300 days/yr.
Environmental Release/Disposal. The manufacturer states that the environmental release is expected during manufacture or processing of the PMN substance.

PMN 81–343

Close of Review Period. October 11, 1981.
Manufacturer's Identity. Claimed confidential business information.
Specific chemical Identity. Claimed confidential business information. Generic name provided: Benzendicarboxylic acid, disubstituted.
Use. The manufacturer states that the PMN substance will be used as a site-limited chemical intermediate.
Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical state—High-melting solid.
True density of solid, g/cc (25°C)—>1.7.
Solubility in Water, % (30°C)—0.1.
Freezing point, °C—>300.
Octanol/Water Partition Coefficient, Log P (Calc.)—>2.7.

Toxicity Data

Acute oral LD_{50} (rat)—6.7 g/kg body weight.
LD_{50} (mouse)—5.6 g/kg body weight.
Primary irritation (rabbit)—Non-irritant.
Acute inhalation, 4 hr. (rat)—180 mg/m^3 killed 0/6.
Eye irritation—Irritating.
30-Day Sub-Chronic Feeding (rat)—No histopathologic findings at up to 1,000 mg/kg body weight.
Mutagenicity studies—Negative in series of miscrobial tests.
Micronucleus test (mouse)—Negative.
Dominant lethal—Negative.

Environmental Test Data

20-Day BOD, % of COD—<5.
Bluegill sunfish, 96 hr. LC_{50}—Test in progress.
Daphnia, 48 hr. LC_{50}—Test in progress.
Exposure. The manufacturer estimates that during manufacturing and processing a combined total of 24 workers could have eye, dermal, and inhalation exposure 12 hr/day, 300 days/yr.
Environmental Release/Disposal. The manufacturer states that no environmental release is expected during manufacturer or processing of the PMN substance.

PMN 81–344

Close of Review Period. October 12, 1981.
Manufacturer's Identity. Mobay Chemical Corporation, Penn Lincoln Parkway West, Pittsburgh, PA 15205.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of: bis-benzene derivative, mixed alkane diols, alophatic triol, and aromatic diisocycnate.
Use. The manufacturer states that the PMN substance will be used as an extruded lining for fire hoses.

Production Estimates

	kilograms per year	
	Minimum	Maximum
1st year	1,000	10,000
2nd year	10,000	30,000
3rd year	30,000	50,000

Physical/Chemical Properties

Molecular weight—>20,000.
Color—White.
Solubility—DMF.
Melting point—Approximately 200°C.
Specific gravity—1.2.
Toxicity Data. No data were submitted.
Exposure. No data were submitted.
Environmental Release/Disposal. No Data were submitted.

PMN 81–345

Close of Review Period. October 12, 1981.
Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Annual sale—Between $100,000,000 and $499,999,999.
Manufacturing site—East North Central region.
Standard Industrial Classification Code—286.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: Amine terminated epoxy curing agent.
Use. The manufacturer states that the PMN substance will be used as an industrial maintenance coating.
Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Acid value—0.5 max.
Amine value—350–400 (by HCL titration).
Viscosity (75°C)—10–15 poise.
Flash point (closed cup)—340°F.

Toxicity Data

Acute oral LD_{50}—Approx. 10–20 g/kg.
Acute dermal LD_{50}—Approx. 5–8 g/kg.
The material is relatively non-toxic and does not fall into the classification of a skin-sensitizer.
Exposure. The manufacturer states that during processing there will be dermal exposure of an indeterminate amount.
Environmental Release/Disposal. The manufacturer states that after processing the remaining cleanout water will be drained and go to a treatment pond. The pond is settled, oil layers skimmed off for incineration, and the remaining aqueous layer is neutralized with lime before going to the city sewer system. The effluent to the sewer is continuously monitored. The release of finished product to land or air is negligible.

PMN 81–346

Close of Review Period. October 12, 1981.
Manufacturer's Identity. Morton Chemical Company, Division of Morton Norwich Products, Inc., 2 North Riverside Plaza, Chicago, IL 60606.
Specific Chemical Identity. Polymer of acrylic acid, acrylonitrile, butyl acrylate, 2-hydroxyethyl acrylate, methyl acrylate, and 2-ethylhexyl acrylate.
Use. The manufacturer states that the PMN substance will be used as a laminating adhesive.

Production Estimates.

	kilograms per year	
	Minimum	Maximum
1st year	15,000	75,000
2d year	25,000	125,000
3d year	50,000	250,000

Physical/Chemical Properties

Solids content—45%.
pH—2.5.
Viscosity at 25°C—100 centipoise.
Density—1.04 (Water=1).
Residual monomer—0.2% maximum.
Odor—Characteristic.
Appearance—Off-white opaque liquid.
Toxicity Data. No data were submitted.
Exposure. The manufacturer states that during manufacture, processing and disposal, a combined total of 10 workers could have dermal exposure for 3 hr/day, 130 days/yr. Exposures during

these operations is expected to be negligible.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the substance will be released to the air and water with 1,000 to 10,000 kg/yr released to land. The disposal material, wetted polymer and coated paper or film is landfilled by an outside source in accordance with government regulations.

PMN 81-347

Close of Review Period. October 12, 1981.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales—Between $100,000,000 and $499,999,999.

Manufacturing site—West South Central region.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Polymer of: methyl methacrylate, hydroxy propyl methacrylate, 2-ethyl hexyl acrylate, isobutoxy methyl acrylamide.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substances will be used as an open use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	10,000
2d year	100	40,000
3d year	100	80,000

Physical/Chemical Properties

	Polymer solution	Dried polymer
Solid content (1)	49.8	
Specific gravity (2)	0.99	1.14
Solubility in Water (3)		4.2 mg/100g
Number Average Molecular Weight (4)	19,000–21,000	
Weight Average Molecular Weight (4)	73,000–83,000	
Flash point (closed cup) (5)	70°F	Over 210°F
Pka (6)		6.96

Toxicity Data. Test data was submitted an may be reviewed as part of the public file.

Exposure. The manufacturer states that during manufacture and disposal an estimated 5 workers may have inhalation and dermal exposure 5 hr/day, 16 days/yr. Exposure is expected to be negligible and will occur during sampling and filling of drums.

Environmental Release/Disposal. The manufacturer states that less than 50 kg/yr will be released to the environment. The airborne effluent is treated by an exhaust fume scrubber. Scrubber water is sent to a sewer. The solvents are reclaimed and the sludge is transported to a state license landfill.

PMN 81-348

Close of Review Period. October 14, 1981.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales—Between $100 and $500 million.

Manufacturing site—Mid-Atlantic region.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted unsaturated alkene, isomer mix.

Use. The manufacturer states that the PMN substance will be used as an open use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5	15
2d year	15	75
3d year	75	200

Physical/Chemical Properties

Flash point—>200° C.

Boiling point—53° – 57° C at 1 mm.

Solubility—Insoluble in water, Soluble in organic solvents.

pH—Neutral.

Toxicity Data. Testing in progress.

Exposure. The manufacturer estimates that during manufacture 5 workers could have dermal exposure 24 hr/day, 10 days/yr. The exposure could occur during the transfer of the crude and the distilled products.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the land, air and water. Disposal is by incinerator and effluent pre-treatment plant discharges into the Regional Sewerage Authority.

Dated: July 28, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-22773 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51290; TSH-FRL-1900-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: September 22, 1981. PMN 81-360 and 81-361.

ADDRESS: Written comments, identified by the document control number "[OPTS-51290]" and the specific PMN number should be sent to: Document Control Office (TS-793) Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-360	Rose Allison	202-426-2601	E-206
81-361	Rose Allison	202-426-2601	E-206

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-360

Close of Review Period. October 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$10,000,000–$99,999,999.

Manufacturing site—East South Central region.

Specific Chemical Identity. Phosphonic acid, [(dimethylamino)-methylene]bis-, monoammonium salt.

Use. Claimed confidental business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100,000	1,000,000
2d year	100,000	1,000,000
3d year	100,000	1,000,000

Physical/Chemical Properties

Specific gravity—1.216 60/60° F.

pH of product as sold—as is: 5.5–6.5; 100 ppm in distilled water 5.5–6.5.

Water solubility of pure ammonium salt—48.4%.

Melting point of pure ammonium salt—Decomposes above 300° F.

Toxicity Data

Oral LD_{50} (rats)—Slightly toxic.

Skin irritation (rats)—Non-irritation.

Eye irritation (rabbits)—Irritating.

Environmental Test Data

Acute Toxicity LC_{50} 96 hr. (rainbow trout)—Non-toxic.

Exposure. The manufacturer states that chemical and non-chemical industrial employees, and maintenance and service personnel may have dermal and eye exposure once a week or less.

Environmental Release/Disposal. The manufacturer states that more than 50,000 kg/yr may be released to water. Disposal is to publicly owned treatment work (POTW).

PMN 81–361

Close of Review Period. October 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$500 million and up.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aliphatic carbamate ester.

Use. Claimed confidential business information.

Production Estimates. Claimed confidental business information.

Physical/Chemical Properties. Claimed confidental business information.

Toxicity Data

Oral LD_{50} (rats)—0.44 g/kg.

Acute dermal $LD_{50} > 2.0$ g/kg—Very slight erythema.

Eye irritation (rabbits)—Non-irritating.

Acute inhalation (1 hr.) 8.5 mg/1—No mortality 14 days.

Exposure. The manufacturer states that workers will not be exposed to the chemical substance per se since the chemical substance will be dissovled in an organic solvent during use. Any transfer of material from container to use vessel will be by mechanical means.

Environmental Release/Disposal. The manufacturer states that any release material would be in the form of spills that would be absorbed by a chemical absorbing agent. Material would not enter any waterway or POTW. Disposal would be to an approved landfill.

Date: July 28, 1981

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-22772 Filed 8-4-81; 8:45 am]

BILLING CODE 6560-31-M

[OPP-30201; PH-FRL-1901-8]

Certain Pesticide Products; Receipt of Applications, to Register Pesticide Products Containing New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register certain pesticide products containing new active ingredients.

DATE: Comments must be received on or before September 3, 1981.

ADDRESS: Written comments to the product manager cited in each application at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each application.

SUPPLEMENTARY INFORMATION: EPA has received applications to register certain pesticide products containing new active ingredients. Notice of approval or denial of these applications will be announced in the **Federal Register.**

EPA File Symbol 43813–R. Janssen R&D Inc., 501 George St., New Brunswick, NJ 08903, has submitted an application to register the pesticide product FUNGAFLOR, containing 68 percent of the new active ingredient 1-[2-(2,4-dichlorophenyl)-2-(propenyloxy)ethyl]-1*H*-imidazole. The application proposes that the product be registered for general use for postharvest application to citrus fruit. (PM 21, Henry M. Jacoby, 703–557–7060).

EPA File Symbol No. 2139–REE. Nor-Am Agricultural Products, Inc., 350 West Shurman Blvd., Naperville, IL 60566, has submitted an application to register the pesticide product DROPP COTTON DEFOLIANT, containing 50 percent of the new active ingredient thidiazuron-*N*-phenyl-*N'*-1,2,3-thiadiazol-5-ylurea. The application proposes that the product be registered for general use as a cotton defoliant. (PM 23, Richard F. Mountfort, 703–557–7070).

EPA File Symbol No. 45987–R. Monogram Industries, Inc., 1299 Ocean Ave., Suite 900, Santa Monica, CA 90401, has submitted an application to register the pesticide product NO–GO, containing 4.015 percent of the new active ingredient d-Limonene, 0.024 percent of the new active ingredient Gamma-n-Amyl-Butrolactone, and 0.049 percent of the new active ingredient Gamma-n-Heptyl Butyrolactone. The application proposes that the product be registered for general use as a dog repellent. (PM 16, William H. Miller; 703–557–7040).

EPA File Symbol 7969–LL. BASF Wyandotte Corp., Agricultural Chemicals Div., Parsippany, NJ 07054, has submitted an application to register the fungicide XYLIGEN B, containing 93 percent of the new active ingredient *N*-cyclohexyl-*N*-methoxy-2,5-dimethyl-3-furancarboxamide. The application proposes that the product be registered for restricted use by the manufacturer only, as a wood treatment to protect against wood rotting fungi. (PM 21 Henry M. Jacoby, 703–557–7060).

Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819, 7 U.S.C. 136), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register**, if an application is approved.

Interested persons are invited to submit written comments on these applications. Comments may be submitted and inquiries directed to the product managers cited above. The comments must be received on or before September 3, 1981, and should bear a notation indicating the document control number "[OPP–30201]" and the file symbol. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicants, as well as all written comments filed pursuant to this notice will be available for public inspection in the product

manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: July 24, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-22766 Filed 8-3-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1891-R]

G. and Son, Inc.; Order of Revocation

On July 27, 1981, G. and Son, Inc., 1621 N.W. 72 Avenue, Miami, Florida 33126 surrendered its Independent Ocean Freight Forwarder License No. 1891-R for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1891-R issued to G. and Son, Inc. be revoked effective July 27, 1981.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon G. and Son, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-22783 Filed 8-4-81; 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 28, 1981.

Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

Industrial National Corporation, Providence, Rhode Island, (mobile home lending and servicing activities; insurance activities: Utah): to engage, through its indirect subsidiary, Kensington Mortgage and Finance Corp., in the making and servicing of mobile home loans and to act, through the same subsidiary, as agent for (1) the sale of credit life and credit accident and health insurance which would be offered in connection with extensions of credit and (2) the sale of credit property and casualty insurance which would be offered in connection with extensions of credit. These activities would be conducted from an office in Orem, Utah, serving the State of Utah; the following Idaho counties: Bannock, Bear, Bingham, Blaine, Bonneville, Butte, Camos, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gooding, Jefferson, Lincoln, Madison, Oneida, Owyhee, Tetan and Twin Falls; and, with the exception of property and casualty insurance, the following Colorado, Nevada and Wyoming counties: Colorado-Delta, Dolores, Garfield, Mesa, Moffat, Montrose, Ouray, Rio Blanco, Routt and San Miquel; Nevada-Elko, Eureka, Lincoln, and White Pine; Wyoming-Carbon, Fremont, Lincoln, Parla, Sublette, Sweetwater, Teton and Uinta.

Federal Reserve Bank of Cleveland (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Mellon National Corporation, Pittsburgh, Pennsylvania (financing and insurance activities): To engage, through its indirect subsidiary, Carruth Mortgage Corporation of New Orleans, in making second mortgage loans. These activities would be conducted from an office in Metairie, Louisiana, serving the northern part of the City of New Orleans.

Other Federal Reserve Banks. None.

Board of Governors of the Federal Reserve System, July 30, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-22812 Filed 8-4-81; 8:45 am]

BILLING CODE 6210-01-M

Security National Bancshares; Formation of Bank Holding Co.

Security National Bancshares, Inc., Amarillo, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Security National Bank, Amarillo, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 29, 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 30, 1981.

D. Michael Manies

Assistant secretary of the Board.

[FR Doc. 81-22811 Filed 8-4-81; 8:45 am]

BILLING CODE 6210-01-M

County National Bancorp.; Acquisition of Bank

County National Bancorporation, Clayton, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Security Bank of Manchester, Manchester, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the

application should submit views in writing to the Reserve Bank to be received not later than August 27, 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 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-22734 Filed 8-4-81; 8:45 am]

BILLING CODE 6210-10-M

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; Report on New System of Records

AGENCY: General Services Administration.

ACTION: Notification of new system of records.

SUMMARY: The purpose of this document is to give notice, pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, of intent to establish a new system of records that will be maintained by GSA. The system of records, Federal Parking Fees Claims GSA/PBS–4, will be established to collect information on the individuals who may be due parking fee refunds. A new system report is being filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget.

DATES: Any interested party may submit written comments regarding the proposal. To be considered, comments must be received on or before the 30th day following publication of this notice. The new system of records shall become effective as proposed without further notice on the 30th day following publication of this notice unless comments are received that would result in a contrary determination.

ADDRESS: Address comments to General Services Administration (HRAR), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. William Hiebert, GSA Privacy Act Officer, telephone (202) 566–0673.

Background

Fees for parking spaces which had been charged to Federal employees parking since November 1, 1979, pursuant to GSA Temporary Regulation D–65, were indefinitely suspended by order of the U.S. District Court for the District of Columbia.

The Court Order suspending the collection of parking fees resulted from the lawsuit of *American Federation of Government Employees AFL–CIO, et al. and National Treasury Employees Union et al. v. Freeman,* Civil Action No. 79–2955 (Order dated March 3, 1981). The lawsuit remains pending and is being appealed to a higher court by the Government. Unless the decision of the District Court finding the paid parking plan to be illegal is overturned on appeal, all individuals who have paid for parking spaces since November 1, 1979, pursuant to GSA FPMR Temporary Regulation D–65, will receive repayment for such fees from the Government pursuant to the May 7, 1981 order concerning refunds by Judge Harold H. Greene, United States District Court for the District of Columbia. Employees who believe that they may be qualified for such a repayment of fees for parking spaces are being requested to submit a claim form. The proposed system of records will cover these claim forms and other related documentation.

The proposed new system of records is as follows:

GSA/PBS–4

SYSTEM NAME:

Federal Parking Fees Claims.

SYSTEM LOCATION:

Parking records and claims information on agency and departmental employees are located at the agency and departmental administrative offices that oversee parking facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal employees, and other individuals who have paid for parking at Federal facilities pursuant to FPMR Temporary Regulation D–65.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system include name of individual, home and business addresses and telephone numbers, and parking assignments and fees information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act; Federal Property Management Regulations Temporary Regulation D–65; and U.S. District Court for the District of Columbia court order dated March 3, 1981, in *American Federation of Government Employees AFL–CIO, et al. and National Treasury Employees Union et al.* v. *Freeman,* Civil Action No. 79–2955.

PURPOSE(S):

The purpose of the system of records is to assemble information on individual who may be due parking fee refunds.

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

a. In the event that a record indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

b. A record from this system of records may be disclosed to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

c. Records from this system of records may be disclosed to the American Federation of Government Employees AFL–CIO and the National Treasury Employees Union.

d. Agency and departmental parking claims and parking records may be disclosed to the General Services Administration, as a routine use, for the processing of parking fee claims.

e. Records from this system may be disclosed to Federal courts having jurisdiction in this matter.

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

STORAGE:

Claim forms and individual agency and departmental reports to GSA are manual records. Payment information by GSA will become part of an automated system.

RETRIEVABILITY:

For purposes of answering inquiries from individual as to the status of their claims, records will be retrieved by individual name.

SAFEGUARDS:

When not in use by an authorized person, the records will be stored in lockable file cabinets or in secured rooms. Information will be released only

to authorized officials on a need-to-know basis.

RETENTION AND DISPOSAL:

Disposal is in accordance with the HB, GSA Records Maintenance and Disposition System(OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Space Management Division, General Services Administration, 18th & F Streets NW., Washington, DC. Mailing address: General Services Administration (PRM), washington, DC 20405.

NOTIFICATION PROCEDURES:

Inquiries by individuals regarding claims pertaining to themselves should be addressed to the system manager.

RECORD ACCESS PROCEDURES:

Requests from individuals for access to records should be addressed to the system manager and should include full name, address, and the time and place parking was paid for.

CONTESTING RECORD PROCEDURES:

GSA rules for contesting the contents of the records and for appealing initial determinations are promulgated in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual filing the parking fee claim and by the agency and departmental administrative offices that oversee parking facilities.

Dated: July 28, 1981.

Jon R. Halsall,

Acting Director of Administrative Services.

[FR Doc. 81-22813 Filed 8-4-81; 8:45 am]

BILLING CODE 6820-34-M

[Intervention Notice 137]

New York Telephone Co., New York Public Service Commission; Proposed Intervention in Telephone Rate Case Proceeding

The General Services Administration seeks to intervene in a proceeding before the New York Public Service Commission concerning the application of the New York Telephone Company for an increase in telecommunications rates. GSA represents the interests of the executive agencies of the U.S. Government as users of telecommunications services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Charles V. Curcio, Assistant General Counsel, Automated Data & Telecommunications Service, General Services Administration, Washington, D.C. (mailing address: General Services Administration (LX), 18th & F Streets NW., Washington, D.C. 20405, telephone 202–566–1156) on or before September 4, 1981, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, (40 U.S.C. 481(a)(4)))

Dated: July 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-22833 Filed 8-4-81; 8:45 am]

BILLING CODE 6820-25-M

National Institute for Occupational Safety and Health

Fabricated Structural Metal Products; Request for Information

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control, Public Health Service, HHS.

ACTION: Notice of Request for Information.

SUMMARY: NIOSH is requesting information concerning the hazards and work practices found in establishments primarily engaged in manufacturing fabricated iron, steel, or other metal products for structural purposes (SIC 3441).

Fabricated structural metal includes (but is not limited to): prefabricated highway bridge sections, iron and steel expansion joints (structural shapes), adjustable metal floor posts, open web steel joists (long span series), radio and television towers, prefabricated metal ship sections, and fabricated structural steel. Excluded are all the other categories listed in SIC Major Group 34.

The information being requested will be used by NIOSH to develop criteria for recommendations for occupational safe work practices.

DATES: Comments concerning this notice should be submitted by October 5, 1981.

ADDRESS: Comments should be submitted in writing to: Murray L. Cohen, Chief, Standards and Consultation Branch, Division of Safety Research, S–109, NIOSH, 944 Chestnut Ridge Road, Morgantown, WV 26505.

FOR FURTHER INFORMATION CONTACT: Ms. Rebecca Simons or Mr. Ted Pettit, Division of Safety Research, NIOSH, (304) 599–7574 or FTS 923–7574.

SUPPLEMENTARY INFORMATION: Under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.), NIOSH conducts research and experimental programs to develop criteria for recommendations for new and improved occupational safe work practices. NIOSH is currently collecting information and data pertaining to fabricated structural metal products (SIC 3441). Interested persons and organizations are invited to submit information, suggestions, and comments they believe relevant to criteria for the safe manufacture of fabricated structural metal products. At this time, NIOSH is particularly interested in information in the following areas:

(1) What statistical data has been collected on accidents and injuries, including near misses, which occur during the fabrication of structural metal?

(2) Copies of relevant case studies and investigation reports that provide causal data are needed on accidents, injuries, and near misses occurring in the industry.

(3) Manual materials handling is noted as a major problem in the industry. How, specifically, is this problem dealt with?

(4) What other safety and health problems frequently occur in the manufacture of fabricated structural metals?

(5) What procedures have been developed as countermeasures to these problems? Were the procedures effective or noneffective, and why?

(6) A large proportion of injuries within the industry are said to be preventable by training and education. Describe successes and failures of education and training programs and constraints to their use.

(7) What personal protective equipment is used in the industry? How effective is it?

(8) Of all the present standards (consensus, regulatory, etc.), which ones are the most difficult to understand and implement? Be specific by identifying the standard and source. Briefly describe the problems involved.

All information received in response to this notice, except that information which is trade secret, and protected by section 15 of the Occupational Safety and Health Act, will be available for examination and copying at the above address.

Dated: July 28, 1981.

Ronald F. Coene,

Acting Director, National Institute for Occupational Safety and Health.

[FR Doc. 81-22737 Filed 8-4-81; 8:45 am]

BILLING CODE 4110-87-M

Precast Concrete Products (Manufacture and Erection); Request for Information

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control, Public Health Service, HHS.

ACTION: Notice of request for information.

SUMMARY: NIOSH is requesting information concerning occupational safety and health hazard exposures and procedures for the protection of workers within establishments primarily engaged in manufacturing concrete products (except block and brick) from a combination of cement and aggregate (SIC 3272). Information is also requested concerning the installation and erection of pre-cast components in the construction industry, such as bridgework and elevated highway construction, nonresidential buildings and residential buildings other than single family dwellings, and field pre-casting components utilized in these areas (SIC 1522, 1541, 1542, and 1622, respectively).

The information being requested will be used by NIOSH to develop criteria for recommendations for occupational safe work practices.

DATES: Comments concerning this notice should be submitted by October 5, 1981.

ADDRESS: Comments should be submitted in writing to: Murray L. Cohen, Chief, Standards and Consultation Branch, Division of Safety Research, S-109, NIOSH, 944 Chestnut Ridge Road, Morgantown, WV 26505.

FOR FURTHER INFORMATION CONTACT: Ronald L. Stanevich or Ted Pettit, Standards Consultation Branch, Division of Safety Research, NIOSH, (304) 599-7574 or FTS 923-7574.

SUPPLEMENTARY INFORMATION: Under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et. seq.), NIOSH conducts research and experimental programs to develop criteria for recommendations for new and improved occupational safe work practices. NIOSH is currently collecting information and data pertaining to pre-cast concrete products, including pre-stressed and post tensioned, and the erection of such structural components. Interested persons are invited to submit information, suggestions and comments they believe to be relevant to the development of recommendations for occupational safe work practices. At this time NIOSH is particularly interested in obtaining information in the following areas:

(1) What are the major safety and health problems with pre-casting, pre-stressing, post tensioning, and erecting concrete products? What statistical data has been collected on accident causal factors, including near-misses, related to these problems? Identify sources and availability of data.

(2) Are there case studies and investigation reports available on accidents, injuries, and near-misses? Appropriate copies without personal identifiers would be useful.

(3) Which employee work tasks accoount for the majority of the accidents, injuries, and near-misses?

(4) What procedures have been developed as countermeasures to these problems and have proven to be effective? Please describe in full detail.

(5) What training and motivation methods have been developed to increase employee awareness of the problems and appropriate countermeasures?

(6) Preliminary analysis of available accident data indicates that management of adequate safety programs is a potential problem. Information addressing the following safety program management questions would be most useful: (a) Is there a documented plant safety policy? (b) Who is responsible for implementing the safety program? (c) What are the vairous elements of the plant safety program? (d) How is the safety program evaluated? (e) How are safety problems identified? (f) Who is responsible for correcting safety problems? (g) Are there successful program elements, i.e., safety problem identified, program element developed and implemented, and the results?

(7) What other safety and health research projects are being conducted in these areas? Identify sponsoring and/or conduction organizations

(8) Of all the present applicable standards (concensus, regulatory, etc.), which ones are the most difficult to understand and implement? Be specific by identifying the standard and source. Briefly describe the problems involved.

All information received in response to this notice, except that designated as trade secret and protected by section 15 of the Occupational Safety and Health Act, will be available for public examination and copying at the above address.

Dated: July 28, 1981.

Ronald F. Coene,

Acting, Director, National Institute for Occupational Safety and Health.

[FR Doc. 81-22736 Filed 8-4-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Title III of the Public Health Service Act; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of January 14, 1981 (46 FR 10016), by the Secretary of Health and Human Services to the Assistant Secretary for Health, the Assistant Secretary for Health has delegated to the Administrator, Health Resources Administration, with authority to redelegate, the following authorities under Title III of the Public Health Service Act, as amended:

Section 301 (42 U.S.C. 241)—Research and Investigation—General, as it pertains to the functions assigned to the Health Resources Administration.

Section 311 (42 U.S.C. 243)—Federal-State Cooperation-General, as it pertains to the functions assigned to the Health Resources Administration.

Section 332 (42 U.S.C. 254e)—Designation of Health Manpower Shortage Areas, excluding the authority under Section 332(h).

The following delegations have been superseded insofar as they pertain to Title III authorities which were previously delegated to the Administrator, Health Resources Administration: The July 24, 1979 delegation (44 FR 45759) made by the Assistant Secretary for Health of authority under Section 301; the June 23, 1978 delegation (43 FR 29034-29035) made by the Assistant Secretary for Health of authority under Section 311; and the portion of the June 20, 1977, delegation (42 FR 36311-36312) made by the Assistant Secretary for Health of authority under Section 332. Provision has been made pending further redelegation for previous delegations and redelegations of authority made to other officials within the Health Resources Administration of authorities under Title III to continue in effect, provided they are consistent with the delegation to the Administrator, Health Resources Administration.

The delegation to the Administrator, Health Resources Administration, became effective on July 23, 1981.

Dated: July 23, 1981.

E. N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 81-22736 Filed 8-4-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Summary of Public Comment and Selective Management Categorization for Grazing Allotments in the Grass Creek Resource Area of the Worland District of the Bureau of Land Management

July 27, 1981.

On June 25, 1981 in FR Vol 48, No. 122 (32943), the Bureau of Land Management, Worland District, published Proposed Criteria for the Grass Creek Resource Area Grazing Allotments Under the Draft Rangeland Management Policy, and asked for public comment. The public comment deadline was July 13, 1981. The following is a summary of Public input for the proposed Criteria for Allotment Categorization in the Grass Creek Resource Area.

A. *Source:* Public Meeting—Thermopolis 6/22/81.

Comment: None.

Response by BLM: Not applicable.

B. *Source:* Public Meeting—Hamilton Dome 6/22/81.

Comment: More emphasis should be placed on percent federal range.

Response by BLM: We have found that neither percent federal range nor total federal acres accurately describe the situation that would place a given allotment in a given category every time. Rather than lock ourselves in with a set percentage, we will certainly consider percent federal land, but in conjunction with total acres, type land, etc., for *each allotment.*

C. *Source:* Public Meeting—2:00 p.m. 6/23/81 Worland.

Comment: Add an alternative to the "C" criteria to allow the operator to propose a deferred grazing system.

Response by BLM: A management action was added to the "C" category to read—"At the operator's initiative, a mutually acceptable grazing use plan is reached through consultation."

D. *Source:* Same as C, above.

Comment: Change dates for critical growth period. Put dates for critical growth in parentheses to indicate that it is example only.

Response by BLM: Both the criteria and the management action were changed to eliminate dates. They now read "critical plant growth period."

E. *Source:* Same as C, above.

Comment: Add a criterion which takes into account the socioeconomic impact on the individual operator.

Response by BLM: While we recognize the need to be sensitive to the economic effects of an action on an individual, we feel the time to examine those effects is duing the assessment of potential impacts of proposed land use and grazing decisions. If economics is added as a criterion, BLM will be forced to judge operators rather than resources.

F. *Source:* Public Meeting—Meets 6/23/81.

Comment: None.

Response by BLM: Not applicable.

The following are the Selective Management Categories for grazing Allotments in the Grass Creek Resource Area of the Worland District of the Bureau of Land Management.

MAINTENANCE CATEGORY (M)

I. Characteristics

A. Present range condition is satisfactory.

B. Present management is satisfactory.

C. Allotment is producting at or near its potential.

D. There are no, or very limited, land-use resource conflicts with livestock grazing.

E. Land ownership pattern may or may not be considered.

F. There may be positive economic return on public investments.

II. Category Criteria

A. Present range condition good to excellent. Range condition can be maintained under present management; or

B. Present range condition is at least fair and improving. Improvement can continue under current management; or

C. Present range condition is fair or better. Range conditions can be maintained with present management. Opportunities for BLM management are limited due to land ownership pattern, small acreage and/or low percent public lands.

III. Management Objective

A. Principal objective is to authorize actions that will *maintain* or improve the existing resource condition and productivity.

IV. Management Actions

A. Livestock use (numbers, class, season of use) will be permitted as presently authorized. Increases in use may be allowed when consistent with multiple use objective.

B. Prescribed flexibility in turnout and removal dates and livestock numbers through consultation.

C. Range improvements will be authorized if they meet management objectives.

D. Will conduct low intensity use supervision and monitoring.

E. Monitoring will focus on livestock use changes and changes in ownership.

V. Funding Source

A. Private investment in range improvements.

B. Range betterment funds (8100).

IMPROVEMENT CATEGORY (I)

I. Characteristics

A. Present range condition is fair to poor, range condition and trend is static or apparently downward.

B. Present grazing management practices are inadequate to meet long-term resource objectives.

C. Allotment has potential for medium to high vegetative productivity, but is not producing at or near its potential.

D. Resource conflicts with livestock grazing are evident.

E. Potential for positive economic return on public investments.

II. Category Criterion

A. Allotments that do not meet the 'M' or 'C' category criteria fall into the 'I' category. Each of these allotments have a combination of some or all of the category 'I' characteristics.

III. Management Objectives

A. Principal objective is to implement actions that will *improve* existing resource conditions and productivity to enhance multiple use.

IV. Management Actions

A. Livestock use may be increased or decreased as needed to meet management objectives.

B. Prescribed grazing management and range improvement developed through consultation.

C. Range improvements will be authorized and installed as needed to meet management objectives.

D. Will conduct variable intensity use supervision and monitoring.

E. Monitoring will evaluate the effectiveness of actions taken toward achieving management objectives.

V. Funding Source

A. Private investment in range improvements.

B. Range betterment funds (8100).

C. Appropriated funds under the Federal Land Policy and Management Act and Public Rangeland Improvement Act.

CUSTODIAL (C)

Alternative A

I. Characteristics

A. Present range condition is variable.

B. Allotment has potential for low vegetative productivity and is producing at or near its potential.

C. There is not present likelihood of positive economic return on public investment.

II. Category Criteria

A. Production potential is low due to low annual precipitation, badlands, or poor soils.

B. Range condition trend appears to be static or declining.

C. Grazing occurs during critical growth period for key plnt species.

D. Land treatment opportunities non-existent due to low rainfall, badlands, or poor soils.

E. Resource conflicts with livestock grazing may be evident.

III. Management Objective

A. Principal objective is to manage lands in a *custodial* manner that will prevent deterioration of current resource conditions with prescribed flexibility of livestock operations.

IV. Management Actions

A. Increases in livestock use will not be permitted without improved range condition.

B. Change season of grazing to the non-critical plant growth period and continue to authorize current use level, OR at operator's initiative, a mutually acceptable grazing use plan is reached through consultation, OR livestock grazing excluded.

C. Prescribed flexibility of turnout and removal dates and livestock numbers through consultation.

D. Range improvements will be authorized if they meet management objectives.

E. Will conduct low intensity use supervision and monitoring.

F. Monitoring will focus on livestock use changes and changes in ownership.

V. Funding Source

A. Private investment in range improvements.

B. Range betterment funds (8100).

CUSTODIAL (C)

Alternative B

I. Characteristics

A. Present range condition is variable

B. Allotment has potential for low vegetative productivity and is producing at or near its potential.

C. There is not present likelihood of positive economic return on public investment.

II. Category Criteria

A. Production potential is low due to low annual precipitation.

B. Range condition appears to be static or improving.

C. Grazing is occurring outside critical growth period for key plant species.

D. Land treatment opportunities are non-existent (low rainfall).

E. No resource conflicts with livestock grazing evident.

III. Management Objective

A. Principal objective is to manage lands in a *custodial* manner that will prevent deterioration of current resource condition with prescribed flexibility of livestock operations.

IV. Management Actions

A. Livestock use will be permitted as currently authorized.

B. Prescribed flexibility of turnout and removal dates and livestock numbers through consultation.

C. Range improvements will be authorized if they meet management objectives.

D. Will conduct low intensity use supervision and monitoring.

E. Monitoring will focus on livestock use changes and changes in ownership.

V. Funding Source

A. Private investment in range improvements.

B. Range betterment funds (8100).

John A. Kwiatkowski,

District Manager.

[FR Doc. 81-22603 Filed 8-3-81; 8:45 am]

BILLING CODE 4310-84-M

Butte District Grazing Advisory Board; Meeting

Notice is hereby given, in accordance with Pub. L. 92-463, that a meeting of the Butte District Grazing Advisory Board will be held on Thursday, September 10, 1981.

The meeting will begin at 8 a.m., September 10 in the conference room of the Butte District Office at 106 North Parkmont (Industrial Park), Butte, Montana.

The agenda for the meeting will include: (1.) Implementation of the Mountain Foothills EIS. (2.) Progress report on Headwaters RMP, (3.) Progress report on Garnet RMP, (4.) Progress report on East Pioneers Stewardship, (5.) Off Road Vehicle Plan, (6.) Range Improvement Projects, (7.) Area/District Office Study.

The meeting is open to the public. Interested persons may make oral statements to the board between 10 and 11 a.m. on September 10, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 3388, Butte, Montana 59702 by September 8, 1981.

Summary minutes of the board meeting will be maintained in the District Office and will be available for public inspection and reproduction, during regular business hours, within 30 days following the meetings.

Dated: July 28, 1981.

Jack A. McIntosh,

District Manager.

[FR Doc. 81-22743 Filed 8-4-81; 8:45 am]

BILLING CODE 4310-84-M

[M 23322]

Montana; Termination of Proposed Withdrawal and Reservation of Land

July 28, 1981.

The Department of Transportation, on behalf of the Montana Highway Commission, filed application for withdrawal of the following described land from location and entry under the mining laws. The notice of proposed withdrawal was published as F. R. Doc. 72-18370 on page 22997 of the issue of October 27, 1972. The application agency has cancelled its application in its entirety.

Principal Meridian

T. 15 N., R. 24 W.,
Sec. 34, NW¼SW¼ and SE¼SE¼.
T. 15 N., R. 25 W.,
Sec. 35, NE¼SE¼.
T. 18 N., R. 29 W.,
Sec. 10, Lots 1, 2, 3, 4, 7, 8, and 9;
Sec. 11, SW¼SE¼
Sec. 13, NW¼SW¼;
Sec. 14, Lots 5, 11, 12, 16, and 17; and
Sec. 24, Lots 13, 15, and 17.

The areas described aggregate 601.78 acres.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), at 8:00 a.m. on September 18, 1981, such land will be relieved of the segregative effective of the above-mentioned application.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-22742 Filed 8-4-81; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 81-32]

La Sal Pipeline Co., Shale Oil Pipeline; Availability of Draft Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the Draft Environmental Impact Statement (DEIS).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM has prepared a DEIS for the proposed La Sal Pipeline Company Shale Oil Pipeline.

DATE: Comments will be accepted until October 9, 1981.

ADDRESS: Comments should be sent to: State Director (922), Bureau of Land Management, 2000 Arapahoe Street, Denver, Colorado 80205.

FOR FURTHER INFORMATION CONTACT: James Dean, Colorado State Office, Bureau of Land Management, 2000 Arapahoe Street, Denver, Colorado 80205, (303) 837–6016.

SUPPLEMENTARY INFORMATION: The BLM has prepared a DEIS on a proposal by La Sal Pipeline Company to construct 320 miles of common carrier pipeline (and related facilities) from the vicinity of Parachute, Colorado, to Casper, Wyoming. The DEIS analyzes the environmental impacts of the proposal and alternatives.

A limited number of the draft statements are available upon request at the following BLM offices:

Colorado State Office, 2000 Arapahoe Street, Denver, Colorado 80205
Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81502
White River Resource Area Office, P.O. Box 957, Meeker, Colorado 81641
Craig District Office, 455 Emerson Street, Craig, Colorado 81625
Denver Service Center Library, Building 50, Denver Federal Center, Denver, Colorado 80225
Office of Public Affairs, Bureau of Land Management, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240
Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001
Rawlins District Office, 1300 Third Street, Rawlins, Wyoming 82301
Casper District Office, 951 Rancho Road, Casper, Wyoming 82601

Public reading copies are also available in public libraries in affected communities along the proposed route, and in Cheyenne and Denver.

Public meetings to receive oral and/or written comments on the proposed project will be held at:

Meeker Public Library, Meeker, Colorado, September 14, 1981; 7:00 p.m.
Moffat County Courthouse Auditorium, Craig, Colorado, September 15, 1981; 7:00 p.m.
Holiday Inn, Cheyenne, Wyoming, September 16, 1981; 7:00 p.m.
Denver Marina Hotel, Denver, Colorado, September 17, 1981; 1:00 p.m. and 7:00 p.m.

Oral comments will be limited to 10 minutes; written comments will be accepted at the meetings. All proceedings will be recorded for the permanent record.

Dated: July 28, 1981.

Bob Moore,

Associate Colorado State Director, Bureau of Land Management.

[FR Doc. 81-22784 Filed 8-4-81; 8:45 am]

BILLING CODE 4310-84-M

[AR 011850 etc.]

Arizona; Order Providing for Opening of Public Lands

1. In exchanges of lands made under the provisions of Section 8 of the Act of June 28, 1934 (49 Stat. 1272, as amended, 43 U.S.C. 315g), the following lands have been reconveyed to the United States under the serial numbers listed below:

Gila and Salt River Meridian, Arizona

AR 011850

T. 25 N., R. 13 W.,
Sec. 5 Lot 1;
Sec. 7, W½, NE¼SE¼.
T. 26 N., R. 14 W.,
Sec. 5, Lots 1, 2, and 5;
Sec. 27, N½, S½NE¼.
T. 27 N., R. 14 W.,
Sec. 31, Lot 1, SE¼NW¼, SW¼, W½SE¼, SE¼SE¼.
T. 27 N., R. 15 W.,
Sec. 23, Lots 1, 2, S½, W½NE¼.
Sec. 25, Lots 1, 2, NW¼, S½.
T. 15 N., R. 18 W.,
Sec. 31, E½.
T. 24 N., R. 18 W.,
Sec. 5, Lots 1 thru 4 incl., E½E½SW¼ SW¼, E½SW¼, SE¼.
T. 25 N., R. 18 W.,
Sec. 31, Lots 1 thru 4 incl., NE¼, E½W½, NE¼SE¼, W½SE¼.
T. 24 N., R. 19 W.,
Sec. 1, Lots 1 thru 4 incl., SE¼, E½SW¼.
T. 25 N., R. 19 W.,
Sec. 35, N½S½, N½.

AR 011852

T. 24 N., R. 18 W.,
Sec. 5, W½E½SW¼SW¼, W½SW¼ SW¼, NW¼SW¼;
Sec. 7, NE¼, E½NW¼.
T. 24 N., R. 19 W.,
Sec. 1, W½SW¼;
Sec. 11, W½, SE¼;
Sec. 13, W½, SE¼;
Sec. 15, N½, E½SW¼, SE¼;
Sec. 23, W½, SE¼;
Sec. 25, N½, SE¼.

AR 011990

T. 18., R. 16 W.,
Sec. 3, Lots 1 thru 4 incl., S½N½, S½;
Sec. 7, Lots 1 thru 4 incl., E½W½, E½;
Sec. 9.
T. 19 N., R. 16 W.,
Sec. 1, Lots 1 thru 4 incl., S½N½, S½;
Sec. 3, Lots 1 thru 4 incl., S½N½, S½;
Secs. 15 and 17;
Sec. 19, Lots 1 thru 4 incl., E½W½, E½;
Secs. 21 and 27;
Sec. 29;
Sec. 31, Lots 1 thru 4 incl., E½W½, E½;
Sec. 35.
T. 20 N., R. 16 W.,
Sec. 19, Lots 1 thru 4 incl., E½W½, E½;
Secs. 21, 23, and 25;
Sec. 31, Lots 1 thru 4 incl., E½W½, E½;
Secs. 33 and 35.
T. 18 N., R. 17 W.,
Sec. 1, Lots 1 thru 4 incl., S½N½, S½;
Sec. 3, Lots 1 thru 4 incl., S½N½, S½;
Sec. 5, Lots 1 thru 4 incl., S½N½, S½;
Sec. 7, Lots 1 thru 4 incl., Lots 7 thru 14 incl., Lots 17 thru 20 incl., and E½;
Secs. 15 and 17.
T. 19 N., R. 17 W.,
Sec. 1 Lots 1 thru 4 incl., S½N½, S½;
Sec. 3, Lots 1 thru 4 incl., S½N½, S½;
Sec. 5, Lots 1 thru 4 incl., S½N½, S½;
Sec. 7, E½;
Sec. 9, 11, 13, 17;
Sec. 19, Lots 1, 10, 11, 12, 19, 20, and E½;
Sec. 23, 25, 27 and 29;
Sec. 31, Lots 1, 2, 3, Lots 8 thru 12 incl., Lot 13, Lots 18 thru 20 incl., and E½;
Sec. 33 and 35.
T. 20 N., R. 17 W.,
Secs. 25, 27, 33 and 35.

AR 012431

T. 3 S., R. 1 W.,
Sec. 29, NE¼.

AR 013162

T. 25 N., R. 13 W.,
Sec. 7, W½NW¼NE¼, E½NE¼NE¼, E½W½NE¼NE¼, S½NE¼, S½SE¼.
T. 26 N., R. 13 W.,
Sec. 31, Lot 1.
T. 26 N., R. 14 W.,
Sec. 5, Lots 3 and 4, SW¼NW¼, SW¼SE¼, SW¼;
Sec. 7, E½, E½SW¼, E½SW¼SW¼, W½SW¼SW¼, NW¼, NE¼SW¼;
Sec. 9, Lots 1 thru 4 incl., SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 15, Lots 1 thru 4 incl., SE¼SW¼, W½SW¼;
Secs. 17 and 21;
Sec. 23, Lots 1, 2, 3, SW¼SW¼;
Sec. 25, Lots 1, 2, SW¼SW¼;
Sec. 27, NE¼SE¼, SW¼;
Secs. 29, 33 and 35.
T. 27 N., R. 14 W.,
Sec. 31, Lots 2, 3, W½NW¼.
T. 27 N., R. 15 W.,
Sec. 23, NW¼.

AR 013163

T. 23 N., R. 19 W.,
Sec. 3, S½N½, SE¼, E½SE¼SW¼;
Sec. 11, E½, NE¼NW¼, S½NW¼, SW¼.
T. 24 N., R. 19 W.,
Sec. 25, SW¼.
Sec. 27, W½, SE¼.

The areas described aggregate approximately 45,044 acres in Maricopa, Mohave, and Yuma Counties.

2. The United States did not acquire the mineral rights in the lands described in paragraph 1, under Serial Nos. AR 011950, AR 011952, AR 011990, AR 013162 and AR 013163.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 are hereby open to operation of the public land laws including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to August 14, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–3706).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-22805 Filed 8-4-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. A-16587]

Arizona; Realty Action—Noncompetitive Sale—Public Land in Maricopa County, Arizona

The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Gila and Salt River Meridian

T. 1 S., R. 2 W.,
Sec. 30, N½NE¼NE¼, NE¼NW¼NE¼.
Containing approximately 30 acres.

The above described land, comprising approximately 30 acres, is being offered as a direct noncompetitive sale to the Arizona Division of Emergency Services.

In 1978, a portion of East Allenville, Arizona, was damaged by flood waters from the Gila River. This has resulted in efforts by the Federal Insurance Administration (FIA) and the Arizona State Division of Emergency Services (DES) to relocate three families that were victims of the 1978 floods. The DES contacted the Bureau of Land Management (BLM) and requested that public lands be made available for the relocation project. The above described 30 acres were specifically requested by DES.

The sale will allow the victims' dwellings to be moved out of the floodplain and be re-established in a flood-safe area. This sale will help provide for the safety of the three families and their possessions.

The sale will meet an important public objective by aiding state and federal agencies resolve the problems involving extensive damage caused by the 1978 flooding, and help insure against repeated damage in the future. Therefore, disposal of the subject 30 acres would best serve the public's interest. Since BLM planning has not been completed in this area, an evironmental assessment was completed as required by 43 CFR Part 1600-specifically for this action.

The land will not be offered for sale for at least 60 days after the date for this notice.

Patent, when issued, will contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law and such regulations as the Secretay of the Interior may prescribe.

The patent will also be subject to:

1. A right-of-way for powerline purposes which has been granted to Arizona Public Service, its successors or assigns, by permit A–4585.

2. A right-of-way for communication line purposes which has been granted to Mountain States Telephone and Telegraph Company, its successors or assigns, by permit A–5419.

3. Those rights granted by Oil and Gas Lease A–12645, made under Section 29 of the Act of February 25, 1970, 41 Stat. 437, and the Act of March 4, 1933, 47 Stat. 1570. This patent is issued, subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of Oil and Gas Lease A–12645 and any authorized extension of that lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

Detailed information concerning this sale is available at the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona.

For a period of 45 days, interested parties may submit comments to the Phoenix District Manager, 2929 W. Clarendon Avenue, Phoenix, Arizona, 85017. Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department of the Interior and the required payment plus the cost of publishing this Notice will be requested of the DES. Such payment in full is in accordance with 43 CFR 1822.1–2.

Dated: July 24, 1981.

William K. Barker,

District Manager.

[FR Doc. 81-22804 Filed 8-4-81; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL COMMUNICATION AGENCY

Selective Assistance, Encouragement, and Limited Grant Support to Nonprofit Activities of U.S. Organizations outside Federal Government

The International Communication Agency (USICA) announces a program of selective assistance, encouragement, and limited grant support to non-profit activities of United States organizations outside the Federal Government.

The primary purpose of the program is to enhance the achievement of the Agency's international public diplomacy goals and objectives by stimulating and encouraging increased private sector commitment, activity, and resources.

Private sector organizations interested in working cooperatively with USICA are invited to consult on the development of international exchange program concepts within the following thematic areas:

1. Leadership for the 1980's.
2. U.S. Political/Security Policies.
3. The U.S. Economy and the World Economic System.
4. Solving the Energy Problem.
5. American Society in a Changing World.
6. Arts, Humanities, and Sciences in America.

Emphasis during the consultative process will be on the identification of organizations whose goals and objectives most clearly complement or coincide with those of USICA, that are interested in and competent to address program concepts within the listed thematic ares and that have substantial potential for obtaining funding in additon to USICA support.

This is not a solicitation for grant proposals.

After consultation, selected organizations will be invited to prepare proposals for the limited financial assistance available.

For further information, organizations interested in participating in this process should contact the Office of Private Sector Programs, Associate Directorate for Educational and Cultural Affairs, International Communication Agency, Washington, D.C. 20547 or call Mr. Douglas Smith (202) 632-5268.

Dated at Washington, D.C., July 31, 1981.

Gilbert A. Robinson,

Deputy Director.

[FR Doc. 81-22839 Filed 8-4-81; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

July 31, 1981.

This application for long- and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before August 20, 1981.

No. 43929, Southwestern Freight Bureau, Agent, (No. B-129), rates on Iron or Steel Pipe and Related Articles, from Chesterfield, MO to stations in Southwestern Territory, in Supplement 288 to its tariff ICC SWFB 4853, effective August 29, 1981. Grounds for relief: Rate Relationship and Market Competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-22760 Filed 8-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Decision Volume No. 432]

Motor Carrier Permanent Authority Applications; Republications of Grants of operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broaden grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules and Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 119777 (Sub-503), (Republication), filed October 9, 1981; published in the **Federal Register** of November 4, 1980; and republished this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85, East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. A Decision of the Commission, decided July 14, 1981, and finds that the present and future public convenience and necessity require operations by the applicant as *a common carrier,* by motor vehicle, in interstate or foreign commerce, *over irregular routes,* transporting *general commodities,* between Steptoe, WA; S. Troy, and Ethlyn, MO; Ray, IL; Grimes, IA; and Clay, VA; on the one hand, and, on the other, points in the United States; that the applicant is fit, willing and able properly to perform the granted service; and to conform to statutory and administrative requirements. Condition: To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring five (5) years from its date of issue.

Notes.—(1) The purpose of this application is to substitute motor service for abandoned rail service; and

(2) Notice of this application was previously given in the **Federal Register** on November 4, 1980, but did not mention the specific points of Grimes, IA; and Clay, VA. Final approval of the previously published portion of the application has now been given by the Commission. Protests may now only be directed to the proposed service between Grimes, IA, and Clay, VA, on the one hand, and, on the other, points in the United States.

MC 153187 (Republication), filed December 16, 1980; published in the **Federal Register** issue of January 29, 1981; and republished this issue. Applicant: CHRISTIANA MOTOR FREIGHT, INC., Dover Av, and Pigeon Point Rd., New Castle, DE 19720. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 S. 12th St., Philadelphia, PA 19107. A Decision of the Commission, Division 1, Acting as an Appellate Division, decided July 7, 1981, and finds that performance by the applicant as *a common carrier,* by motor vehicle, in interstate or foreign commerce, *over irregular routes,* transporting (1) *gypsum, gypsum products building materials, paper products, chemicals and plastic products;* (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture, installation and distribution of the commodities in (1) above, between points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Mississippi, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; and (3) *primary metal products,* and *materials, equipment and supplies* used in the manufacture and distribution of primary metal products, between points in New Castle County, DE, and Washington and Allegheny Counties, PA, on the one hand, and, on the other, points in Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, West Virginia, Ohio, Indiana, Illinois, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, will serve a useful public purpose, responsive to a public demand or need; that the applicant is fit, willing and able properly to perform such service, and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations.

Note.—The purpose of this republication is to give notice of the two-way authority and the authority to serve Pennsylvania granted in part (3).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-22761 Filed 8-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No.1398]

Kansas City Terminal Railway Co.; Directed to Operate Over Chicago, Rock Island & Pacific Railroad Co.; Debtor; Petition of RLEA for Clarification

Dated: May 6, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of petition for clarification.

SUMMARY: Railway Labor Executives' Association (RLEA) filed a petition on March 23, 1981, seeking clarification of Directed Service Order No. 1398 with respect to vacation pay earned in 1980 by former employees of the Chicago, Rock Island & Pacific Railroad Company (RI). Many RI employees were hired by

Kansas City Terminal Railway Company (KCT) to perform directed service operations over RI lines. Many employees also worked for various interim operators which provided service over several RI lines after the end of KCT directed service. RLEA seeks clarification of the administration of vacation pay benefits earned by these employees. Because the requested relief would have an impact on interim operators, the Commission is serving copies of the petition on those carriers and on other persons who may have an interest in the relief sought.

DATES: Comments on and responses to the petition shall be due August 25, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Sullivan, (202) 275–0826.

SUPPLEMENTARY INFORMATION: On September 26, 1979, in Directed Service Order No. 1398, the Commission directed KCT to perform operations over the RI system. *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 289 (1979), 49 Fed. Reg. 56343 (October 1, 1979). Operations under that order ended on March 23, 1980. Afterwards, several carriers provided interim operations over RI lines pursuant to various service orders and directed service orders. Both KCT and interim operators hired many RI employees as needed to provide service over RI lines.

Railway Labor Executives' Association (RLEA) filed a petition on March 23, 1981, seeking clarification of DSO No. 1398 with respect to the administration of 1981 vacation pay benefits earned in 1980 by former RI employees while working for KCT and for various interim operators over the RI system. RLEA contends that confusion exists over the allocation of responsibility for payment of these vacation pay benefits. It asserts that the most equitable solution would be to prorate vacation benefit payments according to the percentage of days worked in the qualifying year for a particular carrier.

RLEA's petition raises a significant issue regarding KCT directed service and interim operations over the RI system. A grant of the relief sought by RLEA would have a significant impact on the various carriers which have performed interim operations. Therefore, we must assure that all interested parties have notice of the petition and have an opportunity to respond, regardless of whether they are parties of record in DSO No. 1398. To provide adequate notice and an opportunity to be heard, the Commission is serving copies of the petition and this notice on the RI trustee, KCT, and all interim operators. Interested persons may file replies to, or comments on, the petition by August 25, 1981, and concurrent publication in the **Federal Register**, of this notice. Copies of all replies or comments should be served on all parties to DSO No. 1398 and upon petitioner's representatives: Joseph Guerrieri, Jr., William G. Mahoney, Highsay & Mahoney, P.C., Suite 210, 1050 17th Street NW., Washington, D.C. 20036.

Three (3) copies of all replies and comments should be filed with: Section of Finance (Room 5414), Office of Proceedings, Interstate Commerce Commission, 12th and Constitution Ave. NW., Washington, D.C. 20423

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

S.O. 1437

Jeremiah Marsh (Illinois Regional Transportation Authority), Attorney at Law, Hopkins, Sutter, Mulroy, Davis & Cromartie, One First National Plaza, Suite 5200, Chicago, Illinois 60603.

S.O. 1495, Peter M. Lee, Burlington Northern Inc., BN Building, 176 East 5th Street, St. Paul, MN 55101.

S.O. 1473

Robert E. Zimmerman (Louisiana and Arkansas Railway Co.), Vice President—Law, Kansas City Southern Lines, The Kansas City Southern Railway Co., 114 W. 11th Street, Kansas City, MO 64105.

F. J. Duggan, President and General Manager, Peoria and Perkin Union Railway Company, Peoria, Illinois 61611.

C. B. Schaefer, Vice President—Law, Union Pacific Railroad Co., Union Pacific Building, 1416 Dodge Street, Omaha, Nebraska 68179.

R. E. McMillan, President, Toledo, Peoria and Western Railroad Co., 2000 East Washington Street, East Peoria, Illinois 61611.

A. E. Michon, President and Chief Executive Officer, Fort Worth and Denver Railroad Company, Fort Worth Club Building, P.O. Box 943, Fort Worth, Texas 76101.

James P. Daley, Vice President and General Counsel, Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Illinois 60606.

Paul F. Cruikshank, Vice President—Operations, Chicago, Milwaukee, St. Paul and Pacific Railroad, Union Station, 516 West Jackson Boulevard, Chicago, Illinois 60606.

William F. Plattenberger, President, Davenport, Rock Island and North Western Railway Company, Union Station, Davenport, Iowa 52801.

Howard D. Koontz, Senior General Solicitor, Illinois Central Gulf Railroad, Two Illinois Center, 233 N. Michigan Avenue, Chicago, Illinois 60601.

J. H. Bunting, General Managing—Pricing, St. Louis Southwestern Railway Company, P.O. Box 1319, Houston, Texas 77001.

L. N. Crowley, President, Little Rock and Western Railway Co., P.O. Box 1107, Green Bay, WI 54305.

M. M. Hennelly, Senior Vice President and General Counsel, Missouri Pacific Railroad Company, Missouri Pacific Building, 210 North 13th Street, St. Louis, MO 63103.

William A. Thie, General Counsel, Missouri-Kansas-Texas Railroad Company, Katy Building, 701 Commerce Street, Dallas, Texas 75202.

S. R. Freeman, Vice-President and General Counsel, The Denver and Rio Grande Western Railroad Company, P.O. Box 5482, Denver, Colorado 80217.

R. F. Dunlap, Executive Vice President, Norfolk and Western Railway Company, Roanoke, VA 24042.

Arnold B. McKinnon, Executive Vice President, Southern Railway Company, P.O. Box 1808, Washington, D.C. 20013.

H. H. Noble, President and CEO, Cadillac and Lake City Railway Co., 303 South Cascade Avenue, Colorado Springs, CO 80910

Roland W. Donnem, Senior Vice President—Law and General Counsel, Baltimore and Ohio Railroad Company, The Terminal Tower, P.O. Box 6419, Cleveland, Ohio 44101.

Duane Arnold, President, Cedar Rapids and Iowa City Railway Co., P.O. Box 351, Cedar Rapids, Iowa 52406.

Peter C. Winninger, President, Keota Washington Transportation Company, 7020 North Wolcott Street, Chicago, Illinois 60626.

Arthur K. Nelson, Ph. D., Vice President, Marketing, The La Salle and Bureau County Railroad Company, La Salle, Illinois 61301.

S. R. Tedder, President, Fordyce and Princeton Railroad Company, P.O. Box 757, Crossett, AR 71635.

Richard K. Knowlton, Vice President—Law, The Atchison, Topeka and Santa Fe Railway Company, 80 East Jackson Boulevard, Chicago, Illinois 60604.

[FR Doc. 81-22763 Filed 8-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for termporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and

quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be not 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-142

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 157269 (Sub-II-1-TA), filed July 22, 1981. Applicant: BLUE CHIP TRANSPORTATION COMPANY, 995 Marion Road, Columbus, OH 43207. Representative: John McKinney, 995 Marion Road, Columbus, OH 13207. Contract irregular: *general commodities (except classess A & B explosives and household goods as defined by the Commission)* between Columbus, OH and Chicago, IL; Boston, MA; New York, NY; Philadelphia, PA; and Los Angeles & San Francisco, CA— and between Columbus, OH and Akron, Canton, Cincinnati, Cleveland, Dayton, Lancaster, Marion, Newark and Springfield, Ohio, and points within their respective Commercial Zones under continuing contract with Central Ohio Shippers Coordinated Corporation of Columbus, Ohio, for 270 days. Supporting shipper(s) Central Ohio Shippers Coordinated Corporation, PO Box 2622, Columbus, OH 43216.

MC 488 (Sub-II-15TA), filed July 27, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same as applicant). *Contract; irregular: Primary metal products* between points in the US (except AK and HI) under continuing contract(s) with Kline Iron and Steel Co., Columbia, SC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kline Iron and Steel Co., P.O. Box 1013, Columbia, SC 29292.

MC 488 (Sub-II-16TA), filed July 27, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same as applicant). *General commodities (except Classes A and B explosives, household goods as defined by the Commission and commodities in bulk),* between Hickory, NC, and Shreveport, LA, on the one hand, and, on the other, points in the US in and east of MN, IA, MO, OK, and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: General Electric Co., P.O. Box 2188, Hickory, NC 28601.

MC 488 (Sub-II-17TA), filed July 27, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same as applicant). *Contract; irregular: Chemical preparations; rubber tires or inner tubes; motor vehicle parts or accessories; (except commodities in bulk)* between points in the U.S., under continuing contract(s) with Heafner Tire Co., Inc., Lincolnton, NC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Heafner Tire Co., Inc., 814 East Main St., P.O. Box 837, Lincolnton, NC 28092.

MC 146865 (Sub-II-5TA), filed July 27, 1981. Applicant: M. T. Services, Inc., d.b.a. BRENNAN EXPRESS, P.O. Box 18402, Baltimore, MD 21237. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. Contract, irregular: (1) *such commodities* as are dealt in by wholesale, retail and chain industrial maintenance supply houses, and (2) *equipment, materials and supplies* used in the manufacture or distribution of the commodities named in (1) above, between points in the United States, under continuing contract(s) with Cello Corp., Havre de Grace, Maryland. For 270 days. Supporting shipper: Cello Corp., 1354 Old Post Rd., Havre de Grace, MD 21078.

MC 152509 (Sub-II-14TA), filed July 22, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). Contract Irregular: Plastic articles, equipment and supplies used on the manufacture and distribution of plastic articles, from Bakersfield, Ca., Santa Ana, Ca., Covington, Ga., Canandaigua, N.Y., Mecedon, N.Y., Frankfort, Il., Jacksonville, Il., Lowell, Ma., Holyoke, Ma., Shawnee, Ok., Stratford, Ct., Temple, Tx., Joliet, Il., Washington, N.J. to points in the U.S., under continuing contract(s) with Mobil Chemical Company for 270 days. Supporting shipper: Mobil Chemical Company, Mecedon, N.Y. 14502.

MC 128136 (Sub-II-1TA), filed July 22, 1981. Applicant: CHARLES F. BRICKER, TA FARM AND FORREST TRUCK SERVICE, 648 North Lincoln St., Salem, OH 44460. Representative: Richard J. Lee, Suite 1222, 700 East Main St., Richmond, VA 23219. *Machine and machine parts,* between points in Columbiana County, OH on the one hand and on the other, points in TX for 270 days. Supporting shipper(s) NRM Corporation-Tire Manufacturing Division, 400 West Railroad St., Columbiana, OH 44408.

MC 157173 (Sub-II-1TA), filed July 27, 1981. Applicant: INDUSTRIAL MACHINE TRANSPORT CO., 2054 Lake Rd., Akron, OH 44312. Representative: Lynn R. Delnoce, 10219 Brecksville Rd., Brecksville, OH 44141. *Heavy industrial machinery, machinery parts and articles because of size and weight require the use of special equipment,* from Kent and Cleveland, OH, Troy, MI, Long Beach, CA, Orlando, Fl, Seattle, WA to points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) Niagara Custombilt Mfg. Co., 13400 Glenside Rd., Cleveland, OH 44110. Alkar Inc., 1347 Middlebury Rd., Kent, OH 44240. Commercial Contracting Corp., 1743 Maplelawn Rd., Troy, MI 48099.

MC 156793 (Sub-II-ITA), filed July 22, 1981. Applicant: THOMAS E. KELLER TRUCKING, INC., 1010 S. Jackson St., Defiance, OH 43215. Representative: Michael M. Briley, Esq., P.O. Box 2088, Toledo, OH 43603. *Automobile equipment and supplies* between Defiance County, OH on the one hand, and, on the other, Saginaw County, MI, for 270 days. An underlying ETA authorizes 120 days service. Supporting shipper: Chevrolet Motor Division, General Motors Corporation, Saginaw Manufacturing Plant, 2328 E. Genesee St., Saginaw, MI 48605

MC 136343 (Sub-II-24TA), filed July 27, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847 Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Malt liquors and related products* from the facilities of Anheuser-Bush, Inc. at Williamsburg, VA to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, WV, and DC for 270 days. Supporting shipper: Anheuser-Bush, Inc., Williamsburg, VA 23185.

MC 107012 (Sub-II-178TA), filed July 27, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort

Wayne, IN 46801.Representative: David D. Bishop (same as applicant). *General commodities* from the facilities of Airborne Freight Corp., at or near Romulus, MI, to Chicago, IL, Omaha, NE, and Denver, CO for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Airborne Freight Corp., 28055 Wick Rd., Romulus, MI 48174.

Note.—Common control may be involved.

MC 109448 (Sub-II-13TA), filed July 22, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. *Food and related products* (except commodities in bulk) between Lorain County, OH, on the one hand, and, on the other, pts. in and east of WI, IL, KY, TN, and MS for 270 days. Supporting shipper: Kerr Beverage Co., 1115 Milan Ave., Amherst, OH 44001.

MC 150339 (Sub-2-46TA), filed July 27,1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: Oil drilling jacks and parts* from Akron, OH, to points in TX, under continuing contract(s) with McNeil Akron, Inc., 96 E. Croiser St., Akron, OH 44311, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): McNeil Akron, Inc., 96 E. Crosier St., Akron, OH 44311.

MC 145203 (Sub-II-3TA), filed July 23, 1981. Applicant: REITZEL TRUCKING CO., INC., 7481 Fremont Pike, Perrysburg, OH 43551. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *Metal products* between Toledo, OH, on the one hand, and, on the other, Lewisport, KY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kripke Tuschman, Inc., 2453 Hill Ave., Toledo, OH 43607.

MC 157281 (TA-II-1TA), filed July 23, 1981. Applicant: THURMAN TRANSPORTATION COMPANY, 250 E. Broad St., Columbus, OH 43215. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. Transportation of *power transducers, weighing devices, filter vents, electrical and mechanical devices and equipment, scales and general commercial and industrial equipment; and materials, equipment and supplies* used in their manufacture and distribution, between the facilities of Thurman Manufacturing Company, at or near Columbus, OH, on the one hand, and on the other, points in AL, AZ, AR, CO, FL, GA, KY, LA, MD, MS, NY, OK, PA, TN, TX, WV and WI for 270 days. (An underlying ETA seeks 120 days authority). Supporting shipper: The Thurman Manufacturing Company, 1939 Refugee Rd., Columbus, OH 43216.

MC 136511 (Sub-II-11TA), filed July 27, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *Such goods as are dealt in and distributed by wholesale and retail grocery enterprises and materials and supplies used thereby* (except commodities in bulk) between points in and east of ND, SD, NE, CO, OK and TX for 270 days. Supporting shipper: Woldert Canning, Inc., P.O. Box 1140, Tyler, TX 75710.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 720 (Sub-4-8TA), filed July 21, 1981. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman, P.O. Box 227, Waupun, WI 53963. *Paper and Paper Products* between Appleton, WI on the one hand, and, on the other, points in and east of ND, SD, NE, CO, OK and TX, restricted to shipments originating at or destined to the facilities of Aricon Paper—Division of Riverside Paper Co. Supporting shipper: Aricon Paper, Division of Riverside Paper Co., Appleton, WI 54911.

MC 56270 (Sub-4-6TA), filed July 21, 1981. Applicant: LEICHT TRANSFER & STORAGE CO., P.O. Box 2385, Green Bay, WI 54306. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, N.W., Washington, DC 20004. *General commodities*, (except in bulk), between the facilities, subsidiaries and affiliates of Superior Plastics, Inc. and points in the United States. Supporting shipper(s): Superior Plastics, Inc., 1660 Old Deerfield Road, Highland Park, IL 60035.

MC 99565 (Sub-4-8TA), filed July 21, 1981. Applicant: FORE WAY EXPRESS, INC., 204 S. Bellis Street, Wausau, WI 54401. Representative: Nancy J. Johnson, 103 East Washington Street, Box 218, Crandon, WI 54520. *General Commodities* (except Classes A and B explosives) between points in the Minneapolis-St. Paul, MN Commercial Zone and points in WI. Applicant intends to tack and interline. There are 7 supporting shippers.

MC 111375 (Sub-4-6TA), filed July 22, 1981. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: James A. Matras (same address as applicant). *Gummed paper sealing tape* from the facilities of Central Paper Co. at Menasha, WI to points in TX. An underlying ETA seeks 120 days operating authority. Supporting shipper: Central Paper Co., P.O. Box 330, Menasha, WI 54952.

MC 113751 (Sub-4-11TA), filed July 22, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Representative: James A Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Transportation equipment, parts and supplies, and materials, equipment and supplies* used in the manufacture and distribution of such commodities between Oshkosh, WI, and points in IL, IN, KY, MI, NY, OH, and PA. Supporting shipper: Oshkosh Truck Corporation, , P.O. Box 2566, Oshkosh, WI 54903.

MC 117730 (Sub-4-14TA), filed July 21, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route #47, Huntley, IL 60142. Representative: Stephen H. Loeb, 33 N. LaSalle, Suite 2027, Chicago, IL 60602. *Bananas*, from Gulfport, MS to points in and east of MT, WY, CO, and NM. Supporting shipper: Castle & Cooke Foods, 300 Vanderbilt Motor Parkway, Hauppauge, NY 11787.

MC 123641 (Sub-4-1TA), filed July 21, 1981. Applicant: NORMAN GROSLAND, d.b.a. GROSLAND TRUCKING, P.O. Box 728, Marshfield, WI 54449. Representative: Michael J. Wyngaard, 150 East Gilman, Madison, WI 53703. *Foodstuffs* from Lodi, Clyman, Marshfield, New Richmond, Gillett, Eden, Oakfield, Coleman, Shawano, Cambria, Markesan, Galesville, Antigo, Clintonville, Theresa, Sussex, Broadhead, Green Bay, and Seymour, WI to points in the United States (except AK and HI). Underlying ETA seeks 120 days authority. There are six supporting shippers.

MC 124170 (Sub-4-8TA), filed July 22, 1981. Applicant: FROSTWAYS, INC., 3000 Chrylser Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Contract* irregular *General commodities* (except Classes A and B explosives) between points in the U.S. under continuing contract(s) with Howard Johnson's of Braintree, MA. Supporting shipper: Howard Johnson's, 220 Forbes Road, Braintree, MA 02184.

MC 135410 (Sub-4-28TA), filed July 22, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th Street Road, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200-A, 205 W. Touhy Ave., Park Ridge, IL 60068. *Rough Castings*, from the facilities of Abex

Corporation at or near Mahwah, NJ, to the facilities of Caterpillar Tractor Company at or near Joliet, IL. Supporting shipper: Abex Corporation, 530 5th Ave., New York, NY 10036.

MC 135410 (Sub-4–29TA), filed July 22, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068. Common; Regular: *Paper and plastic products* between the facilities of Solo Cup Company at or near Chicago, Highland Park and Urbana, IL and Baltimore and Federalsburg, MD and (2) from the facilities of Solo Cup Company at or near Chicago, Highland Park and Urbana, IL and Baltimore and Federalsburg, MD to points in IL, IN, MI, MD, OH, NY, NJ, PA, MN and WI. Supporting shipper: Solo Cup Company, 1505 E. Main, Urbana, IL 61801.

MC 135410 (Sub-4–30TA), filed July 22, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Part Ridge, IL 60068. *Plastic,* from the facilities of Borden Chemical Division of Borden Inc, at or near Illiopolis, IL to points in IN, MI, OH and WI. Supporting shipper: Borden Chemical Division of Borden, Inc. 180 E. Broad St. Columbus, OH 43215.

MC 141889 (Sub-4–6TA), filed July 22, 1981. Applicant: RONALD DEBOER, d.b.a. RON DEBOER TRUCKING, Route 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Pulp, paper, and related products,* from the facilities of Fox River Paper Company located in Winnebago and Outagamie Counties, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY. Supporting shipper: Fox River Paper Company Division of Fox Valley Corporation, P.O. Box 2215, Appleton, WI 54913.

MC 142891 (Sub-4–6TA), filed July 23, 1981. Applicant: A&H, INC., P.O. Box 346, Footville, WI 53537. Representative: Thomas J. Beener, 67 Wall Street, New York, NY 10005. *Food and related products,* between Walworth County, WI on the one hand, and, on the other points in IA, IL, MI, OH, MO, PA, NJ, NY, MA, CT, DC, TX, FL, NC, SC, AZ, GA, and CA. Supporting shipper: Landon Company, Inc, Route 3 Box 457, Delavan, WI 53115.

MC 145502 (Sub-4–1TA), filed July 23, 1981. Applicant: COYNE MOTOR SERVICE, INC., 9212 S. Parkside, Oak Lawn, IL 60465. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. West, Bradenton, FL 33507. *(1) Printing ink and (2) oils* used in the manufacture of printing ink between the facilities of Central Ink & Chemical Co. at West Chicago, IL and points in the United States. Supporting shipper: Central Ink & Chemical Co., 1100 N. Harvester Rd., West Chicago, IL 60185.

MC 145842 (Sub-4–10TA), filed May 21, 1981. Applicant: SUNDERMAN TRANSFER, INC., P.O. Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building P.O. Box 796, Dubuque, IA 52001. *Twine,* from, at or near Dubuque, IA. Duluth, MN, Milwaukee and Superior, WI, to points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD and WI. Supporting shipper: Dubuque Twine Company, Jones & Terminal Streets, Dubuque, IA 52001.

MC 146681 (Sub-4–3TA), filed July 24, 1981. Applicant: DUTCH MILL TRUCKING, INC., Route 1, Sparta, WI 54656 Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Construction materials* from Owatonna and Minneapolis-St. Paul, MN to La Crosse, WI. Underlying ETA seeks 120 days authority. Supporting shipper: Reserve Supply Company, 1735 Kramer Street, LaCrosse, WI 54601.

MC 149366 (Sub-4–1TA), filed July 22, 1981. Applicant: NORTH CENTRAL JOBBERS, INC., P.O. Box 279, Northwood, ND 58267. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. *Salt,* between the Salt Lake City, UT Commercial Zone and Tooele County, UT, on the one hand, and, on the other, points in MT and ND. Supporting shipper: American Salt Co., Kansas City, MO 64111; Dane Chemco, South Heart, ND 58655.

MC 150885 (Sub-4–5TA), filed July 22, 1981. Applicant: ROBERT WHEELER, III, Rural Route 3, Canton, IL 61520. Representative: Thomas M. O'Brien, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Machinery, and materials dealt in by manufacturers of machinery,* between Fulton County, IL, on the one hand, and, on the other, points in the U.S. An underlying ETA seeks a 120 days. Supporting shipper: Tingley Products, Inc., P.O. Box 928, Ipava, IL 61441.

MC 157197 (Sub-4–2TA), filed July 17, 1981. Applicant: HINTZ TRUCKING, INC., 1021 St. Charles St., Elgin, Illinois 60120. Representative: Larry Hintz (same as applicant). *Contract;* irregular; transporting *crafts, such as yarn, rug kits, macrame and ornaments; and craft kits and sets as products offered for sale* between Elgin, IL and Milwaukee, WI and its commercial zone. An underlying ETA seeks 120 days authority. Supporting shipper: LeeWards Creative Crafts, Inc., 1200 St. Charles St., Elgin, IL 60120.

MC 157228 (Sub-4–1), filed July 22, 1981. Applicant: PRAIRIE LINE, INC., 505 Cottage Grove Drive, Woodbury, MN 55125. Representative: Marquita J. Finley of AAA Building, Suite 200, 170 E. 7th Place, St. Paul, MN 55101. *Contract:* Irregular; *Roofing Granules* from Wausau, WI to Shakopee, MN under continuing contract with CertainTeed Corporation. Supporting shipper: CertainTeed Corp., P.O. Box 860, Valley Forge, PA 19482.

MC 157230 (Sub-4–1TA), filed July 20, 1981. Applicant: NERCON TRANSPORT, INC., 3972 Fond du Lac Road, Oshkosh, WI 54901. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. 1. *Metal Products* between Cook County, IL, on the one hand, and, on the other, points in Fond du Lac, Outagamie and Winnebago Counties, WI; 2. *Machinery* and equipment, materials and supplies used in the manufacture, sale and distribution between Winnebago County, WI on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX, Supporting shippers: (1) Fullerton Metals Co., 300 Shermer Road, Northbrook, IL 60062; (2) Nercon Engineering & Mfg., Inc., 3972 Fond du Lac Road, Oshkosh, WI 54901.

MC 157231 (Sub-4–1TA), filed July 20, 1981. Applicant: HENRY A. RIPPLE AND ARLAN R. VAHLENKAMP, d.b.a. R & V TRUCKING W279 N2233 Highway SS, Pewaukee, WI 53027. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *Food and related products,* between points in the U.S., under continuing contracts with V. LaRosa & Sons, Inc., of Milwaukee, WI, and Lakeside Packing Company of Manitowoc, WI. An underlying ETA seeks 120 days authority. Supporting shippers: V. LaRosa & Sons, Inc., 3372 North Holton Avenue, Milwaukee, WI, and Lakeside Packing Company, 508 Jay Street, P.O. Box 1127, Manitowoc, WI, 54220.

MC 157232 (Sub-4–TA), filed July 20, 1981. Applicant: STEVEN GRANDPRE, d.b.a. GRANDPRE TRUCKING, Conde, SD 57434. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101. *Beverage containers,* from Minneapolis, MN and points in its commercial zone to points in Minnehaha, Brown and Pennington Counties, SD. Supporting shippers:

Coca-Cola Bottling Company of Aberdeen, Inc., 221 N. Main, Aberdeen, SD 57401; Coca-Cola Bottling Company of the Black Hills, 837 E. St. Patrick St., Rapid City, SD 57701; Coca-Cola Bottling Company of Sioux Falls, P.O. Box 833, Sioux Falls, SD 57101.

MC 157250 (Sub-4–1TA), filed June 21 1981. Applicant: JOSEPH D. LORENZ, d.b.a. LORENZ TRUCKING Route 1, Cadott, WI 54727. Representative: James M. Isaacson, Box 92, Cadott, WI 54727. *Petroleum products, cheese, lumber and wood products, lime and agricultural products* within MN, WI, IL. Supporting shippers: Clover Leaf Farm Supply, Inc.; Edesell Cheese, Inc.; August Lotz Company, Inc.; Boyd Feed and Supply, Inc.; Stanek's Inc.; Boyd Farmer's Union Co-op.

MC 157253 (Sub-4–1TA), filed July 21, 1981. Applicant: ROPACO CONTRACTING CO., 5516 Lyndale Avenue South, Suite 205, Minneapolis, MN 55419. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. *Chemicals or related products*, between Carlton and St. Louis Counties, MN, on the one hand, and, on the other, points in ID, MI, MT, ND, OR, SD, UT, WA, WI, and WY. Supporting shipper: Chemstar Products Co., P.O. Box 19086, Minneapolis, MN. 55419.

MC 153829 (Sub-4–27TA), filed July 23, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Contract* irregular *construction materials and materials, equipment and supplies used in the manufacture, distribution or installation of construction materials*, between the facilities of the CertainTeed Corp. located in Dallas County, TX, Jackson County, MO, Scott County, MN and Cook County, IL. Supporting shipper: CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482.

MC 148153 (Sub-4–2TA), filed July 27, 1981. Applicant: WALBON & COMPANY, INC., 3242 Highway 8, Minneapolis, MN 55418. Representative: Stanley C. Olsen, Jr., 5200 Wilson Road, Suite 307, Edina, MN 55424. *Such commodities as are dealt in or used by manufacturers and distributors of carpet and carpet installation materials*, between points in Whitfield, Murray, Catoosa, Bartow, Gordon, Floyd, and Gilmer Counties, GA; Hamilton County, TN; and Dallas-Ft. Worth, TX; on the one hand, and, on the other, points in the Minneapolis-St. Paul, MN, Commercial Zone. Supporting shippers: Carson, Pirie, Scott, 2950 Lexington Avenue South, Eagan, MN 55121; National Carpet Jobbers, 1400 Marshall St. N.E., Minneapolis, MN 55413.

MC 147571 (Sub-4–1TA), filed July 24, 1981. Applicant: TWIN RIVERS TRANSPORTATION COMPANY, 500 Armory Drive, South Holland, IL 60473. Representative: Edward G. Bazelon, 39 South La Salle, Street, Chicago, IL 60603. *Plastic and plastic products*, from Du Pont plant sites at or near Duart (Fayetteville), NC, Winona (Florence), SC, and Washington (Parkersburg), WV, to points in CA, IL, MI, OH, PA and TX. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

MC 157312 (Sub-4–1TA), filed July 24, 1981. Applicant: ARROW ILLINOIS COMPANY, 8801 South Chicago Avenue, Chicago, IL 60617. Representative: Donald S. Mullins, 1633 Graceland Avenue, Des Plaines, IL 60016, 312–298–1094. *General Commodities (except classes A and B explosives, household goods, and commodities in bulk)*, between points in Cook, DuPage, Kane, Lake, and Will Counties, IL, and Lake and Porter Counties, IN, on the one hand, and, on the other, points in the states of IL, IN, IA, KY, MI, MO, and WI. Supporting shippers: There are 17 shippers.

MC 157311 (Sub-4–1TA), filed July 24, 1981. Applicant: FEDERAL DISTRIBUTION SERVICE COMPANY, 200 National Road, East Peoria, IL 61611. Representatives: Leslieann G. Maxey, 907 South Fourth, Springfield, Il 62703. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities, which because of size or weight require the use of special equipment), between points in IL & MO, on the one hand, and on the other, points in AR, GA, IA, IN, KS, KY, MO, MI, MN, MS, SC, NC, ND, NE, OH, SD, TN, VA, and WV. There are six supporting shippers.

MC 157310 (Sub-4–1TA), filed July 24, 1981. Applicant: LONNIE'S GRADING AND TRUCKING, INC., Route 45, Box 222, Mundelein, IL 60060. Representative: Edward G. Finnegan, Ltd., 134 North LaSalle Street, Suite 1016, Chicago, IL 60602. *Contract* irregular *building* and *construction materials, supplies* and *equipment; salt*, between points in IL, WI, MO, IN, and MI. Supporting shippers: Builders Ready Mix Co., 2525 Oakton Street, Evanston, IL 60204.

MC 157309 (Sub-4–1TA), filed July 23, 1981. Applicant: WALTER C. TECHMEIER, 620 N. Michigan Street, De Pere, WI 54115. Representative: (same as applicant). *Such commodities as are dealt in, or used by, truck, trailer, and diesel engine repair shops*, between Green Bay, WI on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, ND, OH, PA, and WI. Supporting shippers: Diesel Specialists, Inc., 620 Hinkle Street, Green Bay, WI 54303, and Green Bay Maintenance, Inc., P.O. Box 2298, Green Bay, WI 54306.

MC 157313 (Sub-4–1TA), filed July 24, 1981. Applicant: NICHELSON OIL, INC., 2305 7th Ave. No., Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract*, irregular: *Gasoline, diesel fuel* and *fuel oil*, from Moorhead, MN to Inkster, ND under contract(s) with Inkster Oil Company. An underlying ETA seeks 120 days authority. Supporting shipper: Inkster Oil Company, Inkster, ND.

MC 123765 (Sub-4–5TA), filed July 27, 1981. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract; irregular; Paper and paper products, packaging materials, and related materials, equipment and supplies*, between points in the Milwaukee, WI, Commercial Zone, on the one hand, and, on the other, points in IL, on and north of IL Hwy. 17, under continuing contract(s) with Rexford Paper Company, Division of Inland Container Corporation. Supporting shipper: Rexford Paper Co., 3100 West Mill Rd., Milwaukee, WI 53209.

MC 157308 (Sub-4–1TA), filed July 27, 1981. Applicant: TRANS-NATIONAL CARRIERS, INC., 6 Kensington Drive, Lincolnshire, IL 60015. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. (1) *Metal products*, between Cicero and Spring Grove, IL, and Clinton, WI, on the one hand, and, on the other, all points in the U.S., under a continuing contract with Scott Forge of Spring Grove, IL, and (2) *pre-cast concrete products*, between Milwaukee and Burlington, WI, on the one hand, and, on the other, points in IL, IN and MI, under a continuing contract with Contemporary Pre-Cast, Inc., of Prairie View, IL. Supporting shippers: Scott Forge, 8001 Winn Road, Spring Grove, IL 60081, and Contemporary Pre-Cast, Inc., Route 1, Box 102, Prairie View, IL 60069.

MC 142336 (Sub-4–2), filed July 23, 1981. Applicant: D. TERRY CHAMNESS, d.b.a. TERRY'S ROAD, TRUCK & WRECKER SERVICE, 4331 South 12th Street, Kalamazoo, MI 49009. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI

48933. *Machinery* between points in Allegan, Barry, Eaton, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, St. Joseph, Branch, Hillsdale Counties, MI and points in the U.S. Supporting shipper: Hackett Construction, Inc., 256 N. 28th Street, Battle Creek, MI 49015.

MC 155779 (Sub-4–3TA), filed July 27, 1981. Applicant: DIAMONDHEAD FREIGHT SYSTEM, INC., P.O. Box 462, Decatur, IN 46733. Representative: Alki E. Scopelitis/Andrew K. Light, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract, Irregular: Steel forgings,* from the facilities of Teledyne Portland Forge at Portland, IN, to points in and east on MN, IA, MO, KS, OK and TX, under continuing contract(s) with Teledyne Portland Forge of Portland, IN. Supporting shipper: Teledyne Portland Forge, East Lafayette St., Portland, IN 47371.

MC 156863 (Sub-4–1TA), filed July 24, 1981. Applicant: ROSE CARTAGE SERVICE, INC., 14832 Chicago Street, Dolton, IL 60419. Representative: Frank Catanzarite, 348 West 162nd Street, South Holland, IL 60473. *Contract* Irregular: *Building materials, viz: concrete pipe* between Blue Island, Il and points in IN and WI within a 200 mile radius of Blue Island, Il under continuing contract with Continental Concrete Pipe Corp. Supporting shipper: Continental Concrete Pipe Corp., 140th and Western Ave., Blue Island, IL.

MC 106088 (Sub-4–1TA), filed July 24, 1981. Applicant: WM. O. HOPKINS INC., R.R. #1, Box 16A, Rensselaer, IN 47978. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Malt beverages and empty containers,* between Jasper County, IN, on the one hand, and, on the other, Memphis, TN, and points in MO. Supporting shipper: Jasper County Distributors, Inc., 706 North Cullen Street, Rensselaer, IN 47978.

MC 120364 (Sub-4–17TA), filed July 24, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract carrier; irregular routes: Envelopes* from North Chicago, IL to points in IL, IA, IN, MN and WI under continuing contract(s) with Westvaco, U.S. Envelope Division. Underlying ETA seeks 120 days authority. Supporting shipper: Westvaco, U.S. Envelope Division, 2001 Roosevelt Avenue, Springfield, MA 01101.

MC 153744 (Sub-4–2TA), filed July 24, 1981. Applicant: JOSEPH S. MICELI, d.b.a. M & M MOTOR SERVICE, 1720 Algonguin Road, Mount Prospect, IL 60056. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. *General commodities* (except Classes A and B explosives), between Chicago, IL, and points in its Commercial Zone, on the one hand, and, on the other, points in IL, IN, OH, KY, IA, WI, MI, and MO, restricted to traffic having prior or subsequent movement by rail or water. Supporting shippers: Intermaritime Forwarding Co., Inc., 10600 W. HIggins Road, Rosemont, IL 60018; and Zim American Israeli Shipping, 10600 W. Higgins Road, Rosemont, IL 60018.

MC 157045 (Sub-4–1TA), filed July 24, 1981. Applicant: R.T.C., INC. d.b.a. RZEPKA TRUCKING COMPANY, INC., 19494 Kern Road, South Bend, IN 46614. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. *General Commodities (except Classes A and B explosives),* between points in LaPorte, St. Joseph, Elkhart, Starke, Allen, Marshall, Kosciusko, Pulaski, and Fulton Counties, IN; Berrien County, MI; and the Chicago, IL commercial zone. Restricted to: Pick-up and delivery services performed under agency agreements with certificated motor common carriers possessing Interstate Commerce Commission authority to serve points within the scope of this authority. Supporting shippers: Stewart Truck Lines, Inc., P.O. Box 109, Dry Ridge, Ky 41035 and Jones Motor Co., Inc., Bridge St. and Schuylkill Road, Spring City, PA 19475.

MC 148355 (Sub-4–5TA), filed July 24, 1981. Applicant: A-I DISPOSAL CORPORATION, P.O. Box 301, 400 Broad St., Plainwell, MI 49080. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Toxic/hazardous waste materials, hazardous waste substances and hazardous waste (except nuclear waste, explosives, and household goods as defined by the Commission)* from Plainwell, MI, to Cedar Falls, IA, and from Cedar Falls, IA, to Detroit, MI. Supporting shipper: Viking Pump Houdaille, 406 State St., Cedar Falls, IA 50613.

MC 148200 (Sub-4–4TA), filed July 27, 1981. Applicant: FREIGHT MASTERS, INC., 2828 Lafayette Road, Indianapolis, IN 46222. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington, DC 20006. *General commodities* except class A and B explosives, between the facilities of Mead Johnson and Company at or near Evansville and Mt. Vernon, IN, and Springfield, MO, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shipper: Mead Johnson and Company, 2404 Pennsylvania Avenue, Evansville, IN, 47721.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-22782 Filed 8-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 3, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will

be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members, Carleton, Fisher and Williams. Member Williams not participating.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–3–132

Decided: July 29, 1981.

MC 156254 (Sub-8), filed July 23, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403, (617) 822–1792. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157285 filed July 23, 1981. Applicant: TRANSPORTATION CONSULTANTS & SERVICES, INC., 312 Baird Rd., Merion, PA 19066. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001, (212) 279–3050. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–292

Decided: July 27, 1981.

MC 110567 (Sub-26), filed July 16, 1981. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245–2731. Transporting, for or on behalf of the United States Government, general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

[FR Doc. 81–22758 Filed 8–4–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated 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 (expect those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–5–119

Decided: July 27, 1981.

MC 5888 (Sub-64), filed July 13, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th St., Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *such commodities* as are dealt in or used by wholesale and retail grocery stores, between points in Jackson County, MO, on the one hand, and, on the other, points in the U.S.

MC 30078 (Sub-5), filed July 13, 1981. Applicant: FRANCIS B. SHERIDAN d.b.a. MOUND CITY TRUCK LINE, Route 2, P.O. Box 214, Mound City, KS 66056. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *general commodities* (except classes A and B explosives) between Kansas City, MO, and points in Greene, Jasper and Newton Counties, MO, Linn and Johnson Counties, KS, on the one hand, and, on the other, points in AR, IA, IL, KS, MO, NE, and OK.

MC 31389 (Sub-330), filed July 15, 1981. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same address as applicant), (919) 721–2433. Transporting *general commodities* (except classes A and B explosives), serving points in AR, AZ, CA, CO, DE, IN, KY, LA, ME, MD, MI, MN, NV, NH, NM, NY, OH, OK, OR,

PA, TN, VT, VA, WA, WI, and WV as off-route points in connection with applicant's regular-route operations.

MC 41849 (Sub-47), filed July 13, 1981. Applicant: KEIGHTLEY BROS., INC., 1301 Gratiot St., St. Louis, MO 63103. Representative: Edward J. Kiley, 1730 M St., NW., Washington, D.C. 20036, (202) 296-2900. Transporting (1) *lime, limestone and limestone products,* between points in East Baton Rouge, Orleans and St. Marys Parishes, LA, on the one hand, and, on the other, points in AR, AL, LA, MS, and TX, (2) *chemicals and related products,* between points in Jefferson County, MO, on the one hand, and, on the other, points in AR, IL, IN, IA, KY, KS, MI, and TN, and (3) *general commodities* (except classes A and B explosives), between the facilities used by the United States Gypsum Company and Owens-Illinois, Inc., at points in AL, AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, TN, TX, and WI, on the one hand, and, on the other, points in AL, AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, TN, TX, and WI.

MC 50069 (Sub-567), filed July 10, 1981. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566-5639. Transporting (1) *petroleum and petroleum products* and (2) *chemicals,* between points in the U.S., under continuing contract(s) with Standard Oil Company (Ohio), of Cleveland, OH.

MC 55889 (Sub-74), filed July 13, 1981. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (301) 986-1410. Transporting *general commodities* (except classes A and B explosives), between points in Houston County, AL, on the one hand, and, on the other, points in the U.S.

MC 61129 (Sub-9), filed July 13, 1981. Applicant: B & H FREIGHT LINES, INC., P.O. Box 354, Harrisonville, MO 64701. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781-6000. Transporting *general commodities* (except classes A and B explosives), between points in Cass, Henry, Johnson, Benton, and Pettis Counties, MO, on the one hand, and, on the other, points in AL, AZ, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NV, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV, WI, and DC.

MC 106509 (Sub-27), filed July 13, 1981. Applicant: YOUNGER TRANSPORTATION, INC., 40904 Griggs Rd., Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant), 713-748-0100. Transporting *Mercer commodities,* between points in LA, TX, and NM (except Lea and Eddy Counties).

MC 111079 (Sub-4), filed July 13, 1981. Applicant: H. W. JONES & SONS, INC., P.O. Box 329, Mt. Gilead, OH 43338. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, 614-889-2531. Transporting *Mercer commodities,* between points in IL, IN, KY, MI, NY, OH, PA, TN, and WV.

MC 111729 (Sub-772), filed July 10, 1981. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Pard Rd., New Hyde Park, NY 11040. Representative: Peter A. Greene, 1920 N St., NW., Suite 700, Washington, DC 20036, (202) 331-8800. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 113158 (Sub-52), filed July 13, 1981. Applicant: TODD TRANSPORT COMPANY, INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, (215) 735-3090. Transporting *such commodities* as are dealf in or used by grocery stores and food business houses, between points in FL, GA, NC, SC, VA, and WV, on the one hand, and, on the other, points in DE, MD, NJ, NY, PA, and DC.

MC 134938 (Sub-2), filed July 14, 1981. Applicant: CASSWAYS TRUCKING CORPORATION, 109 Aldene Road, Roselle, NJ 07203. Representative: Mr. James S. Cascio (same address as applicant), (201) 241-9033. Transporting *general commodities* (except classes A and B explosives) between points in CT, NJ, NY, and PA, on the one hand, and, on the other, points in CT, DE, MD, MA, NH, NJ, NY, PA, RI, and DC.

MC 138068 (Sub-7), filed July 13, 1981. Applicant: WAREHOUSE TRANSPORTATION COMPANY, INC., P.O. Box 84, Urbana, OH 43078. Representative: Robert E. Tucker, 750 West 3rd St., Cincinnati, OH 45203, (513) 621-1200. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Big Bear Stores Co. and its subsidiary Hart Stores, Inc., of Columbus, OH.

MC 138388 (Sub-12), filed July 13, 1981. Applicant: CHESTER CAINE d.b.a. CAINE TRANSFER, Box 376, Lowell, WI 53557. Representative: James A. Spiegal, Olde Towne Office Park, 6333 Odana Rd., Madision, WI 53719, (608) 273-1003. Transporting *malt beverages* between the facilities used by Stroh Brewery Company at points in the Chicago, IL, Commercial Zone, on the one hand, and, on the other, points in WI.

MC 139628 (Sub-3), filed July 14, 1981. Applicant: GLENN DAVID COWAN AND JAMES ESTILL COWAN, P.O. Box 339, East Bernstadt, KY 40729. Representative: Herbert D. Liebman, 403 West Main St., P.O. Box 478, Frankfort, KY 40602, (502) 875-3493. Transporting *cheese and cheese food products* between points in Van Wert County, OH, on the one hand, and, on the other, points in TN, NC, SC, GA, and FL.

MC 140759 (Sub-1), filed July 13, 1981. Applicant: CHAVIS VAN & STORAGE OF MYRTLE BEACH, INC., P.O. Box 1616, Myrtle Beach, SC 29577. Representative: Robert J. Gallagher, 1000 Connecticut Ave. Suite 1200 Washington, DC 20036, (202) 463-6044. Transporting *household goods* as defined by the Commission (1) between points in SC, NC, and GA, and (2) between points in (1) on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, MD, DE, VA, AL, FL, and DC.

MC 141958 (Sub-24), filed July 15, 1981. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 546, Effingham, IL 62401. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *containers and container ends,* between those points in the U.S. in and east of MN, IA, MO, AR, and LA, on the one hand, and, on the other, the facilities used by Ball Corporation at those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 144709 (Sub-13), filed July 7, 1981. Applicant: MINERAL CARRIERS, INC., P.O. Box 110, Bound Brook, NJ 08805. Representative: Paul J. Keeler, P.O. Box 253, South Plainfiled, NJ 07080, (201) 757-3478. Transporting *food and related products* between points in the U.S., under continuing contract(s) with The Nestle Company, Inc., of White Plains, NY.

MC 153509 (Sub-5), filed July 10, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Road, Louisville, KY 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson St., Louisville, KY 40202, (502) 587-0789. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Geneva Wheel & Stamping Corp., of Cartersville, GA, Industrial Electrical Equipment, Inc., of Louisville, KY, Atomaster-Division of Koehring Company, of Bowling Green, KY, Besco

Products, Inc., of Louisville, KY, Borden, Inc., of Columbus, OH, Certified Grocers of IL, Inc., of Hodgkins, IL, Unican Security Systems, Inc., of Rocky Mount, NC, and Hardy Salt Company, of St. Louis, MO.

MC 157049 filed July 9, 1981. Applicant: AMATO MOTORS, INC., 977 West Cermak Rd. Chicago, IL 60608. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *metal and metal products* between the facilities of Alumax, Inc., its divisions, subsidiaries, and affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 157119, filed July 13, 1981. Applicant: BROKERS TRANSPORT ASSOCIATION INCORPORATED, 9400 W. Forster Ave., Chicago, IL 60656. Representative: Ronald E. Laitsch, P.O. Box 70, Watertown, WI 53094, (414) 261–9725. Transporting *motor vehicles,* between Minneapolis/St. Paul, MN, Kansas City and St. Louis, MO, points in Cook and DuPage Counties, IL, and the facilities used by Winnebago Company at points in IA, on the one hand, and, on the other, points in the U.S.

MC 157128, filed July 13, 1981. Applicant: JERRY CRANOR, d.b.a. NUGGET TRUCKING, P.O. Box 806, Rock Springs, WY 82901. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20036, (202) 223–5900. Transporting *Mercer commodities,* between points in AR, AZ, CO, ID, KS, MS, MT, NE, NV, NM, ND, LA, OK, TX, UT, and WY.

Volume No. OPY–5–120

Decided: July 30, 1981.

MC 908 (Sub-21), filed July 21, 1981. Applicant: CONSOLIDATED CARTAGE COMPANY, INC., 4528 South McDowell Ave., Chicago, IL 60609. Representative: Eugen L. Cohn, Room 2255, One North LaSalle St., Chicago, IL 60602, (312) RA–6–1481. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, KY, MI, MN, MO, OH, PA, TN, WV, and WI.

MC 48958 (Sub-221), filed July 20, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Ave., Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189, (806) 374–1641. Transporting *paper and paper products,* between points in the U.S., under continuing contract(s) with Sealright Co., Inc., of Kansas City, KS

MC 55778 (Sub-24), filed July 20, 1981. Applicant: MOTORFRATE DISPATCH, INC., 16360 Broadway Ave., Maple Heights, OH 44137. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 103798 (Sub-55), filed July 20, 1981. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting (1) *petroleum products* between points in Buffalo County, WI, on the one hand, and, on the other, points in IN, KS, MN, and WI; (2) *service station supplies* between points in IL, IN, IA, GA, KS, MN, MO, OH, TN, and WI, on the one hand, and, on the other, points in IL, IA, KS, MN, OR, and WI; and (3) *such commodities* as are used or dealt in by grocery, department, catalog, farm supply and home improvement stores, between those points in PA on or west of U.S. Hwy 219, and points in AL, AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY.

MC 109818 (Sub-96), filed July 16, 1981. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 224–2329. Transporting (1) *matal products,* (2) *machinery,* and (3) *transportation equipment,* between points in the U.S.

MC 119118 (Sub-70), filed July 13, 1981. Applicant: HIGHLAND EXPRESS, INC., P.O. Box 388 Latrobe, PA 15650. Representative: Richard C. McGinnis 711 Washington Bldg., Washington, D.C. 20005 (202) 347–3987. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of malt beverages, between points in Westmoreland County, PA, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA.

MC 121639 (Sub-10), filed July 20, 1981. Applicant: OKMULGEE EXPRESS, INC., 207 N. Cincinnati, Tulsa, OK 74103. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Over regular routes, transporting *general commodities* (except classes A and B explosives), between West Siloam Springs, OK, and Siloam Springs, AR, from West Siloam Springs over OK Hwy 33 to junction AR Hwy 68, then over AR Hwy 68 to Siloam Springs, serving all intermediate points.

Note.—Applicant intends to tack the rights sought with its existing regular-route authority to provide direct service.

MC 128638 (Sub-23), filed July 17, 1981. Applicant: CENTRAL GRAIN HAULERS, INC., P.O. Box 746 Rockwell Road, Winchester, NY 40391. Representative: Rudy Yessin, 113 West Main St., Frankfort, KY 40601, (502) 227–7328. Transporting (1) *paper products,* and (2) *printed matter,* between points in the U.S.; and (3) *coal,* between points in IN, OH, and KY.

MC 142059 (Sub-177), filed July 21, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant), (815) 729–3808. Transporting *iron and steel articles,* between points in Whiteside County, IL, on the one hand, and, on the other, points in the U.S.

MC 143669 (Sub-3), filed July 17, 1981. Applicant: TOWPICH EXPRESS LINES, LTD., 2840 58th Avenue, SE, Calgary, AB Canada T2C OB3. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101, (605) 335–1777. Transporting *general commodities* (except classes A and B explosives), in foreign commerce only between ports of entry on the international boundary line between the United States and Canada in WA and MT, on the one hand, and, on the other, points in CA, CO, ID, MT, ND, OR, SD, UT, WA, and WY.

MC 144159 (Sub-2), filed July 21, 1981. Applicant: BENNINGTON'S PLANT SERVICE, INC., P.O. Box 121, Pascagoula, MS 39567. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting *general commodities* (except classes A and B explosives), between points in Baldwin, Iscambia, Mobile, and Washington Counties, AL, and Hancock, Harrison, and Jackson Counties, MS, on the one hand, and, on the other, points in the U.S.

MC 145559 (Sub-13), filed July 22, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Idler, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of home improvement products, between points in the U.S., under continuing contract(s) with Standard Brands Paint Co., Inc., of Torrance, CA.

MC 146389 (Sub-2), filed July 20, 1981. Applicant: RENO & Sons, INC., Route 1, Box 324, Warrior, AL 35180. Representative: John W. Cooper, P.O.

Box 56, Mentone, AL 35984, (205) 634–4885. Transporting *refractories* between points in the U.S., under continuing contract(s) with Inferno Refractory Corp., of Birmingham, AL.

MC 150509 (Sub-12), filed July 17, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Ave., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Vam Buren, (same address as applicant), (212) 492–7332. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Harvey Alpert Company of Culver City, CA.

MC 153928 (Sub-3), filed July 21, 1981. Applicant: TRANSPO INTERNATIONAL, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce, (same address as applicant), (303) 289–2261. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 154419 (Sub-1), filed July 21, 1981. Applicant: PAUL GAILEY, P.O. Box 3703 (520 Mobile Home Park), Enid, OK 73701. Representative: C. L. Phillips, Rm. 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting *malt beverages*, between points in Tarrant County, TX, on the one hand, and, on the other, points in Pottawatomie County, OK.

MC 155719 filed July 17, 1981. Applicant: DAN RODRIGUEZ, d.b.a. BIG D TRUCKING CO., P.O. Box 142, Edinburg, TX 78539. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457–0804. Transporting *foodstuffs*, between points in Cameron and Hidalgo Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 156079 (Sub-1), filed July 15, 1981. Applicant: CIRCLE "C" CARRIERS, INC., P.O. Box 6158, 3401 E. Roosevelt Rd., Little Rock, AR 72216. Representative: Bill Shamburger, (same address as applicant), (501) 372–2014. Transporting (1) *Charcoal* and (2) *charcoal briquets*, between points in Baxter County, AR, on the one hand, and, on the other, points in the U.S.

MC 157149, filed July 13, 1981. Applicant: WILLIAM LAMONT, KENNETH E. LAMONT & JOHN T. RILEY, d.b.a. LAMONT TRUCKING, Rural Route #1, Crossville, IL 62827. Representative: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703, (217) 528–8478. Transporting (1) *fluorspar* between points in Hardin County, IL, on the one hand, and, on the other, points in IN and KY; (2) *dry fertilizer* between (a) points in Henderson County, KY, on the one hand, and, on the other, points in Knox, Daviess, Sullivan, Greene, Gibson, and Pike Counties, IN, and (b) between points in Posey County, IN, and Henderson County, KY, on the one hand, and, on the other, points in White, Wayne, Coles, Edgar, Cumberland, Clark, Jasper, Crawford, Champaign, Vermilion, Wabash, Douglas, Gallatin, Hardin, Richland, Lawrence, and Edwards Counties, IL; (3) *liquid fertilizer* (a) between points in Jasper County, IL, and Henderson County, KY, on the one hand, and, on the other, points in Coles, Edgar, Cumberland, Clark, Jasper, Crawford, Champaign, Vermilion, Douglas, Gallatin, Hardin, Richland, Lawrence, Edwards, Wabash, and White Counties, IL, and (b) between points in Jasper County, IL, on the one hand, and, on the other, points in Knox, Daviess, Sullivan, Greene, Gibson, and Pike Counties, IN; (4) *sand and gravel* between points in Knox and Gibson Counties; IN, on the one hand, and, on the other, points in Henderson, Daviess, Hancock, Union, Hopkins, Webster, and McLean Counties, KY, and points in White, Wayne, Edwards, Wabash, Hamilton, Lawrence, Richland, and Clay Counties, IL; and (5) *agricultural limestone and crushed limestone* between points in Crawford, Gibson, and Knox Counties, IN, on the one hand, and, on the other, points in Henderson, Daviess, Hancock, Union, Hopkins, Webster, and McLean Counties, KY, and points in White, Wayne, Edwards, Wabash, Hamilton, Lawrence, Richland, and Clay Counties, IL.

MC 157219, filed July 20, 1981. Applicant: AMERICAN WESTERN CORPORATION, 355 Boyce Greeley Bldg., Sioux Falls, SD 57102. Representative: Claude Stewart, S.D. Transport Services, Inc., P.O. Box 480, Sioux Falls, SD 57101, (605) 339–3629. Transporting *general commodities* (except classes A and B explosives), between points in SD, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81–22759 Filed 8–4–81; 8:45 am]
BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–48 (Preliminary)]

Certain Amplifier Assemblies and Parts Thereof From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary antidumping investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–48 (Preliminary) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of certain amplifier assemblies and parts thereof, which are allegedly sold or likely to be sold in the United States at less than fair value (LTFV). For purposes of this investigation, certain amplifier assemblies are defined as radio frequency power amplifier assemblies, and parts thereof, specially designed for transmission in the C, X, and Ku bands from fixed earth stations to communications satellites, as provided for in item 685.29 of the Tariff Schedules of the United States.

EFFECTIVE DATE: July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Magrath, Office of Investigations, U.S. International Trade Commission, Room 348, 701 E Street, NW., Washington, D.C. 20436; telephone 202–523–0283.

SUPPLEMENTARY INFORMATION: On July 24, 1981, petitions were simultaneously filed with the U.S. Department of Commerce and the U.S. International Trade Commission by counsel representing Aydin Corp., Fort Washington, Pa., alleging that certain amplifier assemblies and parts thereof from Japan are being sold in the United States at LTFV and that an industry in the United States is being materially injured or threatened with material injury by reason of such imports.

Accordingly, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), the Commission is instituting preliminary antidumping investigation No. 731–TA–48 (Preliminary) to determine whether a reasonable indication of such injury exists. The Commission must make its determination within 45 days after the date on which the petition was received, or in this case by September 8, 1981. The investigation will be conducted according to the provisions of part 207, subpart B, of the Commission's Rules of Practice and Procedure (19 CFR 207).

Written Submissions

Any person may submit to the Commission a written statement of information pertinent to the subject of the investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of

the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before August 24, 1981. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

For further information concerning the conduct of the investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR 207), and part 201, subparts A through E (19 CFR 201).

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10 a.m., e.d.t., on Wednesday, August 19, 1981, at the U.S. International Trade Commission Building. Parties wishing to participate in the conference should contact the supervisory investigator for this investigation, Mr. Lynn Featherstone (202–523–0242). It is anticipated that parties in support of the petition for the imposition of antidumping duties and parties opposed to such petition will each be collectively allocated one (1) hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

Inspection of the Petition

The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

This notice is published pursuant to section 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: July 29, 1981.
By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-22820 Filed 8-4-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-91]

Certain Mass Flow Devices and Components Thereof; Commission Request for Comments on Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Request for public comments on proposed termination of this investigation based on settlement agreement.

SUMMARY: On June 10, 1981, all parties to *Certain Mass Flow Devices and Components Thereof*, investigation No. 337–TA–91, filed a joint motion to terminate the investigation, based on a settlement agreement entered into on June 1, 1981, by complainant Tylan Corporation of Torrance, CA ("Tylan") and respondents Advanced Semiconductor Holding b.v. of the Netherlands and Advanced Semiconductor Materials America, Inc. of Pheonix, AZ (collectively referred to herein as "ASM"). This motion, if granted, would have the effect of terminating this investigation. This notice contains a non-confidential synopsis of the agreement and seeks public comments upon it.

DATES: Comments will be considered if received within thirty (30) days of the date this notice appears in the **Federal Register.** Comments should conform with Commission Rule 201.8 (19 CFR § 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–1627.

SUPPLEMENTARY INFORMATION: This investigation was instituted upon publication by the Commission of notice in the **Federal Register** on November 26, 1980 (45 FR 78843).

Synopsis of the Settlement Agreement

The settlement agreement in question settles all outstanding litigation involving Tylan and ASM before this and all other forums.

Tylan agrees for a specified sum of money to grant ASM a fully paid-up, royalty-free, non-exclusive, nontransferable and unassignable license for the practice of U.S. Letters Patent Nos. 3,650,505, 3,851,526, and 3,938,384, and their foreign counterparts (other than Tylan's Japanese patents and Japanese patent application). Similarly, for a specified sum of money, Nippon Tylan agrees to deliver to ASM a fully paid-up, royalty-free, non-exclusive, nontransferable and unassignable license to Japanese Patents Nos. 861655 and 970462 and Japanese Patent Application No. 114381/73 for the importation into or manufacture in Japan of devices to be sold only after such devices have been incorporated as components of systems or as spare or replacement parts in such systems.

ASM agrees not to contest or oppose in any manner the validity or enforceability of all of the above-mentioned patents. Additionally, Tylan agrees to sell to ASM and ASM agrees to accept delivery from Tylan of an agreed-upon number of units of Tylan's mass flow controllers within the next three years.

Comments Requested

In light of the Commission's duty to consider the public interest in this investigation, the Commission requests written comments from interested persons concerning the effect of the termination of this investigation based upon the settlement agreement upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. Written comments must be filed with the Secretary to the Commission no later than 30 days after publication of this notice in the **Federal Register.** The Commission will consider requests for oral argument or oral presentation on this matter if such requests are received in the Office of the Secretary not later than 15 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written submissions will be open for public inspection at the Secretary's office.

Issued: July 29, 1981.
By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-22823 Filed 8-4-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-96]

Certain Modular Pushbutton Switches and Components Thereof; Addition of International Telephone & Telegraph Co. as a Party

AGENCY: U.S. International Trade Commission.

ACTION: Addition of a party.

SUMMARY: Upon consideration of Motion Docket 96-3, as certified to the Commission by the Administrative Law Judge (ALJ) on June 9, 1981 and ALJ's recommendation that the motion be granted, the Commission has ordered that said motion is granted and that International Telephone and Telegraph Company is added as a party.

Copies of the Commission action and order are available to the public during official business hours (8:45 a.m. to 5:15 p.m.) at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Scott Daniels, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0480.

By order of the Commission.
Issued: July 28, 1981.
By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-22822 Filed 8-4-81; 8:45 am]

BILLING CODE 7020-02-M

[TA-201-45]

Fishing Rods and Parts Thereof; Investigation

AGENCY: United States International Trade Commission.

ACTION: Following receipt of a petition on July 13, 1981, filed by nineteen U.S. manufacturers of fishing rods and parts thereof, the U.S. International Trade Commission on July 27, 1981, instituted an investigation (No. TA-201-45) under section 201(b) of the Trade Act of 1974 (19 U.S.C. 2251(b)) to determine whether fishing rods and parts thereof, provided for in item 731.15 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

EFFECTIVE DATE: July 13, 1981.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator, U.S. International Trade Commission, Washington, D.C. 20436 (202-523-0439).

SUPPLEMENTARY INFORMATION:

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m. e.d.t. on Friday, October 2, 1981, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission at his office in Washington no later than the close of business Wednesday, September 23, 1981.

Prehearing procedures. To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. An original and nineteen copies of such prehearing briefs should be submitted to the Secretary no later than the close of business Wednesday, September 23, 1981. Copies of any prehearing briefs submitted will be made available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with section 201.12(d) of the Commission's Rules of Practice and Procedure (19 CFR 201(d)), it would be unnecessary to submit such a statement if a prehearing brief is submitted instead. Any prepared statements submitted will be made a part of the transcript. Oral presentations should, to the extent possible, be limited to issues raised in the prehearing briefs.

A prehearing conference will be held on Friday, September 25, 1981, at 10 a.m. e.d.t. in Room 117 of the U.S. International Trade Commission Building.

Persons not represented by counsel or public officials who have relevant matters to present may give testimony without regard to the suggested prehearing procedures outlined above.

Other written submissions. Other written submissions, except for posthearing briefs, should be filed with the Secretary to the Commission prior to the public hearing. Commercial or financial data which are confidential should be clearly marked "Confidential Business Information" and should be submitted in accord with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Submissions should also conform to the general requirements of section 201.8 of the Commission's rules (19 CFR 201.8).

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

Issued: July 28, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-42819 Filed 8-4-81; 8:45 am]

BILLING CODE 7020-02-M

Investigation No. 731-TA-44 (Preliminary)]

Sorbitol From France

Determination

On the basis of the record [1] developed in investigation No. 731-TA-44 (Preliminary), the Commission unanimously determines that there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, [2] by reason of imports of sorbitol from France, provided for in item 493.68 of the Tariff Schedules of the United States, which are allegedly being sold in the United States at less than fair value (LTFV).

Background

On June 15, 1981, Pfizer Inc., filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that sorbitol inported from France is being sold in the United States at LTFV. The Commission instituted a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930, 19 U.S.C. § 1673b(a), to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of sorbitol from France. The statute directs that the Commission make its determination within 45 days of its receipt of the petition or, in this investigation, by July 30, 1981.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection with the investigation was duly given by posting copies of the notice in the Office of the Secretary, U.S.

[1] The record is defined in section 207.2(j) of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 207.2(j).

[2] Chairman Alberger and Commissioner Bedell found only that there is a reasonable indication that an industry in the United States is materially injured. Material retardation of the establishment of an industry is not at issue in this investigation because five U.S. firms currently produce sorbitol. This issue is not discussed further.

International Trade Commission Washington, D.C. and by publishing the notice in the Federal Register. 46 Fed Reg 32700 (June 24, 1981). A public conference was held in Washington, D.C., on July 13, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

Our determination is based on the following considerations.

The Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term industry as "the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."[3] A like product is defined as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation."[4]

The subject of this investigation is sorbitol imported from France in two forms, crystalline and liquid.[5] U.S. firms produce crystalline sorbitol and liquid sorbitol. Some U.S. producers also manufacture technical grades of sorbitol. Nearly all technical grades of sorbitol are manufactured from a different raw material (fructose) in a separate manufacturing process than liquid and crystalline sorbitol.[6] For the most part, technical grades of sorbitol have distinct uses.

Crystalline and liquid sorbitol are produced from the same primary raw material, dextrose derived from corn, and all are manufactured by similar processes. Continued purification and concentration of liquid sorbitol results in the crystalline form. The different forms and grades of sorbitol vary in their purity; however, one producer's crystalline sorbitol is essentially fungible with another producer's product. The same is true for liquid sorbitol.[7] Crystalline sorbitol, both granular and powdered, is primarily used in sugarless gum, mints, and other confections. Liquid sorbitol is primarily used in toothpastes, cosmetics, foods, pharamaceuticals, and industrial surfactants. For some uses crystalline and liquid sorbitol are substitutable. For other end uses substitution is more difficult, but not impossible. Substitutability is largely a function of the cost of the additional processing necessary to convert from one to another.

The best evidence available to us at this preliminary stage suggests that both crystalline and liquid sorbitol constitute a single like product. Therefore, we find that the domestic industry consists of all producers of USP isolated sorbitol in either crystalline or liquid form. However, we would not want to preclude arguments in a final investigation that the two forms constitute separate like products.

Available data do not permit the separate identification of technical grades of sorbitol in terms of producers' profits or production processes. Therefore, under section 771(4)(D), the effect of the imports will have to be assessed against domestic production of all sorbitol for the purpose of this preliminary investigation.[8]

Reasonable Indication of Material Injury or Threat Thereof

In making a determination of material injury or threat of material injury by reason of LTFV imports, the Commission is directed to consider, among other factors: (1) the volume of imports of the subject merchandise; (2) the effect of these imports on the price of like products in the United States; and (3) the impact of imports on the affected domestic industry.[9] The following discussion applies this standard to the facts of this investigation.

Volume of imports. Since 1978 imports of sorbitol from France have increased both absolutely and relatively to consumption.[10] The level of imports increased steadily between 1978 and 1981, with the greatest increases occurring since 1979. Between 1979 and 1980, imports increased by 72 percent and for the period January-May 1981 imports were 59 percent above the level for January-May 1980.

The increase in imports between 1979 and 1980 is of particular interest because it took place during a period of declining U.S. consumption of sorbitol.[11] As a result, the ratio of imports to consumption that had grown minimally from 1978 to 1979 increased significantly from 1979 to 1980. In the growing sorbitol market of 1981 the alleged LTFV imports have maintained the market share performance established for the full year 1980 and, compared with the January-May period, have increased their share of the domestic market significantly.[12]

Effect of imports on prices. The Commission's investigation revealed indications of both price suppression and underselling by the alleged LTFV imports. Weighted average prices for crystalline sorbitol increased by 22 percent and those for liquid sorbitol increased by 33 percent for the period under review from January 1978 through May 1981. These price increases, however, failed to keep pace with the 113 percent increase in the price of dextrose,[13] the primary raw material for the maufacture of sorbitol.[14] Information on price developments in the toothpaste market support the view that price suppression by imports is taking place.[15] Within the toothpaste market, where imports have not penetrated siginificantly, prices rose 45 percent as contrasted with 22 percent and 33 percent increases for general sales.

Sorbitol imports from France consistently undersold the domestic product from 1978 to 1980. Although in

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[3] 19 U.S.C. § 1677(4)(A).

[4] *Id.* § 1677(10).

[5] Pfizer petition at 1. Liquid sorbitol conforms to United States Pharmacopoeia (USP) specifications for a 70 percent solution. All crystalline sorbitol also conforms to USP specifications.

[6] Sorbitol can occur in nonisolated form as an intermediate product of ascorbic acid production. Nonisolated sorbitol has never been marketed and has no end use other than continued processing into ascorbic acid and therefore is excluded from the domestic industry as defined. Staff report A-3, A-5.

[7] USP grade crystalline sorbitol may contain up to 9 percent inert sugars or other polyhydric alcohols and USP grade liquid sorbitol may contain up to 6 percent of these solid impurities. Technical grade liquid sorbitol contains more of these impurities than USP grade sorbitol. Staff report A-2.

[8] 19 U.S.C. § 1677(4)(D).

[9] 19 U.S.C. § 1677(7)(B).

[10] Import data used by the Commission were obtained from responses of importers primarily to the Commission's questionnaire. Imports from France have been made by a single U.S. firm and thus the specific figures are confidential. Official Department of Commerce import statistics could not be used for purposes of our analysis of injury since they are not collected on a comparable basis to other data before the Commisson. Staff report A-22.

[11] Apparent U.S. open market consumption of sorbitol increased by 5 percent from 1978 to 1979, declined by 7 percent in 1980, and then increased by 8 percent in January-May 1981 over the same period in 1980. *Id.* at A-18.

[12] Vice Chairman Calhoun and Commissioner Stern note that Roquette Prères, the sole French exporter of the alleged LTFV imports, is the largest sorbitol producer in the world and thus presumably is in a position to maintain and possibly increase its exports to the United States. More information—including Roquette Frères' plans to construct a U.S. production facility and its domestic and export commitments—is necessary to evaluate the threat situation and should be available in a final investigation.

[13] Dextrose accounts for roughly 70 percent of the cost of manufacturing sorbitol. Staff report A-21; conference transcript 20, 47.

[14] Commissioner Stern points out that the failure of producer prices to keep up with dextrose price levels could, of course, have as much to do with price suppression caused by price levels of competitive producers or price competition between domestic producers as to price suppression by imports. This issue should be further explored in the final investigation.

[15] Commissioner Stern notes that information developed in this preliminary investigation gives rise to a question of whether it is appropriate to include data on domestic production of sorbitol for the toothpaste market in the profile of the domestic industry's performance.

1981 the level of underselling was negligible for crystalline sorbitol, underselling continues in the liquid sorbitol market. We note that underselling was greatest and at significant levels for both liquid and crystalline sorbitol from late 1979 through 1980.

Impacts of imports on the domestic producer. Despite the fluctuation in sorbitol consumption from 1979 to 1980,[16] a number of important indicators of industry performance have declined over the entire period. These performance indicators began to slip between 1978 and 1979 and fell substantially between 1979 and 1980, coincident with the substantial underselling of domestic products by the alleged LTFV imports.

Specific indications of the increasing difficulties faced by the domestic industry include: a 17 percent drop in production from 1979 to 1980 followed by an additional 7 percent drop from January-May 1980 levels during the same period in 1981; a 16 percent drop in shipments from 1979 to 1980 with only negligible growth in shipments from January-May 1981 compared with those for the same period in 1980; a substantial decline in capacity utilization particularly from 1979 to date, which is greater than can be accounted for by capacity increases; and a significant drop in exports by the domestic industry from 1978 to May 1981.[17]

Employment and profitability data available to the Commission, although representing less than half of the U.S. industry, indicates declining trends.[18]

Further indications of problems facing the industry are reflected in the data obtained on lost sales. The Commission staff confirmed the existence of two lost sales of domestic sorbitol to the imported product as a result of price considerations.[19] At the conference Roquette Frères confirmed a third lost sale alleged by Pfizer. This sale resulted from a special arrangement in which price may or may not have been a major consideration. The purchaser substituted French sorbitol for the purchase of another Roquette product in order to avoid contract penalties.[20]

[16] Footnote 9, *supra.*

[17] Declining exports, although not directly attributable to import levels, indicate vulnerability of the industry to import problems.

[18] Data were requested from the entire industry. A more complete response should be available in a final investigation, particularly on normal profit levels for an industry of this nature.

[19] Staff report A-31 to 32.

[20] *Id.* at A-31 to 32; Roquette Frères post conference brief at 11-12.

Commissioner Stern notes that both Roquette Frères and Pfizer cited this third lost sale in support of their respective positions. Pfizer contends that this lost sale was due to price considerations and is a further showing of material injury by reason of alleged LTFV imports. Roquette Frères, on the other hand, contends that this lost sale explains almost all the increase in French imports for the period under review and that it was not lost as a result of price considerations. Roquette Frères then concludes that there is no causal nexus between the difficulties the industry may be facing and the alleged LTFV imports.

The circumstances of this lost sale will need to be explored further should this case return for a final investigation, as will other possible causes of injury raised in this investigation such as declining exports and the impact of the recession. Congress has indicated that "the law does not . . . contemplate that injury from LTFV imports be weighed against other factors . . . and further that it does not view overall injury caused by unfair competition, such as dumping to require as strong a causation link to unfairly competitive imports as would be required for determining the existence of injury under fair trade conditions." H.R. Rep. No. 96-317, 96th Cong., 1st Sess. 47 (1979). Although other factors are considered, the essential point is that the Commission "must satisfy itself that in the light of all the information presented, there is a sufficient causal link between the less-than-fair value imports and the requisite injury." S. Rep. No. 249, 96th Cong., 1st Sess. 75 (1979). In this preliminary investigation, the information on import levels and penetration, possible price suppression, and underselling provide a reasonable indication of a causal connection between the alleged LTFV imports and the adverse trends in domestic industry performance.

Conclusion

On the basis of available data we determine that the investigation should continue.

Issued: July 30, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-22821 Filed 8-4-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. CBS Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant ot the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the Southern District of New York in *United States v. CBS Inc.* 78 Civ. 2491 (P.N.L.) The cpmplaint in this action alleged that CBS's 1977 acquisition of Fawcett Publications, Inc. may substantially lessen competition in mass market paperback publishing by eliminating competition betweeen CBS's Popular Library division and Fawcett in violation of Section 7 of the Clayton Antitrust Act.

The proposed Final Judgment requires CBS to sell its Popular Library division within two years. CBS is further prohibited from acquiring any other mass market paperback publisher for a period to ten years, except with prior written consent of the United States or by approval of the Court.

Public comment is invited within the statutory 60 day comment period. Such comments, and the Government's responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Alan L. Marx, Acting Chief, General Litigation Section, Antitrust Division of the Department of Justice, Washington, D.C. 20530.

Joseph H. Widmar,

Director of Operations.

United States District Court, Southern District of New York

United States of America, *Plaintiff,* v. CBS Inc., *Defendant;* 78 Civ. 2491 (P.N.L.). Filed: July 23, 1981.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, and without further notice to any party or other proceedings: *Provided* That Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendant and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to the Plaintiff and Defendant in this or any other proceeding.

Dated: July 15, 1981.

For the Plaintiff:

William F. Baxter,

Assistant Attorney General, Antitrust Division.

Mark Leddy,

Deputy Director of Operations, Antitrust Division.

Alan L. Marx,

Acting Chief, General Litigation Section Antitrust Division.

Charles E. Hamilton, III,

Gary L. Halling,

Angela L. Hughes,

Margaret H. Fitzpatrick,

Attorneys, Antitrust Division, United States Department of Justice, Washington, D.C. 20530.

For the Defendant:

Cravath, Swaine & Moore,

One Chase Manhattan Plaza, New York, New York 10005.

Wilmer, Cutler & Pickering,

1666 K Street, N.W., Washington, D.C. 20006.

Gary D. Wilson,

A member of the firm, Attorneys for CBS Inc.

United States District Court, Southern District of New York

United States of America, *Plaintiff,* v. CBS Inc., *Defendant;* 78 Civ. 2491 (P.N.L.). Filed: July 23, 1981.

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on June 1, 1978, and defendant CBS Inc. ("CBS") having appeared, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment, and without this Final Judgment constituting any evidence against, or any admission by, any party with respect to any issue of fact or law herein;

Now, therefore, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby ordered, adjudged and decreed, as follows:

I

This Court has jurisdiction over the subject matter herein and the parties hereto. The complaint states a claim upon which relief may be granted against CBS under Section 7 of the Clayton Act, 15 U.S.C. 18, as amended.

II

As used in this Final Judgment:

(A) "Mass market paperback publisher" means a United States publisher of any imprint or line of paperback books (1) which is predominately rack size (approximately four inches by seven inches in size) and (2) at least forty percent of the net sales of which imprint or line are to magazine wholesalers (sometimes referred to as independent distributors or ID wholesalers).

(B) "Popular Library" means the Popular Library paperback book imprint of the Fawcett Books Group of the Consumer Publishing Division of CBS.

III

The provisions of this Final Judgment shall apply to CBS and to each of its directors, officers, employees, agents, subsidiaries, affiliates, sucessors and assignees and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

(A) CBS is ordered and directed within two years from the date of entry of this Final Judgment to divest Popular Library.

(B) The assets of Popular Library to be divested shall consist of the following:

(1) The exclusive right to use the Popular Library name in the paperback book publishing business;

(2) The assignable publishing rights owned or acquired by CBS for books to be published under the Popular Library imprint which have not yet been published;

(3) The assignable publishing rights to the books which have been published under the Popular Library imprint as of the date of entry of this Final Judgment or thereafter until the time of the divestiture and all inventories relating to such books; and

(4) The assignable rights to contracts with Popular Library authors for the Popular Library imprint: *Provided, however,* That with the consent of the plaintiff or, if such consent is refused, then upon approval by this Court, CBS may sell less than all of these assets if the buyer agrees.

(C) CBS shall sell or grant to the purchaser of Popular Library all rights owned by CBS for the trademarks and colophons used for Popular Library on or after January 7, 1977, except for any trademark or colophon which includes the words "CBS" or "Fawcett."

(D) At the request of the purchaser of Popular Library, CBS shall enter into a written contract pursuant to which CBS shall provide that purchaser with distribution services, at a reasonable price and upon reasonable terms and conditions, including those concerning the quantity of titles to be distributed, for books published under the Popular Library imprint for a period of up to three years following divestiture, so long as CBS remains in the business of distributing books to magazine wholesalers; provided however, that CBS shall not be obligated to distribute any book which is inconsistent with the standards in fact applied by CBS to books in other book imprints that it distributes to magazine wholesalers.

(E) CBS shall make known the availability of Popular Library for sale by customary and usual means. CBS shall furnish to bona fide prospective purchasers all information regarding Popular Library and its operations which is reasonably necessary to enable a prospective purchaser to determine whether to make an offer for Popular Library.

(F) If Popular Library has not been divested within one year following the date of entry of this Final Judgment, CBS shall employ one or more investment banking firms or business finders to assist in selling Popular Library and shall compensate such investment banking firm(s) or business finder(s) based at least in significant part on a commission arrangement which shall be contingent upon its or their causing the sale of the assets.

(G) While the divestiture is pending, CBS shall continue to operate Popular Library as an active paperback imprint and shall use its best efforts to maintain Popular Library as a competitive entity.

(H) Divestiture hereunder shall be complete and final, provided that CBS may retain a security interest to secure performance of any unpaid portion of the purchase price or to secure performance of the contract of sale. If CBS reacquires control of Popular Library pursuant to the exercise of such a security interest, it shall divest its control within one year thereafter.

V

(A) CBS is ordered and directed to compile a record of its efforts to divest Popular Library, including identification of any person or persons to whom Popular Library is or has been offered, the terms and conditions of each offer to sell, the identification of any person or persons expressing an interest directly or indirectly to any officer of CBS or the Consumer Publishing Division of CBS in acquiring the business, and the terms and conditions of each offer to purchase. Plaintiff shall have the right to receive this information upon request and shall receive a copy of this record every 60 days for a period of two years following entry of this decree, or until divestiture, whichever occurs first.

(B) CBS Shall promptly report the complete details of any proposed plan of divestiture to plaintiff and shall simultaneously provide plaintiff a copy of the record provided for in subsection (A).

(C) Following the receipt of any plan of divestiture, plaintiff shall have 30 days in which to object to the proposed divestiture by written notice ot CBS, unless within 10 days plaintiff requests additional information regarding the proposed divestiture, in which case plaintiff shall have 30 days to object following the receipt of the information requested. If plaintiff does not object to the proposed divestiture, it may be consummated. If plaintiff does object, the proposed divestiture shall not be consummated until CBS obtains the Court's approval of the proposed plan of divestiture or until plaintiff withdraws its objection.

(D) CBS shall notify plaintiff in writing within ten days of any offer to purchase. If CBS rejects any offer to purchase, it shall so notify the plaintiff in writing and fully describe the reasons therefore within 10 days of such rejection.

VI

At any time during or within 45 days after the end of the period specified in Section IV(A) or IV(H) of this Final Judgment, plaintiff may petition the Court for an order under this Section. The Court, in response to such a petition and upon a showing by plaintiff that divestiture has not been accomplished because of an inadequate effort to sell or the rejection of a reasonable offer to buy, shall order additional efforts by CBS for the sale of Popular Library, which may include an order to accept a specific reasonable offer to buy. CBS shall have the right to be heard by the Court on the issue of whether divestiture has not been accomplished because of an inadequate effort to sell or the rejection of a reasonable offer to buy and, if so, on the nature, scope and extent of any further Court order. The obligation of CBS under Section IV(A) or IV(H) of this Final Judgment shall terminate at the end of the period specified therein unless otherwise provided by further order of the Court under this Section.

VII

CBS is enjoined and restrained for a period of ten years from the date of entry of this Final Judgment or until it ceases owning a mass market paperback publisher, whichever occurs first, from acquiring all or any part of the stock or book publishing assets, other than books or publication rights in the normal course of business, of any mass market paperback publisher, except with the prior written consent of the plaintiff, or if such consent is refused, then upon approval by this Court. This Final Judgment shall not, however, prohibit CBS from acquiring in good faith the stock or book publishing assets of any mass market paperback publisher in the excercise of any security or debt or liability enforcement process, whether provided by law or bona fide agreement, so long as CBS shall dispose of such stock or assets within two years after they are acquired.

VIII

(A) For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to CBS made to its principal office, shall be permitted:

(1) Access during office hours of CBS, which may have counsel present, to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of CBS relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of CBS and without restraint or interference from it, to interview the officers, directors, employees, and agents of CBS, who may have counsel present, regarding any matters contained in this Final Judgment.

(B) CBS, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

(C) No information or documents obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the executive branch of the United States Government, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(D) If at the time information or documents are furnished by CBS to plaintiff, CBS represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and CBS marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to CBS prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which CBS is not a party.

IX

Jurisdiction is retained by this Court for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction, implementation or modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.

X

This Final Judgment will expire ten years from its date of entry.

XI

Entry of this Final Judgment is in the public interest.

Dated:

———— ————,

United States District Judge.

United States District Court, Southern District of New York

United States of America, *Plaintiff,* v. CBS Inc., *Defendant;* 78 Civ. 2491 (P.N.L.).

Competitive Impact Statement

The United States pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), files this Competitive Impact Statement in connection with the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On June 1, 1978, the United States filed a civil antitrust complaint under Section 15 of the Clayton Act, 15 U.S.C. 25, challenging the acquisition of Fawcett Publications Inc. (Fawcett) by CBS Inc. (CBS) as a violation of Section 7 of the Clayton Act, 15 U.S.C. 18. The complaint alleges that the effect of the acquisition may be substantially to lessen competition or to tend to create a monopoly in mass market paperback publishing. The complaint charges that competition between CBS and Fawcett was eliminated, competition in the mass market paperback industry in general may be lessened, and concentration had been increased in that industry to the detriment of actual and potential competition. The complaint sought to have CBS divest Fawcett and restore it to its pre-acquisition posture and to enjoin CBS, its directors, agents and all other persons acting on its behalf, from acquiring the stock or assets of any firm engaged in the publishing, distribution or sale of mass market paperback books.

Entry of the proposed Final Judgment will terminate this litigation. The Court will retain jurisdiction to construe, modify, or enforce the proposed Final Judgment.

II

The Acquisition and the Alleged Violation

On January 7, 1977, JAC Inc., a wholly-owned subsidiary of CBS acquired Fawcett for $50 million in cash. At the time of the acquisition, Fawcett published mass market paperback books under the Gold Medal and Crest imprints; trade paperback books under the Premier, Fawcett, and Fawcett Special imprints; three monthly special interest magazines; and a number of annual and "one shot" publications in magazine format. Fawcett also operated a printing plant not utilized in the production of paperback books, a magazine subscription service, and a distribution service which sold Fawcett's magazines and mass market paperback books to the more than 500 independent wholesalers in the United States and Canada. Since the acquisition CBS has sold the Fawcett printing plant.

Prior to the Fawcett acquisition, CBS was engaged in mass market paperback publishing through its Popular Library Books Division (Popular Library), which it acquired in 1971. The United States alleged that Popular Library and Fawcett were competitors in two lines of commerce: the purchase of the rights to publish mass market paperback books and the sale of mass market paperback books.

Mass market paperback books were described in the complaint as paper bound books, usually of standard rack size (4¼" x 7"), which are distributed predominantly to mass market outlets such as newsstands, drug stores, and variety stores by local wholesale distributors, who in turn receive the books from national distributors. The complaint alleged that mass market paperback books differ from all other books in their method of distribution, price, size, physical components, production facilities, and marketing methods.

The complaint stated that Fawcett and Popular Library accounted for approximately 9.4% and 2.6%, respectively, of 1976 mass market paperback sales, with the top four companies accounting for approximately 53% of 1976 sales and the top eight for approximately 81%. The complaint additionally alleged that the industry was experiencing a trend towards further concentration.

III

The Proposed Consent Judgment and its Anticipated Effects on Competition

The United States and the defendant have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h) (1974). The proposed Final Judgment constitutes no admission by either party as to any issue of fact or law. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed Final Judgment is in the public interest.

The proposed Final Judgment contains two principal forms of relief. First, the defendant is required to sell Popular Library. Second, the defendant is enjoined from acquiring any other mass market paperback publisher, except with the prior written consent of the United States, for ten years from the date the proposed Final Judgment is entered, or until it

ceases owning a mass market paperback publisher, whichever occurs first.

A. *CBS Has A Duty To Divest Popular Library:* Under the proposed Final Judgment, CBS is ordered to sell Popular Library within two years from the date of entry of the proposed Final Judgment. Popular Library is defined in the proposed Judgment as "the Popular Library paperback book imprint of the Fawcett Books Group of the Consumer Publishing Division of CBS."

The proposed Final Judgment specifically delineates the assets to be divested. CBS must sell the exclusive right to use the Popular Library name in the paperback book publishing business. CBS must also sell the rights to books previously published under the Popular Library imprint, the rights to books purchased for the Popular Library imprint which have not been published at the time of divestiture, the assignable rights to contracts with Popular Library authors, and all inventories of books published under the Popular Library imprint. If the buyer agrees, CBS may, with the consent of the plaintiff, sell less than all of these assets. If such consent is refused, CBS may do so with the Court's approval. CBS must sell or grant to the purchaser of Popular Library all rights owned by CBS for the trademarks or colophons (*i.e.*, the publisher's distinctive emblems) used for Popular Library on or after January 7, 1977, except for any trademark or colophon which includes the words "CBS" or "Fawcett."

If the purchaser so desires, CBS must provide the purchaser of Popular Library with distribution services. The services are to be provided for up to three years following divestiture, or for as long as CBS remains in the business of distributing books to magazine wholesalers, whichever is shorter, and at a reasonable price and upon reasonable terms and conditions, including those concerning the quantity of titles to be distributed by CBS. CBS is not obligated to distribute any book inconsistent with the standards it in fact applies to other books it distributes to magazine wholesalers. The United States insisted that a distribution contract be made available to the purchaser of Popular Library to ensure that the purchaser's opportunity to become a more substantial competitor in mass market paperback publishing not be hindered by any bottleneck in the distribution system.

CBS is to make known the availability of Popular Library for sale by means customary in the publishing industry. Among the means currently being considered by CBS are the following: counsel for CBS stated that CBS plans to contact all firms which it believes may be interested in purchasing Popular Library and CBS is planning to prepare an offering circular which will be sent to those who may be interested.

If Popular Library has not been divested at the end of one year, CBS must employ one or more investment banking firms or business finders to sell Popular Library. The compensation for any such firm or firms is to be based in significant part on a commission arrangement contingent upon the firm bringing about the sale of the business.

While divestiture is pending, CBS assumes several affirmative obligations designed to preserve Popular Library's business and to enable the United States to monitor CBS's sales efforts: (1) CBS must operate CBS as an active paperback imprint, and use its best efforts to maintain Popular Library as a competitive entity. (2) CBS must maintain a record of its efforts to accomplish the divestiture. The United States has the right to receive this information upon request, but in any event will receive a copy of the record every 60 days for a period of two years following entry of the proposed Final Judgment, or until divestiture, whichever occurs first. (3) CBS must report promptly to the United States the complete details of any proposed plan of divestiture. The United States has the right to object to any such plan, and the proposed divestiture cannot be consummated unless the Government withdraws its objection or the Court approves the divestiture. (4) CBS must notify the United States in writing within ten days of any offer to purchase. If CBS rejects any offer to purchase, it must notify the United States in writing within ten days and state the reasons for such rejection.

Any divestiture will be complete and final, except that CBS may retain a security interest to secure performance of any upaid portion of the purchase price or to secure performance of the contract of sale. If CBS reacquires control of Popular Library pursuant to the exercise of such a security interest, its control must be divested within one year thereafter.

The CBS obligation to divest Popular Library or to resell any interest in Popular Library reacquired through the exercise of a security interest terminates at the end of the two-year and one-year time periods, respectively, unless the Court orders otherwise. At any time during either time period specified above, the United States has the right to petition the Court for an order requiring additional CBS efforts to sell Popular Library. Such an order shall be issued upon a showing that divestiture has not been accomplished either because of an inadequate effort to sell or upon any rejection of a reasonable offer to buy. Such an order could require CBS to accept a specific reasonable offer to buy. The United States may also, within 45 days of the end of either time period specified above, secure an order extending the time for CBS to divest Popular Library and requiring additional efforts by CBS.

B. *Prohibited Conduct:* For ten years from the date of entry of the proposed Final Judgment or until it ceases owning a mass market paperback publisher, whichever occurs first, CBS is forbidden from acquiring all or any part of the stock or book publishing assets, other than books or publication rights in the normal course of business, of any mass market paperback publisher, except with the prior written consent of the United States, or if such approval is refused, then upon approval of the Court.

A mass market paperback publisher is defined in the proposed Final Judgment as a United States publisher of any imprint or line of paperback books (1) which is predominantly rack size (approximately 4" x 7" in size) and (2) at least forty percent of the net sales of which imprint or line are to magazine wholesalers (sometimes referred to as independent distributors or ID wholesalers). The proposed Final Judgment does not prohibit CBS from acquiring in good faith the stock or book publishing asets of any mass market paperback publisher in the exercise of any security or debt or liability enforcement process, whether provided by law or bona fide agreement, so long as CBS disposes of such stock or assets within two years after they are acquired.

C. *Scope Of The Proposed Final Judgment:* The provisions of the proposed Final Judgment apply to CBS and each of its directors, officers, employees, agents, subsidiaries, affiliates, successors, and assignees, and to all other persons in active concert or participation with any of them who receive actual notice of the proposed Final Judgment by personal service or otherwise.

D. *Effect Of The Proposed Final Judgment On Competition:* The assets to be divested plus the distribution contract should either enable someone not already in mass market paperback publishing to enter, or permit an existing small publisher to become a more significant competitor. The United States believes, therefore, that the disposition of this proceeding by the proposed Final Judgment is appropriate and in the public interest.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed Final Judgment will neither impair nor assist private antitrust damage actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the proposed Final Judgment has no *prima facie* effect in any subsequent private lawsuit that may be brought against the defendant.

V

Procedures Available for Modification of the Proposed Consent Judgment

The proposed Final Judgment is subject to a stipulation between the Government and the defendant which provides that the Government may withdraw its consent to the proposed Judgment any time before the Court has found that entry of the proposed Judgment is in the public interest. By its terms, the proposed Judgment provides for the Court's retention of jurisdiction of this action in order to permit any of the parties to apply to the Court for such orders as may be necessary for the modification of the Final Judgment.

As provided by the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), any person wishing to comment upon the proposed Judgment may, for a sixty-day statutory period submit written comments to the United States Department of Justice, Attention: Alan L. Marx, Acting Chief, General Litigation Section, Antitrust Division,

Department of Justice, Washington, D.C. 20530. Such comments and the Government's response to them will be filed with the Court and published in the **Federal Register**. The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

VI

Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the United States was a trial on the merits and on relief. While the complaint sought divestiture of Fawcett to restore the competition lost due to the merger, the United States considers the proposed Final Judgment to be an acceptable alternative to seeking divestiture of Fawcett via a trial on the merits.

The proposed Judgment would achieve the objectives of the lawsuit, and also save the Government the expense of litigation. The principal anticompetitive effect alleged in the complaint was the loss of competition in the mass market paperback industry. The divestiture of either Fawcett or Popular Library would tend to restore the competition lost due to this merger.

Under the circumstances, the United States believes that entry of the proposed Final Judgment is in the public interest.

VII

Determinative Materials and Documents

No materials or documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act were considered in formulating this proposed Final Judgment.

Dated: July 15, 1981.

Respectfully submitted,

Charles E. Hamilton, III,

Gary L. Halling,

Angela L. Hughes,

Margaret H. Fitz Patrick,

Attorneys, Antitrust Division, Department of Justice, Washington, D.C. 20530.

[FR Doc. 81-22815 Filed 8-4-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Presidential Task Force on the Arts and Humanities Meeting

July 30, 1981.

Notice is hereby given of Plenary Meeting II of the Presidential Task Force on the Arts and the Humanities. The purpose of the meeting is to consider ways that private sector support for the arts and humanities can help offset budget cuts at the National Endowment of the Humanities and the National Endowment for the Arts, and to consider appropriate Federal involvement in the Arts and Humanities, and to make recommendations to the President thereon.

Plenary Meeting II will convene at 11:00 a.m. on Sunday, August 16th at the Times Mirror Company, Auditorium, 202 West First Street, Los Angeles, California. This meeting will break for lunch at 12:30, reconvene at 2:20 p.m at the same location, and will meet until approximately 4:00 p.m. The following morning, August 17th, Plenary Meeting II will be called to order at 11:00 a.m., again in the Auditorium of the Times Mirror Company. The meeting is expected to adjourn at about 12:30 p.m.

This meeting will be open to the public; however, because seating is limited to 125 persons, individuals wishing to attend should request a reservation by calling Jeanne Rhinelander of the Presidentail Task Force on the Arts and the Humanities at 202-395-6830 after August 5th and not later than August 12th.

John Jordan,

Acting Advisory Committee Management Officer.

[FR Doc. 81-22785 Filed 8-4-81; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-440 and 50-441]

The Cleveland Electric Illuminating Co.; Receipt of Antitrust Information

Note.—This document was originally published in the issue of July 15, 1981. It is reprinted at the request of the Nuclear Regulatory Commission.

The Cleveland Electric Illuminating Company on behalf of itself and as agent for the four other owners of the Perry Nuclear Power Plant, Units 1 and 2, submitted antitrust information in connection with the owners' plans to operate two boiling water reactors in Lake County, Ohio. The data submitted contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review, the Director of Nuclear Reactor Regulations will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have been any significant changes, request for revaluation may be submitted for a period of 60 days after the date of the **Federal Register** notice. The results of any reevaluations that are requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the local public Library, 3753 Main Street, Perry, Ohio 44081.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before September 21, 1981.

Dated at Bethesda, Maryland this 9th day of July 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-20745 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Visit to Tokyo, Japan; Meeting

Representatives of the Advisory Committee on Reactor Safeguards will visit Tokyo, Japan, August 22-28, 1981. They will visit research and test facilities in and around Tokyo and engage in discussions with representatives of Japanese nuclear agencies, vendors and nuclear plant operators regarding safety-related items including seismic design of nuclear facilities. Notice of this meeting was published July 21.

The meeting will be closed to public attendance to ensure the security of information identified and supplied by a foreign government in confidence (Sunshine Act Exemption 4). In order to receive and consider this information, the ACRS must be able to engage in frank discussion with members of the Japanese nuclear agencies. For the reason just stated, such a discussion

would not be possible if held in public session.

I have determined, therefore, that it is necessary to close this meeting to permit the ACRS to obtain information necessary in carrying out its statutory responsibilities. The authority for such closure is Exemption (4) of the Sunshine Act, 5 U.S.C. 552(b)(4).

Further information can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Raymond F. Fraley (telephone 202/634-3265) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: July 31, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-22824 Filed 8-4-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Panel for the Decontamination of Three Mile Island, Unit 2; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 will be meeting on September 1, 1981, from 7:00 p.m. to 10:00 p.m. in the Holiday Inn, 23 South Street, Harrisburg, Pennsylvania. The meeting will be open for public observation.

At this meeting the Panel will discuss the current status of cleanup activities at TMI. The Panel is also interested in hearing suggestions from interested members of the public on how to assure financial resources for the entire TMI-2 cleanup.

Further information on the meeting may be obtained from Dr. William Travers, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301/492-7466.

Dated: July 31, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-22825 Filed 8-4-81; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, MS 140-5 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 2 to Regulatory Guide 1.12 and is entitled "Nuclear Power Plant Instrumentation for Earthquakes." The guide is being developed to describe instrumentation acceptable to the NRC staff for meeting the Commission's requirement that instrumentation be provided to determine promptly the response of plant features important to safety to an earthquake.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by September 30, 1981.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 29th day of July 1981.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 81-22826 Filed 8-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., Jersey Central Power & Light Co., Pennsylvania Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective 90 days from the date of issuance.

The amendment revises the Technical Specifications for the facility resulting from review and modifications to the onsite emergency power systems associated with furnishing power to the safety related equipment at the facility. These Technical Specifications establish setpoints and require surveillance and testing to assure that the undervoltage relays are operable to adequately protect the safety related electrical equipment from loss capability as a result of sustained degraded voltage from offsite electrical grid system and during transfer from offsite to onsite power source.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Ch. 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 November 7, 1980, (2) Amendment No. 70 to License No. DPR-50, 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, DC 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 29th day of July 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-22828 Filed 8-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment makes editorial and administrative corrections, corrects typographical errors, revises organizational charts and associated titles, and makes other miscellaneous changes.

The applications 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 Ch. 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 the issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated March 13, 1978 and May 29, 1981, (2) Amendment No. 60 to License No. DPR-40, and (3) the Commission's letter dated July 29, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. 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, Md., this 29th Day of July, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-22827 Filed 8-4-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guides; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guides Series. This series has been developed to described and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.29, "Instruction Concerning Risks from Occupational Radiation Exposure," describes the instruction concerning biological risks from occupational exposure to radiation that should be provided to workers subject to such exposure.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publication Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Md., this 28th day of July 1981.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-22829 Filed 8-4-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc. Applications for Unlisted Trading Privileges and of Opportunity for Hearing for Unlisted Trading Privileges in Certain Securities

July 29, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Apache Corp.
Common Stock $1.25 Par Value (File No. 7-6021)
Clevepak Corp.
Common Stock $1 Par Value (File No. 7-6022)
Flow General Inc.
Common Stock $.10 Par Value (File No. 7-6023)
Quaker State Oil Refining Corp.
Common Stock $1 Par Value (File No. 7-6024)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 19, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available

to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-22731 Filed 8-4-81; 8:45 am]

BILLING CODE 8010-01-M

Pacific Stock Exchange, Inc.; Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing for Unlisted Trading Privileges in Certain Securities

July 29, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Sunshine Mining Company
Common Stock, $.50 Par Value (File No. 7-6019)
Wendy's International Inc.
Common Stock, No Par Value (File No. 7-6020)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 19, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the Maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-22732 Filed 8-4-81; 8:45 am]

BILLING CODE 8110-01-M

[Release No. 17983]

GTE Telenet Information Services, Inc.; Order Granting Exemption From Certain Provisions of Rule 11Ac1-2 Under the Securities Exchange Act of 1934

July 30, 1981.

I. Introduction

On February 19, 1980, the Commission adopted Rule 11Ac1-2 (the "Rule")[1] under the Securities Exchange Act of 1934 (the "Act"),[2] which becomes effective on September 1, 1981.[3] The Rule generally establishes minimum requirements governing the manner in which transaction, quotation, and other market information is displayed by vendors of securities information. These requirements were designed primarily to enhance the accessability and usefulness of consolidated transaction and quotation information, thus encouraging reference to consolidated data rather than solely to information from individual markets.

GTE Telenet Information Services, Inc. ("GTE") has requested that the Commission grant it a number of exemptions from requirements of the Rule for its Videomaster and System One information display systems.

II. Videomaster Exemption Requests

GTE has requested six temporary exemptions from the provisions of the Rule for its Videomaster system. GTE represents that it plans to phase out the Videomaster system by December 31, 1983; accordingly, five of the requests are for exemption until December 31, 1983. The sixth request is for exemption only until December 31, 1981. GTE also represents that it will not provide Videomaster equipment to any new subscriber after September 1, 1981 and that it will "use its best efforts to replace as expeditiously as possible existing Videomaster equipment with interrogation devices which comply with the Rule;"[4] but in no event will existing contracts for Videomaster systems be extended beyond December 31, 1983.

The exemption requests are as follows:

(1) GTE has requested an exemption until December 31, 1983 from paragraphs (b)(2)(ii) and (c)(2)(ii) of the Rule, which require vendors to provide consolidated last sale and quotation information either by means of a request sequence involving fewer key strokes than would be required to obtain individual market data, or by a more prominent request sequence requiring an equal number of key strokes ("Key Stroke Requirement"). At present, the Videomaster system requires the use of one additional key stroke to obtain consolidated data than to obtain individual market data. GTE has indicated that, because of the technical limitations of the Videomaster system, compliance with the Key Stroke Requirement would require extensive physical alteration of the system at substantial cost.

(2) GTE has requested an exemption until December 31, 1983 from paragraph (b)(2)(vi) of the Rule which requires that vendors include the same types of market information in their consolidated display as they provide for individual market displays ("Equal Categories Requirement"). The Rule does, however, permit vendors providing a combined display of consolidated last sale and quotation information to omit up to three categories of market information available on individual maket displays.[5] GTE has proposed deletion of two additional categories of market information to make room on the combined display of consolidated data for indications of quotation size not provided on individual market displays.[6] GTE has represented that deletion of additional categories is necessitated by the fixed number of display fields available on Videomaster equipment and the major expense involved in altering each terminal to expand display capacity.

(3) GTE has requested an exemption until December 31, 1983 from paragraph (c)(2)(IV) of the Rule. Paragraph (c)(2)(i) requires vendors providing quotation information concerning a security also to provide, at a minimum, either a display of the best bid and offer ("BBO") derived from the quotations of all reporting market centers or a montage of

[1] 17 CFR 240.11Ac1-2.

[2] Securities Exchange Act Release No. 16590 (February 19, 1980) 45 FR 12391 ("Rule 11Ac1-2 Approval Release").

[3] *See* Securities Exchange Act Release No. 17368 (December 11, 1980) 45 FR 83477. The Commission extended the effective date from October 5, 1980 to June 24, 1980, and again to September 1, 1981, "to allow the CQ Plan participants and the Securities Industry Automation Corporation ("SIAC"), as CQ Plan processor, the time necessary to complete development and implementation of a BBO Central Processor." *Id.* at 4.

[4] Letter from Lloyd H. Feller, counsel to GTE, to George A. Simon, Associate Director, Division of Market Regulation, April 7, 1981.

[5] The Rule permits the deletion of three categories of market information because the combined display of consolidated data requires three identifiers of the market source of the quotation and transaction data that are not needed on individual market displays. See Rule 11Ac1-2 Approval Release, *supra* note 2, at note 111.

[6] Size is required on individual market displays, but GTE has requested an exemption from this requirement. *See* paragraph (4) below.

these quotations ("BBO Requirement"). The Rule in paragraph (c)(2)(iv) permits vendors to consolidate the BBO of third market makers provided that they separately make available the identity and quotation size of the individual third market makers responsible for the BBO provides the basic BBO through its Videomaster equipment, but seeks exemption from the identification and size requirements for the specific third market makers responsible for the BBO. GTE has indicated that, due to capacity limitation, the Videomaster equipment is unable to reference this information for the large number of third market makers who could be part of a BBO. GTE further suggested that major alteration of its Videomaster system would be required to overcome the capacity limitations involved.

(4) GTE has requested an exemption until December 31, 1983 from paragraph (c)(2)(v) of the Rule, which requires vendors providing display of individual market center quotations to provide quotation size as well. GTE seeks exemption from supplying quotation size because the large increase in line traffic involved in providing size would overload the limited procession capacity of the Videomaster system. As discussed above, GTE has indicated its belief that expansion of Videomaster capacity would be very costly, especially in light of scheduled termination of the system by the end of 1983.

(5) GTE has requested an exemption until December 31, 1983 from the BBO Requirement of paragraph (c)(2)(i) for its consolidated Marketmonitor service. Although GTE has indicated its intention to provide a consolidated Marketmonitor display which dynamically updates last-sale and quotation data for securities chosen by the user, it seeks exemptive relief from the market identifier and quotation size requirements for that service. Market monitoring services are not intended to provide comprehensive information on a security, but rather a quick reference to price changes in a number of securities which a particular broker or investor may be watching. Therefore quotation size and market identification are not essential for such a supplemental display if this information is available on the basic consolidated display.

(6) GTE has requested an exemption until December 31, 1981, from the BBO Requirement of paragraph (c)(2)(i)(A) of the Rule which requires vendors supplying the BBO and individual or aggregate quotation size to identify the market center or centers comprising the BBO. Where more than one market center is disseminating a bid or offer at the same price, the Videomaster system aggregates the quotation size of each market center. While this aggregation is permitted by the Rule, the Videomaster system only has capability to store and display four market centers comprising the BBO. GTE seeks exemption from displaying more than the first four market centers (based first on quotation size, then on time of entry) until December 31, 1981, when it anticipates replacing the BBO and aggregate size currently display with a single BBO [7] to be calculated by the Securities Industry Automation Corporation ("SIAC"). [8]

Discussion

As set forth above, GTE has requested exemption relief from a number of the provisions of the Rule. Certain of the requests are for exemption from minor aspects of the Rule or, like the last exemption discussed above, are for a very short period. However, the Commission views the scope of the exemptions requested by GTE for its Videomaster system with concern. In particular, the Commission is troubled by the request for exemption relief from the requirement that vendors identify the particular third market maker responsible for the BBO, because the absence of full identification of market centers submitting the BBO impairs the consolidated display's function of increasing awareness of competing markets for a security.

At the same time, the Commission notes that, despite Videomaster's non-compliancewith Rule in certain respects, it does comply with the most important feature of the Rule by providing basic consolidated quotation and transaction information for all markets. Thus, subscribers using the Videomaster equipment have access to information from all the competing market centers, and can readily obtain an indication of the best bid and offer for a security with identification of the market center submitting the superior quotation, for all markets except individual third market makers.

Furthermore, the Commission regards GTE's undertaking to phase out the Videomaster system in the near future as of major importance in considering GTE's exemption requests. GTE has indicated that it is gradually phasing out its Videomaster equipment and intends to terminate completely the operation of the Videomaster system by December 31, 1983. In addition, GTE has undertaken not to furnish Videomaster display units to new subscribers after September 1, 1981. The scheduled termination date of the Videomaster system limits the impact of the exemptions to the near-term, and GTE's plan to phase the system out gradually ensures that the number of subscribers affected will be steadily reduced. Although the Commission would have serious problems with permanently exempting the Videomaster system from compliance with the specified requirements of the Rule, the limited duration of the system, for the most part, alleviates these concerns.

The Commission also recognizes that because of the significant technical limitations and inflexibility of the Videomaster equipment, alteration of the equipment to achieve full compliance with the Rule would be extremely costly. In this connection, the fixed remaining life of the Videomaster system not only serves to reduce the long-term impact of the exemptions, but also increases GTE's need for exemptive relief. The system's scheduled elimination and declining user base makes the cost of adjusting the Videomaster equipment to comply with the Rule in all respects particularly burdensome to GTE. Accordingly, the Commission is concerned that, in light of the limited future use of the Videomaster system, GTE, rather than bear the costs of compliance, may choose to eliminate the Videomaster system immediately, with attendant disclocation among broker-dealers dependent at present on the Videomaster equipment.

The Commission believes that despite the scope of the exemptions requested by GTE, the Videomaster system's present display of consolidated information and the BBO, and its representation that it will not provide Videomaster equipment to any new subscriber after September 1, 1981, and that it will use its best efforts to replace as expeditiously as possible existing Videomaster equipment with interrogation devices which comply in all respects with Rule 11Ac1–2, makes the exemptive relief requested appropriate. Furthermore, in light of these considerations, the Commission

[7] The single BBO would be determined on the basis of price, size, and time priorities. Thus, if two market centers quote the same price and size for a security, the market center first entering a quote would be the market identified as quoting the "best" bid or offer for BBO purposes.

[8] SIAC serves as central processor of market information for the Consolidated Quotation System ("CQS"). Under a proposed amendment to the CQS Plan, SIAC will select and disseminate a BBO for each eligible security. *See* Securities Exchange Act Release No. 17755 (April 24, 1981) 46 FR 32115. GTE is developing capacity to receive the BBO disseminated by SIAC over a special high-speed line.

believes the exemption is consistent with the public interest, the protection of investors, and the removal of impediments to and perfection of the mechanism of a national market system. Accordingly, based on the representations made by GTE, the Commission has determined to grant GTE exemptions for its Videomaster system from paragraph (c)(2)(i)(A) until December 31, 1981, and from paragraphs (b)(2)(ii) and (c)(2)(ii), (b)(2)(vi), (c)(2)(iv), (c)(2)(v) and (c)(2)(i) until December 31, 1983, pursuant to paragraph (g) of the Rule. These exemptions are subject to modification or revocation at any time if the Commission judges such action to be necessary or appropriate in furtherance of the purposes of the Act.

III. System One Exemption Requests

GTE has indicated that its modern "System One" display system will comply in most respects with the requirements of the Rule. However, GTE has requested four specific exemptions from the provisions of the Rule for System One. Two of these requests are for exemption from minor aspects of the Rule; and the third request is identical to GTE's exemption request (6) above permitting a BBO display limited to four market makers until December 1, 1981. The last request for exemptive relief, though more serious in nature, is temporary only and will expire on June 1, 1982.

The exemptions requested are as follows:

(1) GTE has requested a permanent exemption from paragraph (c)(2)(v) of the Rule, which requires vendors providing quotations from individual markets to provide quotation size as well. Unlike the Videomaster system, System One does include quotation size in its individual market quotation display; however, GTE seeks exemption from the size requirement for the System One Marketmonitor service for individual markets. The System One Marketmonitor provides a dynamically-updated display of last sale and quotation information for securities selected by the subscribers. The primary function of the Marketmonitor service is to indicate price changes in these securities. The Commission believes that display of size on the Marketmonitor is not crucial to the display's usefulness, particularly since size is readily available in the individual market display for each security. Furthermore, due to display limitations, requiring display of size would reduce the number of stocks which could be monitored, thus reducing the utility of the display. Accordingly, the Commission has determined to grant GTE an exemption for its System One from paragraph (c)(2)(v), pursuant to paragraph (g) of the Rule.

(2) GTE has requested a permanent exemption for System One from the Key Stroke Requirement of paragraph (b)(2)(ii) of the Rule. Although the first page of the consolidated data provided by System One can be obtained with fewer key strokes or by a more prominent request sequence than individual market data, the consolidated data runs on to an additional page obtained by depressing the transmit key a second time. Although this paging does require a small amount of additional effort to obtain the same types of information provided individual market displays, it subtracts little from the initial ease of access of the consolidated data, and does not significantly interfere with the purposes of the Key Stroke Requirement. Furthermore, because of the extra market identifiers required for consolidated data, greater screen capacity is needed to display consolidated data than the individual market data. Thus paging is a functional necessity if GTE is to supply the same categories of information on its consolidated display as on its individual market display. Accordingly, the Commission has determined to grant GTE an exemption for System One from the requirements of paragraph (b)(2)(ii), pursuant to paragraph (g) of the Rule.

(3) GTE has requested an exemption until December 31, 1981 from paragraph (c)(2)(i)(A) of the Rule, which, as discussed above, requires identification of the market centers comprising the BBO when a vendor displays BBO size as an aggregate. After December 31, 1981 GTE intends to display on System One the single BBO obtained from SIAC, rather than the aggregate BBO display provided at present. Thus, display of the multiple market centers comprising the BBO will become unnecessary four months after the September 1, 1981 effective date of the requirement. Considering the technical alterations required in order to comply with this requirement for a four month period and GTE's present ability to identify up to four market center comprising the BBO, the Commission believes a temporary exemption from this requirement is appropriate. Accordingly, the Commission has determined to grant GTE an exemption for System One from paragraph (c)(2)(i)(A) until December 31, 1981, pursuant to paragraph (g) of the Rule.

(4) GTE has requested a temporary exemption until June 1, 1982 from paragraph 2(c)(2)(iv) of the Rule which requires vendors who consolidate third market quotations for purposes of the BBO to provide separately quotation size and identification of the particular third market makers responsible for the BBO. GTE seeks exemption for System One until June 1, 1982, based on delays in implementing aspects of its new FSCN information system which complies and stores the quotation data.

As discussed above in GTE's Videomaster exemption request (3), identification of the market center responsible for the BBO is an important element in advancing awareness of the existence and location of competing markets. Although a request for a permanent exemption would seriously concern the Commission, GTE only seeks a temporary exemption from identifying and providing size figures for the third market makers until the FSCN system becomes fully operative. Furthermore, System One identifies all but the third market center responsible for the BBO. In these circumstances the Commission believes an exemption is consistent with the public interest, the protection of investors, and the removal of impediments to an perfection of the mechanism of a national market system. Accordingly, the Commission has determined to grant GTE an exemption for System One from paragraph (2)(c)(2)(iv) until June 1, 1982, pursuant to paragraph (g) of the Rule.

It is Therefore ordered (1) that GTE be granted exemptions for its Videomaster system from paragraphs (b)(2)(ii) and (c)(2)(ii), (b)(2)(vi), (c)(2)(iv), (c)(2)(v) and (c)(2)(i) until December 31, 1983; and from paragraph (c)(2)(i))(A) until December 31, 1981; and (2) that GTE be granted exemptions for its System One from paragraphs (c)(2)(v) and (b)(2)(ii); from paragraph (c)(2)(i)(A) until December 31, 1981; and from paragraph (c)(2)(iv) until June 1, 1982. This exemption is subject to modification or revocation at any time if the Commission judges such action is necessary or appropriate in light of progress made towards a national market system or otherwise in furtherance of the purposes of the Act.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-22733 Filed 8-4-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 81-2]

Appointments of Individuals To Serve as Members of the Performance Review Board—Senior Executive Service

The Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4) requires that the appointments and changes in the membership of performance review boards be published in the **Federal Register**. Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of the performance review board for the Bureau of Alcohol, Tobacco and Firearms (ATF) for the rating year beginning August 1, 1980, and ending July 31, 1981. This notice effects changes in the membership of the ATF Performance Review Board previously appointed September 16, 1980 (45 FR 63023).

Name and Title

Stephen E. Higgins—Deputy Director, ATF
John P. Simpson—Deputy Assistant Secretary (Operations), Department of the Treasury
Robert E. Powis—Deputy Assistant Secretary (Enforcement), Department of the Treasury
John W. Mangels—Director, Office of Operations, Department of the Treasury
Charles C. Hackett, Jr.—Assistant Commissioner, Office of Management Integrity, U.S. Customs Service
Marvin J. Dressler—Chief Counsel, ATF
Barbara P. Pomeroy—Assistant Director (Administration), ATF
Robert E. Sanders—Assistant Director (Criminal Enforcement), ATF
Donald Zimmerman—Assistant Director (Internal Affairs), ATF
William T. Drake—Assistant Director (Regulatory Enforcement), ATF
Michael Hoffman—Assistant Director (Technical and Scientific Services), ATF
Michael Lane—Assistant Director (Planning and Evaluation), ATF

FOR FURTHER INFORMATION CONTACT:
Winifred D. Cook, Personnel Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7321).

Signed: July 22, 1981.

G. R. Dickerson,

Director.

[FR Doc. 81-22729 Filed 8-4-81; 8:45 am]

BILLING CODE 4810-31-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Articles Being Considered for Possible Temporary Duty Modification

Summary: This publication gives notice of international trade negotiations and of articles which may be considered in such negotiations.

I. Articles Which May be Considered in Trade Negotiations

In conformity with section 131(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2151(a)), notice is hereby given of the intention of the United States to participate in international trade negotiations, and of articles which may, during such negotiations, be considered for temporary reduction of United States duties under the authority contained in section 123 of the Trade Act (19 U.S.C. 2133).

(A) *Trade Negotiations:* It is intended that the authority conferred by section 123 of the Trade Act will be employed to conclude bilateral trade agreements for the purpose of granting new temporary concessions as compensation for United States actions pursuant to Article XIX of the General Agreement on Tariffs and Trade (GATT).

B. *Lists of Articles Which May be Considered in Trade Negotiations:* The articles listed in Annex I to this notice will be considered for temporary reduction of the existing duties to the extent permitted by section 123 of the Trade Act. The term "existing" as used in this notice is defined in section 601(7) of the Trade Act (19 U.S.C. 2481(7)). The articles are identified by reference to five-digit item numbers of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) and consist of all articles in such listed item numbers except as limited by footnote descriptions. The Tariff Schedules of the United States Annotated (1981) is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 and is also available for inspection at any field office of the U.S. Customs Service or the Department of Commerce. A list giving informal abbreviated descriptions of the articles contained in the TSUS items identified in this notice is available upon written request from the Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, Executive Office of the President, Winder Building, 600 17th Street NW., Room 413, Washington, D.C. 20506. Articles included in this notice may be reserved from negotiations or may be subject to smaller tariff reductions than those authorized by section 123 of the Trade Act.

II. Supplemental Notices

From time to time as may be appropriate, other notices may be published for the purpose of informing the public of proposed actions under the Trade Act not announced in this notice.

III. Public Hearings

Section 133 of the Trade Act (19 U.S.C. 2153) requires that the President afford an opportunity for any interested person to present his views concerning any United States tariff concession on any article on a list published pursuant to section 131 or any matter relevant to proposed trade agreements. The time and place of these hearings, to be held by the Office of the United States Trade Representative through the Trade Policy Staff Committee, in accordance with section 133 of the Trade Act, will be announced in the near future.

IV. Advice of the International Trade Commission

On behalf of the President and in accordance with section 131(a) of the Trade Act, the International Trade Commission is being furnished with the list of articles published in this notice for the purpose of securing from the Commission its advice on the probable economic effect on United States industries producing like or directly competitive articles and on consumers of the reduction of United States duties by the maximum amount permissible under section 123 of the Trade Act.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

ANNEX I

TSUS item	TSUS item	TSUS item	TSUS item
112.03	252.35	512.41	657.70
112.40	256.10	543.11	676.20
112.62	308.66	544.51	685.60
112.94	316.50	632.34	708.23
124.30	374.15	644.11	710.65
124.40	385.90	649.67	722.04
124.80	420.06	649.83	722.72
145.52	425.94	650.21	723.32
154.50	426.82	651.23	725.05
161.07	437.70	653.37	725.07
161.71	450.20	653.45	730.05
220.36	455.02	653.80	745.34
220.47	460.15	654.20	750.60
220.48	473.40	656.25	750.70
222.20	511.11	656.30	773.05
222.25			

[FR Doc. 81-22814 Filed 8-4-81; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 150
Wednesday, August 5, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD.

[M-324; July 30, 1981]

TIME AND DATE: 9:30 a.m., August 6, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 39285, Texas International-Continental Acquisition Case. Instructions to staff. (OGC)
3. Dockets 36446, 36946 and 37481; *Lester Cohen & Stacy Schlau* v. *Capitol International Airways, Inc.; Gregory James Tharp* v. *Capitol International Airways, Inc.; Capitol International Airways, Inc. Scheduled Flight Cancellations, Enforcement Proceeding*, petitions for reconsideration of Order 81-4-99 filed by BCCP and Capitol. (Memo 418-A, OGC)
4. Docket 36435, *Aeroamerica, Inc., Enforcement Proceeding*, petition for discretionary review of Initial Decision finding that Aeroamerica violated Section 411 of the Act and Part 250 of the regulations. (Memo 472-A, OGC)
5. Docket 33712, *Tiger International-Seaboard World Airlines, Inc., Acquisition Case, Petition of Carmen M. Mundhenk* for order directing arbitration of LPP dispute. (Memo 377-C, OGC)
6. Dockets 33363, 32649, 32650, 33310 and 33311—*Former Large Irregular Air Service Investigation; Applications of Galaxy Airlines, Inc.* (Memo 690, OGC)
7. Docket 38230, *Application of Southern Air Transport, Inc. for Review of Staff Action;* Order on Reconsideration. (Memo 671, OGC, BDA)
8. Docket 37833, Agreements CAB 28217-A8 *et al.;* Air Traffic Conference of America agreements governing selection and retention of travel agents; request of Sky Harbor Travel Service for additional conditions on Board approval. (OGC)
9. Docket 39233, Petition of Calder's World Travel for rulemaking to change the procedures of the Air Traffic Conference for handling defaults by travel agents. (Memo 688, OGC, BDA)
10. Docket 39376, Order denying petition of Transamerica Airlines to eliminate or amend Part 250 requirements concerning oversales practices and denied boarding compensation. (OGC, BCCP)
11. Docket 38108—Exemption of small aircraft operators from oversales rule. (OGC, BDA)
12. Docket 39724; Frontier Airlines' Request for an exemption to Reduce its Denver-West Yellowstone Service effective September 8, 1981. (Memo 685, BDA, OCCR)
13. Dockets 37501, EAS-565, and 38224, Essential Air Service at Hazleton, PA. (Memo 012-F, OGC, OCCR, BDA)
14. Dockets EAS-507, EAS-599, EAS-600, EAS-601, EAS -602, EAS-603, EAS-660, Appeals of essential air service determinations for Virgina communities. (Memo 032-A, OGC, OCCR, BDA)
15. Dockets EAS-502 and EAS-503; Appeals of the Essential Air Service Determinations for Keene and Lebanon/White River Junction, New Hampshire. (Memo 684, BDA, OGC, OCCR)
16. Dockets EAS 510, 511, 512, 514, 515, 517, and 518—Appeals of Essential Air Service Determinations for Alamogordo, Carlsbad, Clovis, Gallup, Hobbs, Santa Fe, and Silver City, New Mexico. (OGC, BDA, OCCR)
17. Docket EAS-521, Essential Air Service at Glens Falls, New York. (Memo 212-B, OGC, OCCR, BDA)
18. Docket 39203; Peninsula's notice to suspend service at Atka, Alaska. (Memo 068-B, BDA, OCCR, OC)
19. Docket 33237, Draft EIS for John Wayne Airport. (BDA)
20. Commuter carrier fitness determination of Big Sky Airlines. (BDA)
21. Commuter carrier fitness determination of Golden Eagle Airlines, Inc. (Memo 678, BDA)
22. Commuter carrier fitness determination of Horizon Airlines, Inc. (Memo 679, BDA)
23. Commuter carrier fitness determination of Colgan Airways Corporation. (Memo 681, BDA)
24. Commuter carrier fitness determination of Commuter Airlines of Colorado, Inc. d.b.a. Trans Colorado Airlines, Inc. (Memo 682, BDA)
25. Dockets 39574 and 39575, Applications of Evergreen Helicopters of Alaska, Inc. (Evergreen Alaska) under expedited procedures for a 401 certificate and Delford M. Smith and the Evergreen Group for an exemption or approval of control relationships. (Memo 683, BDA)
26. Docket 38983, Petition of Munz Northern Airlines, Inc., for the establishment of fair and reasonable service mail rates. (BDA)
27. Request of International Weekend's Value Vacations, Inc. for waiver of certain provisions of the Board's Special Regulations. (Memo 677, BDA, OGC, BCCP)
28. Docket 35634, IATA agreements proposing revised cargo rate structures in many international markets. (Memo 686, BIA)
29. Dockets 35634 and 32660, IATA agreements proposing a 5 percent increase in cargo rates and passenger fairs in most international markets, (Memo 669, BIA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1186-81 Filed 8-3-81; 3:52 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, August 14, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-5314.

[S-1187-81 Filed 8-3-81; 3:53 pm]

BILLING CODE 6351-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: Commission Meeting, Wednesday, August 5, 1981.

LOCATION: Third floor hearing room, 1111 18th Street, N.W., Washington, D.C.

STATUS: Part open, part closed to the public.

MATTERS TO BE CONSIDERED: Open to the Public:

1. *CB Base Station Antennas*
The staff will brief the Commission on whether to propose a standard for omnidirectional CB base station antennas. The Commission in response to a petition filed by Lawrence H. Chapman promulgated on June 29, 1978 a labeling rule for CB antennas. On April 12, 1979, the Commission directed the staff to begin in-house development of a mandatory standard for omnidirectional CB antennas. The Commission staff with the assistance of public participants, has developed a standard and certification rule for Commission consideration.

Closed to the Public:

2. *Enforcement Matter (OS 997)*

The Commission will consider a staff recommendation concerning an enforcement matter (closed under Exemption 10).

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th St., N.W., Washington, D.C. 20207; Telephone (202) 634–7700.

[S–1184–81 Filed 7–31–81; 11:23 am]

BILLING CODE 6355–01–M

4

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 12:00 noon on Friday, July 31, 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 Director William M. Isaac (Appointive), seconded 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 certain resolutions and personnel journals reflecting changes in the Corporation's organizational structure.

The Board then met in closed session to consider the following matters:

Application of Bank Leumi le-Israel B.M., Tel Aviv, Israel, a foreign bank, for Federal deposit insurance of deposits received at and recorded for the account of its United States branch located at 9731 Wilshire Boulevard, Beverly Hills, California.

Application of MetroBank, Birmingham, Alabama, an insured State nonmember bank, for consent to merge, under its charter and title, with Bank of the Southeast, Birmingham, Alabama, and to establish the four offices of Bank of the Southeast as branches of the resultant bank.

Application of First American Bank of Maryland, Silver Spring, Maryland, an insured State nonmember bank, for consent to merge, under its charter and title, with Lincoln National Bank, Gaithersburg, Maryland, and to establish the two existing offices of Lincoln National Bank as branches of the resultant bank.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: The Drovers' National Bank of Chicago, Chicago, Illinois and First State Bank of Northern California, San Leandro, California

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 31, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1183–81 Filed 7–31–81; 11:22 am]

BILLING CODE 6714–01–M

5

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of previously held emergency meeting

TIME AND DATE: 11 a.m., Friday, July 31, 1981.

PLACE: Room 6090, 1776 G Street, N.W., Washington, D.C.

STATUS: Closed.

MATTER CONSIDERED: 1. Litigation.

BACKGROUND: The Board voted that the agency business required that a meeting be held with less than seven days advance notice.

The Board unanimously voted to close the meeting under exemption (10). The General Counsel certified that the meeting could be closed under this exemption.

FOR MORE INFORMATION CONTACT: Beatrix Fields, Acting Secretary of the Board, telephone (202) 357–1100.

[S–1185–81 Filed 7–31–81; 11:41 am]

BILLING CODE 7535–01–M

federal register

Wednesday
August 5, 1981

Part II

Department of the Interior

Bureau of Land Management

Rights-of-Way Regulations Amendments

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2880

Rights-of-Way Under the Mineral Leasing Act; Amendment to Oil and Gas Rights-of-Way Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would eliminate burdensome, outdated and unneeded provisions in the existing regulations for oil and gas right-of-way grants under the Mineral Leasing Act.

DATE: Comments by September 21, 1981.

ADDRESS: Comments should be sent to: Director (650), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular working hours (7:45 a.m. to 4:15 p.m.) on regular working days.

FOR FURTHER INFORMATION CONTACT:

John Hafterson (202) 343–5537; or Robert C. Bruce (202) 343–8735.

SUPPLEMENTARY INFORMATION: The implementation of the regulations covering rights-of-way for oil and gas pipelines since they became effective 18 months ago has revealed some provisions that could be eliminated, thereby making the regulations easier to understand and fulfill by both the public and Bureau personnel. These changes would also reduce the burden placed on the public by the regulations.

The major change in the regulations would be a total revision of section 2882.2–3, application content. The information required of an applicant would be reduced. The amendment would allow the use of a consolidated Federal right-of-way form that is presently being developed by the Department of the Interior, the Department of Transportation and the Department of Agriculture with input from other interested agencies. This new consolidated form should assist the affected public by providing them one form for use in connection with any right-of-way grant from any agency of the Federal Government. Further, the consolidated form will reduce to a minimum the requirements for information. The public was requested to comment on the proposed form by publication in the **Federal Register** of March 12, 1981 (46 FR 16342). The public comments are being reviewed and a revised form will be submitted to the Office of Management and Budget as required by the Paperwork Reduction Act of 1980 (Pub. L. 96–511). The use of this form will not be required until it has been approved by the Office of Management and Budget.

Another change made by this amendment is a reduction in the amount of documentation that an applicant, other than an individual, is required to provide to prove its qualifications. Under the existing regulations, an applicant must document with appropriate evidence its qualifications to hold a right-of-way grant for an oil and gas pipeline. The amendment would permit the applicant to attest in the application form to its qualifications to hold a grant. This amendment would remove several paragraphs from § 2882.2–1 of the existing regulations.

Similarly, the new application procedure proposed in this rulemaking will permit an applicant to attest to its technical and financial ability to construct, operate, maintain and terminate a right-of-way grant rather than filing the complete documentation of such ability as the existing regulations require.

Finally, the new application procedure would include a listing of other similar applications or grants submitted or held by the applicant. This amendment makes it possible to delete a requirement in the existing regulations that the applicant furnish copies of all such documents.

Another change made by the proposed rulemaking would allow an applicant to choose the Bureau of Land Managment office in which an application if filed. The existing reguations require that an application be filed with the State Office having jurisdiction over the lands covered by the application. The amendment would allow the filing of an application with an Area, District, or State Office. If the application is filed with an Area or District office, they will then be responsible for coordinating the project or referring it to the State Office.

The principal author of this proposed rulemaking is John Hafterson, Division of Rights-of-Way and Project Review, assisted by this staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96–354).

PART 2880—RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Under the authority of section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), it is proposed to amend Part 2880, Group 2800, Subchapter B, Chapter II, title 43 of the Code of Federal Regulations as set forth below:

§ 2882.1 [Amended]

1. Section 2882.2–1 is amended in paragraph (a) by removing the last two sentences thereof, removing paragraphs (b), (c), (d), (e), (f), (g), (h), (k), and (l), by redesignating paragraph (i) as paragraph (b) and removing the last sentence thereof, and by redesignating paragraph (j) as paragraph (c).

2. Section 2882.2–2(a) is revised as follows:

§ 2882.2–2 Application filing.

(a) Where the Federal lands involved are under the jurisdiction of the Bureau of Land Management, Department of the Interior, application for a right-of-way grant or temporary use permit or for a renewal of either shall be filed with either the Area Manager, the District Manager or the State Director of a Bureau of Land Managment office having jurisdiction over the Federal lands involved.

* * * * *

3. Section 2882.2–3 is revised as follows:

§ 2882.2–3 Application content.

Applications for right-of-way grants and temporary use permits shall be filed on a form approved by the Director. The application form shall contain instructions for completion of the form and shall require the following information:

(a) The name and address of the applicant and the applicant's agent, if appropriate;

(b) A description of the applicant's proposal;

(c) A map and description of the location of the applicant's proposal;

(d) A statement of the applicant's compliance with the requirements of State and local governments;

(e) A statement of the applicant's technical and financial capability to construct, operate, maintain and terminate the proposal;

(f) A description of the alternative routes and modes considered when developing the proposal;

(g) A listing of other similar applications or grants the applicant has submitted or holds;

(h) A statement of need and economic feasiblity of the proposal;

(i) A statement of the environmental, social and economic effects of the proposal; and

(j) For applicants other than individuals, a statement attesting to their authorization to conduct business in the area where the proposal is located.

§ 2883.1-1 [Amended]

4. Section 2883.1-1 is amended by removing the number "§ 2802.1-2" and replacing it with the number "§ 2803.1-1."

§ 2883.1-2 [Amended]

5. Section 2883.1-2 is amended by removing the number "§ 2802.1-7(b)" and replacing it with the number "§ 2803.1-2".

David C. Russell,

Deputy Assistant Secretary of the Interior.

April 30, 1981.

[FR Doc. 81-22837 Filed 8-4-81; 8:45am]

BILLING CODE 4310-84-M

federal register

Wednesday
August 5, 1981

Part III

Department of the Interior

Bureau of Land Management

Oil and Gas Right-of-Way Regulations Amendments

DEPARTMENT OF THE INTERIOR

43 CFR Part 2800

Rights-of-Way, Principles and Procedures; Amendment to Rights-of-Way Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would eliminate burdensome, outdated and unneeded provisions in the existing rights-of-way regulations for right-of-way grants issued under the provisions of title V of the Federal Land Policy and Management Act of 1976.

DATE: Comments by September 21, 1981.

ADDRESS: Comments should be sent to: Director (650), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular working hours (7:45 a.m. to 4:15 p.m.) on regular working days.

FOR FURTHER INFORMATION CONTACT: John Hafterson (202) 343–5537; or Robert C. Bruce (202) 343–8735

SUPPLEMENTARY INFORMATION: The operation of the rights-of-way regulations since they became effective some 15 months ago has revealed several provisions that could be eliminated, thereby making the regulations easier to understand and fulfill by both the public and Bureau personnel. These changes will also reduce the burden placed on the public by the regulations.

The first change in the regulations is a complete revision of the section on application content, § 2802.3. The information that an applicant must furnish the Bureau of Land Management in order to obtain a right-of-way grant has been reduced. The amendment would allow the use of a consolidated Federal right-of-way application form that is under development. The new consolidated form is being developed by the Department of the Interior, the Department of Transportation and the Department of Agriculture with input from other interested agencies. This new consolidated form should help the affected public by giving them one form for use in connection with any right-of-way grant from any agency of the Federal government. Further, the consolidated form will reduce the requirements for information to a minimum. The public was requested to comment on the proposed form by publication in the **Federal Register** of March 12, 1981 (46 FR 16342). The public comments are being reviewed and a revised form will be submitted to the Office of Management and Budget as required by the Paperwork Reduction Act of 1980 (Pub. L. 96–511). The use of this form will not be required until it has been approved by the Office of Management and Budget.

Other changes in § 2802.3 include the elimination of the citizenship requirement, permitting applicants other than individuals to attest to their qualifications to do business rather than having to prove it with documentation, and a general reduction in the amount of information that an applicant must furnish with an application.

Sections 2802.3–2, 2802.3–3 and 2802.3–6 of the existing regulations would be revised to delete the present requirements and to reduce requirements for the furnishing of technical and financial capability and a description of the projects and needed maps.

Section 2802.3–4 has been deleted from the regulations as being no longer needed. The requirement for an environmental plan is not an appropriate part of the application system. If an environmental plan is needed from an applicant, it would be called for much later in the process and the need for the plan would be worked out with the applicant.

Section 2802.3–5 would be eliminated because it is redundant and the authority to request additional information appears in § 2802.4.

Subpart 2805 would be deleted in its entirety and would be replaced by a new § 2802.5–2 which requires an applicant to work with the Department of Energy on any required wheeling agreement. In order to reduce any possible delay in the issuance of a right-of-way grant because of difficulties in arriving at a wheeling agreement, the amendment would permit the right-of-way grant to be issued and would allow a year for completion of the wheeling agreement.

The principal author of this proposed rulemaking is John Hafterson, Division of Rights-of-Way and Project Review, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96–354).

PART 2800—RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Under the authority of title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716–1771), it is proposed to amend Part 2800, Group 2800, Subchapter B, Chapter II, Title 43 of the Code of Federal Regulations as set forth below:

§§ 2802.3–1–2802.3–6 [Removed]

1. Sections 2801.3–1, 2802.3–2, 2802.3–3, 2802.3–4, 2802.3–5 and 2802.3–6 are removed in their entirety and § 2802.3 is revised as follows:

§ 2802.3 Application content.

Applications for right-of-way grants or temporary use permits shall be filed on a form approved by the Director. The application form shall contain instructions for the completion of the form and shall require the following information:

(a) The name and address of the applicant and the applicant's authorized agent, if appropriate;

(b) A description of the applicant's proposal;

(c) A map and description of the location of the applicant's proposal;

(d) A statement of the applicant's compliance with the requirements of State and local governments;

(e) A statement of the applicant's technical and financial capability to construct, operate, maintain and terminate the proposal;

(f) A description of the alternative routes and modes considered when developing the proposal;

(g) A listing of other similar applications or grants the applicant has submitted or holds;

(h) A statement of need and economic feasibility of the proposal;

(i) A statement of the environmental, social and economic effects of the proposal; and

(j) For applicants other than individuals, a statement attesting to their authorization to conduct business in the area where the proposal is located.

2. Add a new § 2802.6 as follows:

§ 2802.6 Special requirement for applicants for electric power transmission lines of 66 KV or above.

The applicant for a right-of-way grant for a power project having a voltage of 66 kilovolts or more shall execute an

agreement with the Department of Energy agreeing to the wheeling of power from any facility having a voltage of 66 kilovolts or more unless the Department of Energy determines that a wheeling agreement is not necessary. The agreement shall be excluded within 1 year of the issuance of the right-of-way grant. Failure to execute a required wheeling agreement may result in the suspension or termination of the right-of-way grant.

Subpart 2805—Applicants for Electric Power Transmission Lines of 66 KV or Above [Removed]

3. Subpart 2805—Applications for Electric Power Transmission Lines of 66 KV or Above—is removed in its entirety.

David G. Russell,

Deputy Assistant Secretary of the Interior.

April 29, 1981.

[FR Doc. 81-22836 Filed 8-4-81; 8:45 am]

BILLING CODE 4310-84-M

federal register

Wednesday
August 5, 1981

Part IV

Water Resources Council

Biomass-Ethanol Commercial Project, South Point, Ohio; Section 13(c) Water Assessment

WATER RESOURCES COUNCIL

Biomass-Ethanol Commercial Project, South Point, Ohio; Section 13(c) Water Assessment

AGENCY: United States Water Resources Council.

ACTION: Notice of water assessment report for public review and comment.

SUMMARY: This notice incorporates the water assessment report prepared by the Water Resources Council under the provisions of Section 13(c) of the Federal Nonnuclear Energy Research and Development Act of 1974.

DATE: Comments on this report are due on or before November 3, 1981. A 90-day comment period is provided by law; however, because the Water Resources Council will be terminated September 30, 1981, the staff will not have time to respond to and formally incorporate comments into the official WRC analysis submitted to the Secretary of Energy. Interested persons are, therefore, urged to submit comments before September 1, 1981.

Reference for comments. This summary report only highlights important aspects of the contractor's full technical report. Therefore, reviewers should use the full technical report for comment. For copies of the technical report contact: Ronald L. Scullin, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC 20037, phone: 202/254–6352.

ADDRESS: Send comments to: Gerald D. Seinwill, Acting Director, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Ronald L. Scullin, Staff Specialist, U.S. Water Resources, Council, 2120 L Street, NW., Washington, DC 20037, phone: 202/254–6352.

Dated: July 31, 1981.

Gerald D. Seinwill,

Acting Director.

I. Preface

The U.S. Water Resources Council (WRC) staff has prepared this summary report under the provisions of paragraph (c) of Section 13 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended. The report is the result of a water assessment for a proposed commercial biomass-ethanol project at South Point, Ohio. The objectives of the assessment were to reach findings and recommendations on water availability to meet project requirements and to evaluate the related environmental, social, and economic impacts associated with dedicating water to the project use.

The U.S. Department of Energy requested WRC to perform this assessment on November 4, 1980. WRC negotiated a contract with the Ohio Department of Natural Resources (ODNR), Division of Water, to conduct the water assessment with guidance from WRC. Also working with ODNR on the technical phases of the assessment were an engineering firm representing the project's industrial partners, the Ohio Environmental Protection Agency, Ohio River Valley Water Sanitation Commission, U.S. Geological Survey, and the U.S. Army Corps of Engineers. Findings of the assessment were then published by the ODNR in the technical report titled: *South Point Gasohol Project, Ohio: A Water Assessment Study.* The technical report, completed July 1981, is the principal supporting document used by WRC staff to prepare this summary report. Copies of the ODNR technical report are available on request from the U.S. Water Resources Council.

Publication of the water assessment in the **Federal Register** is mandated under the provisions of Section 13 to enable public review and comment during a 90-day period. WRC staff will anlayze the comments received and will revise the report as appropriate. WRC will forward the comments, the WRC analysis, and the final water assessment report to the Secretary of Energy.

II. Project Overview

The proposed coal-fired plant at South Point, Ohio, will annually produce 60 million gallons of ethanol from corn. Nine parts of unleaded gasoline added to one part of the ethanol product by distributors or dealers will amount to 600 million gallons of gasohol annually. The plant will utilize 24 million bushels of corn and 180,000 tons of coal per year as raw materials in the grain alcohol process. Transport of raw materials and finished product is expected to be served by rail and truck. Barge transport may be considered in the future.

The 600-acre project area was formerly used by a commercial fertilizer plant. Existing facilities, including groundwater wells, will be incorporated into the project design and operation.

Figure 1 illustrates the location of the project near the Village of South Point, Ohio, at mile 318.5 of the Ohio River.

III. Summary of Findings

The following findings summarize assessments of project water requirements, water availability, water resources impacts, and enviromental and socioeconomic effects of water use by the proposed biomass-ethanol project.

Water Requirements

The proposed biomass-ethanol plant will use approximately 23,400 gallons per minute (gpm) or 34 million gallons per day (mgd) of water in the ethanol production process. About 80 percent of this water, 18,900 gpm (27.5 mgd), will continuously circulate through the plant's cooling system. Contingent on safe aquifer yield determination, the remaining water demand of 4,500 gpm (6.5 mgd) will be pumped from existing and proposed groundwater wells on-site.

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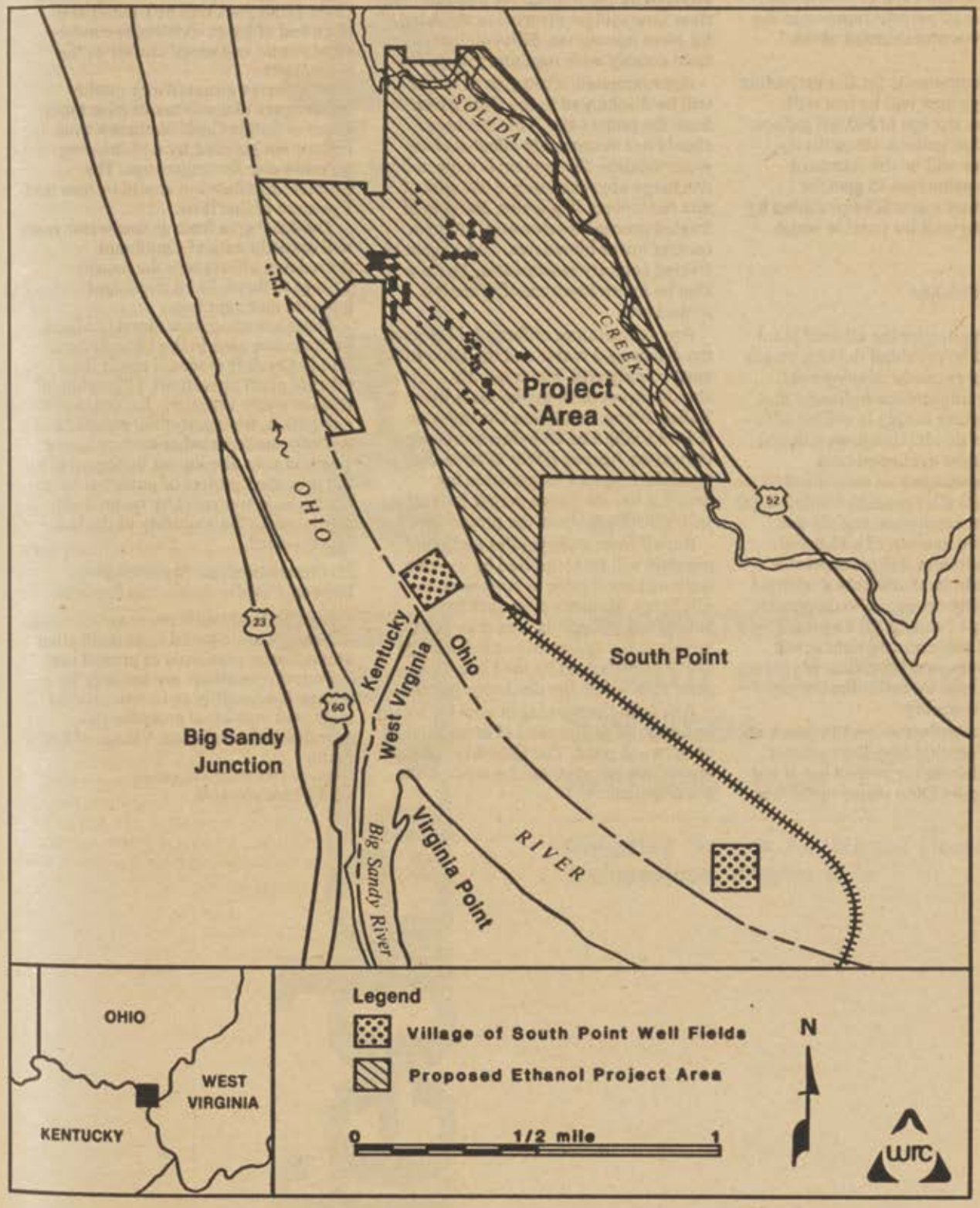
Figure 1
Location of Project



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This water will initially be used as once-through, noncontact cooling water prior to use elsewhere in the plant. Approximately 900 gpm, or about 20 percent of the groundwater withdrawn, will be lost to evaporation and other factors during the ethanol production process. This 20 percent represents the consumptive water demand of the project.

Water requirements for fire protection and surge systems will be met with existing tank storage of 500,000 gallons and 1.2 million gallons, respectively. Groundwater will be the source of supply. The estimated 13 gpm for domestic water use will be provided by a new on-site well for potable water supply.

Water Availability

Water supplies for the ethanol plant process will be provided through on-site groundwater resource development. Preliminary information indicates that the groundwater supply is sufficient to meet project needs. However, existing wells should be evaluated by a competent groundwater consultant to determine: (1) their present condition, (2) their present capacities, and (3) the recommended spacing of additional wells. Furthermore, the groundwater system should be thoroughly evaluated prior to facility operation to determine: (1) longevity of supply, (2) impact of withdrawal rates on interconnected surface waters, and (3) effects of induced surface water infiltration on groundwater quality.

Present groundwater quality poses no major problem that may limit project use. Groundwater for project use is not restricted under Ohio water rights law.

Surface water from the Ohio River or Solida Creek is not currently proposed for project use.

Water Resources Impacts

Surface water quality will not be affected by the project. No measurable river flow will be diverted or depleted for plant operations. Effluent discharges must comply with regulatory agencies.

Approximately 3,600 gpm of water will be discharged to the Ohio River from the project site. This discharge should not measurably affect surface water quality. The project is expected to discharge approximately 2,830 gpm of non contact cooling water, 500 gpm of treated process wastewater, 270 gpm cooling tower blowdown, and 13 gpm of treated sanitary wastewater. There will also be intermittent runoff from the project site.

Any temperature differential between the discharged water and the Ohio River must comply with water quality standards set forth by the Ohio River Valley Water Sanitation Commission (ORSANSO). The Ohio Environmental Protection Agency (Ohio EPA) is the regulatory agency responsible for granting the discharge permit for surface water discharge from the project site.

Runoff from storage piles and plant grounds will be controlled by use of a sediment pond prior to surface water discharge. Methods proposed for controlling pH, solids, and dissolved metals in the sediment pond discharge are to be reviewed by the Ohio EPA prior to granting the discharge permit.

Ash from the burning of coal for steam boilers will be disposed of in an existing 25-acre ash pond. The Ohio EPA has no immediate requirement for sealing the pond system.

Although most of the processed solid wastes from the ethanol process will be marketed for use as animal feed, some treated residual wastes will be disposed of in the project site. The Ohio EPA must approve the disposal technique.

Sanitary wastes from the expected 200 plant employees will be treated and disposed of by an existing secondary wastewater treatment facility at the project site.

No adverse groundwater quality impacts are likely to result from Ohio River or Solida Creek surface water infiltration induced by withdrawing groundwater for project use. The estimated infiltration would be less than 1 percent of low flow.

The 4,500 gpm from groundwater wells will unlikely extend significant drawdown effects into the nearby Village of South Point municipal groundwater supplies.

There are no known direct conflicts for instream uses in the Ohio River or Solida Creek that would result from ethanol plant operations. Utilization of surface water resources for recreation, navigation, transportation, aquatic and wildlife needs, or other surface-water oriented uses should not be imparied by the proposed project or potential barge traffic. Safe transport by barge traffic is regulated by the authority of the U.S. Coast Guard.

Environmental and Socioeconomic Effects of Water Resources Impacts

No significant adverse environmental effects are anticipated from dedicating groundwater resources to project use.

Project operations are unlikely to reduce the quantity or deteriorate the quality of municipal groundwater supplies in the adjacent Village of South Point.

[FR Doc. 81-22803 Filed 8-4-81; 8:45 am]
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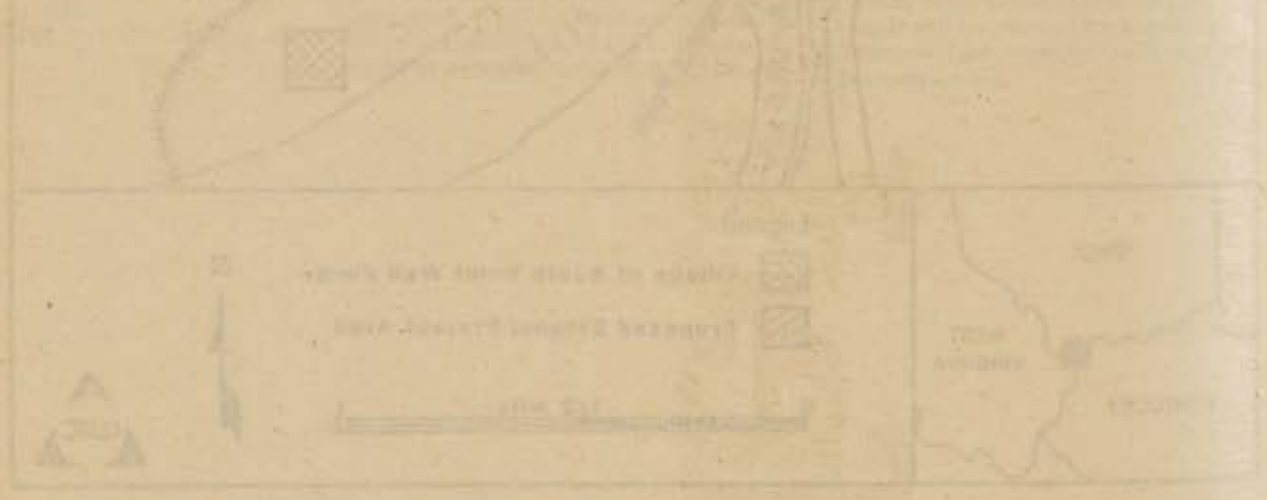

federal register

Wednesday
August 5, 1981

Part V

Department of Health and Human Services

Public Health Service

Obligated Service for Mental Health Traineeships: Interim Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 64a

Obligated Service for Mental Health Traineeships; Interim Rule

AGENCY: Public Health Service, Department of Health and Human Services.

ACTION: Interim rule with request for comments.

SUMMARY: This rule adds a new Part 64a to Title 42 of the Code of Federal Regulations which: (1) governs the length and type of service payback required of individuals who have received clinical traineeships in psychology, psychiatry, social work, or nursing under section 303 of the Public Health Service Act, as amended by section 803 of the Mental Health Systems Act; and (2) in connection with this payback obligation, imposes certain notice and other requirements upon institutions receiving training grants under section 303 of the Public Health Service Act.

DATES: Interim rule effective August 5, 1981; comments must be received on or before November 3, 1981.

ADDRESSES: Comments may be mailed to the Special Assistant for Manpower, Office of the Director, National Institute of Mental Health, Department of Health and Human Services, Room 17C-27 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, or delivered to the same location between 8:15 a.m. and 4:45 p.m. on weekdays (Federal holidays excepted). Comments received may be inspected at Room 17C-27 between 8:15 a.m. and 4:45 p.m. on weekdays (Federal holidays excepted).

FOR FURTHER INFORMATION CONTACT: Joan W. Jenkins, Ph.D. (Program Officer), 301-443-3657.

SUPPLEMENTARY INFORMATION:

General

Under section 303 of the Public Health Service Act, the Department awards grants to institutions for training instruction and traineeships in mental health and related disciplines. On October 7, 1980, this authority was amended by section 803 of the Mental Health Systems Act, Pub. L. 96-398, to obligate each individual who has received a clinical traineeship in psychology, psychiatry, nursing, or social work (which is not of limited duration or experimental nature) to repay each year of support through service for an equal period which is determined by the Secretary to be appropriate in terms of the individual's training and experience.

These interim final regulations establish the conditions for this obligated service. Because these conditions apply to trainees receiving assistance for any period beginning on or after July 1, 1981, the Secretary has determined that public participation in rulemaking and postponement of the effective date with respect to these regulations would be impractical and contrary to the public interest and, accordingly, that good cause exists for making these regulations effective on the date of publication in the **Federal Register.**

The conditions established under this part generally follow those which govern obligated service for recipients of research training support (National Research Service Awards) under section 472(a)(1)(A) of the Public Health Service Act (the Act). This model was followed because it involves a similar type of training program, is considered equitable, and provides for relative ease of implementation and management.

Individuals to Whom the Service Payback and Recovery Requirements Apply

The service payback and recovery requirements apply to any individual who has received a clinical traineeship in one of the four major mental health disciplines of psychiatry, psychology, social work or nursing for any period beginning on or after July 1, 1981, under a training grant awarded under section 303 of the Act as amended by section 803 of Pub. L. 96-398, unless the training has a limited duration or is experimental in nature.

Under the statutory amendment, the service obligation applies to each academic year which begins after October 7, 1980, the date of enactment of the Mental Health Systems Act, if the award of the traineeship for that year is made after that date. Thus, the service obligation is imposed starting July 1, 1981, which marks the beginning of the first academic year after October 7, 1980. Based on the statutory reference to an award for an academic year, the regulations impose the service obligation upon all awards for academic year 1981-82 regardless of whether they are continuations of traineeships first awarded in prior years or "new" traineeships first awarded in academic year 1981-82. However, no payback obligation is imposed for those periods of training support that occurred prior to July 1, 1981.

"Limited duration" is defined as a period of no more than 180 days, counted cumulatively over a two-year period which begins on the first day of the clinical traineeship. In deciding which traineeships are exempt from payback because of their "limited duration," the Secretary has determined that it is necessary to count days during the traineeship cumulatively in order to eliminate the possibility that payback would not apply due to short breaks in the traineeship period. The two year span within which the days of training support are counted is considered a sufficient time period for this purpose but also brief enough to preclude the administrative burden of tracking over an extended period those trainees who receive support for less than six months.

"Experimental nature" is defined as the training of undergraduates, the training of individuals who are members of other disciplines and other training which the Secretary may choose to specify as experimental in the notice of grant award to the training institution. Many of the training programs that have historically been referred to within the Department as innovative, model building, experimental, or research and demonstration are not considered of an "experimental nature" under the regulations. This decision was made so as to include, insofar as possible, all graduate level trainees in the four major disciplines in the payback requirement, since the traineeships will have helped them in their professional development.

Undergraduate students do not have a payback requirement since their training will not have prepared them to take responsibility in the delivery of mental health services and they are not considered fully qualified as psychologists, psychiatrists, social workers or nurses. Nor do the regulations cover trainees who are not in these four disciplines, such as trainees in mental health fields which are merely related to the covered disciplines and students or members of non-mental health disciplines (e.g., administrators, anthropologists, medical students, and family practice residents) who receive training support while in programs directed by mental health professionals.

Written Agreement Required Prior to Award of Traineeship

This provision is similar to 42 CFR 66.105(a) of the National Research Service Award (NRSA) regulations. It specifies that before being awarded a traineeship the individual must agree, in writing, to satisfy the payback requirements. A form, similar to that for NRSA, has been developed, outlining

the conditions imposed by these regulations.

Commencement and Crediting of Service

Individuals who are subject to payback must begin the obligated service within two years after termination of training support. This period for beginning service has been determined by the Secretary to be sufficient to allow most trainees to complete their training program before beginning the obligated service. However, when this period proves inadequate, extensions of this interval may be given for completion of training or for other good cause. This provision is based upon 42 CFR 66.110(d) and 66.111(a) of the NRSA regulations, which have been found to be fair and administratively manageable.

Following completion of the traineeship, each individual is required to report annually to the Secretary on his or her previous year's activities which are related to the payback provision. The Secretary reviews this report and credits qualifying service toward fulfillment of the payback obligation. Only service which is performed after termination of the traineeship and which is not required to meet requirements of the individual's training program (Such as dissertation work) is counted toward fulfillment of the payback obligation.

Duration of Payback

The Secretary has determined that the duration of payback should be based on the period of training support, on a month for month basis. This allows for a more precise determination of the obligation than a computation on a year for year basis and is consistent with the payback requirement governing NRSA training.

Performance of the Obligated Service

Performance of the obligation requires the provision of service for which the individual was trained (in the training program for which the traineeship was received) and must be on a full-time basis (not less than 30 hours per week) in one or more specified preferred or alternate service categories. Although this is more than the 20 hours required of research trainees with service obligations under the NRSA program, the Department does not believe it is unduly burdensome as many trainees will be fulfilling their obligations through regular employment and there are many options for meeting the obligation.

Preferred Service Categories

Section 303(d)(2) of the Act states that the service payback shall be performed—

(A) for a public inpatient mental institution providing inpatient care or any entity receiving a grant under the Mental Health Systems Act,

(B) in a health manpower shortage area (as determined under subpart II of part D of title III of the Public Health Service Act), or

(C) in any other area or for any other entity designated by the Secretary.

Following the statute, the regulations provide that service performed in the locations specified in (A) and (B) qualifies for payback. Consistent with the imposition of payback upon "mental health" traineeships, service under (B) must be in psychiatric manpower shortage areas designated by the Secretary under section 332 of the Act and 42 CFR Part 5 rather than in some other type of health manpower shortage area. A list of those psychiatric manpower shortage areas designated as of December 31, 1980 is published at 46 FR 25774, 25853–25861, May 8, 1981. Under the discretionary authority granted by (C), the Secretary has designated entities which have been awarded grants under the Community Mental Health Centers Act, as amended by Pub. L. 94–63, as suitable for performance of obligated service. Inclusion of these entities is consistent with the high priority the Department has assigned to the development and continued viability of comprehensive community mental health services.

The Secretary has also determined that service payback may be performed in any public or private nonprofit entity or in any nursing home (whether public, nonprofit, or for profit) in which 50 percent or more of those served fall into certain priority population groups. In general, obligated service may not be undertaken in private, for profit entities because the Department believes trainees should work in entities serving the entire range of the population, that sufficient numbers of jobs exist in these entities, and that the need here is greater than in the private, for profit sector. An exception is made for service in private, for profit nursing homes because a large percentage of the for profit nursing homes are poorly staffed and lack adequate mental health expertise.

The Department believes that the designation of these additional entities where service payback may be performed is in accord with the redirection of its clinical training program toward the needs of special populations and the spirit in which the payback requirement was enacted. In discussing the payback requirement, the Senate Committee on Labor and Human Resources stated:

> The Committee believes that ADAMHA should no longer support the basic training of professional personnel, but instead should target its funds on those elements of training which are focused on identified national priorities. For NIMH this may mean preparation for services to an underserved population group, such as children, the elderly, minorities, or work in underserved geographic areas or public facilities.
>
> * * * * *
>
> Special attention should be paid to the inclusion of facilities or entities serving special population groups (children, the elderly, minorities, the chronically mentally ill, criminals and delinquents, etc.) and those in which mental health services may be performed, even though they are not part of the mental health system (schools, nursing homes, HMOs, hospitals, prisons, etc.)." *S. Rep. No. 96–712, 96th Cong., 2d Sess. 73 (1980).*

Additional settings for service payback are designated on the basis of entities and population groups to be served rather than by geographic area. The Mental Health Systems Act redirects national service delivery priorities toward particular populations and the lack of adequate data on the distribution and activities of these four types of mental health professionals, particularly those in non-medical specialties, makes it difficult to correctly enumerate those personnel who are engaged in the delivery of services by State or sub-State geographic areas. In addition, there is no real consensus on what an adequate supply of the various types of these mental health professionals would be or how the possible overlap of functions among the categories of professionals should be treated in making shortage area determinations. Thus, because the designation of geographic areas for the non-physician mental health professionals could not be reliable at this time, alternative ways of identifying additional settings for obligated service are provided.

The Department has determined that the following four settings will be acceptable for the preferred obligated service:

(i) a public inpatient mental institution;

(ii) any entity which is receiving or has received a grant under the Mental Health Systems Act or the Community Mental Health Centers Act;

(iii) a psychiatric manpower shortage area designated by the Secretary;

(iv) any public or private nonprofit entity, or in any nursing home, in which 50 percent

or more of those served are within one or more of certain designated population groups which have been determined to be underserved.

Within the preferred service categories, the Department accords highest priority to categories (i) and (ii), and would encourage individuals who have received traineeships to serve in entities falling within these two categories. In order to facilitate placement of individuals with a service obligation in these entities, the Department will distribute to category (i) and (ii) entities a listing of individuals by training as they become available for service payback. It is hoped that this will assist such entities in their much-needed recruitment of qualified personnel.

After one year of experience with actual placement under this program, the Department will conduct an evaluation of the pattern of service payback with respect to the four categories of preferred service.

Consideration was also given to the fact that penalties for non-compliance with the service payback requirement are severe, particularly with regard to the limited income expectations of most of the trainees. For this reason the regulations allow trainees to find employment in a wide variety of settings, including those not traditionally thought of as "mental health", as long as they work with population groups which are most in need of their services. This is consistent with the intent of the payback requirements and the purposes of the programs under which the trainees will incur payback obligations.

The Department expects the provision of direct services to be the major activity of individuals fulfilling payback requirements through the preferred service categories, but recognizes that supervisory, administrative, evaluation, or other indirect services may also be performed as part of the individual's job.

Alternate Service Acceptable as Payback

In developing criteria for performance of service payback under section 303(d)(2) of the Act, the Secretary shall give preference to institutions, entities, or areas which in his judgment have the greatest need for personnel to perform that service, but may permit service for or in other institutions, entities, or areas if it is determined that the request for that service is supported by good cause. The regulations provide alternate service categories which permit, upon the Secretary's approval of a written request—

(1) provision of service in entities in which at least 25 percent of the clients (as opposed to at least 50 percent in the preferred service category) are from the priority population groups if the individual demonstrates a substantial commitment (more than half of his/her time) to the targeted populations;

(2) teaching, conducting research or conducting evaluation directed at improving alcohol, drug abuse or mental health services to one or more of the priority population groups, or working in a position which fosters the closer collaboration of health and alcohol, drug abuse or mental health services, if the individual was prepared for that work in the training program under which the service obligation was incurred; or

(3) provision of other services in a public or private nonprofit entity if that work is directed toward improving alcohol, drug abuse or mental health services to the priority populations.

The first category allows the trainee to work in entities with underserved populations and has the same rationale as the preferred payback category. Many agencies have a priority population group in part of their service delivery area, and services to this group could markedly improve if a staff member is assigned to work specifically with them. The percentage of the entity's clientele which must consist of members of underserved populations is smaller, but the trainee must commit a minimum amount of time to working with these individuals to ensure that the purposes of service payback are met.

The activities in the second category were included because of the expectation that services to underserved groups will be improved through increasing the number of people trained to provide them, or through evaluation or research activities which can pinpoint needed changes in the way services are provided. Some clinical training programs are specifically directed toward these goals: e.g., those in alcohol, drug abuse and mental health of the aging which are aimed at building a cadre of teachers to instruct a broad range of students in these areas. Others prepare mental health professionals to forge linkages with the general health field, both to provide consultation/liaison services to primary care givers and to give mental health care in general hospitals and clinics.

The third category recognizes the importance of indirect services such as consultation/education, prevention, community support and other professional activities when they are directed at improving the provision of alcohol, drug abuse, or mental health services to the priority populations. Managerial and administrative responsibilities may be included as a component of these activities so long as they are not the primary function of the job.

The Secretary will not routinely approve requests for service in the last two categories. The Secretary will review these requests closely to determine that each individual has received the necessary training for the type of activity to be undertaken and that the activity will improve the provision of alcohol, drug abuse or mental health services to the priority population groups or lead to the development of an improved system of services for these groups.

Conditions for Deferral or Break in Service, Waiver, or Cancellation

This provision is based upon 42 CFR 66.111 of the NRSA regulations except that an additional category is provided for deferral or break in service or extension of the period for repayment to accommodate those trainees who have conflicting service obligations.

Conflicting or Dual Payback Obligations

This provision implements the statutory prohibition against crediting the same service to more than one payback obligation. The regulations do not prohibit trainees from fulfilling multiple obligations through performance of service in the same job so long as identical activities in the same time period are not counted toward more than one obligation. Under this provision trainees may, at their discretion, elect which payback obligation to meet first when they have obligations under both sections 303 (clincal training) and 472 (NRSA) of the Act. An obligation under section 752 or 753 (National Health Service Corps) will always take precedence.

Recovery for Failure to Perform Service Obligation

This provision follows the language of the Act which requires monetary payback if the obligated service is not performed. In order to encourage performance of the obligated service, these rules provide flexible and equitable conditions for payback.

Recordkeeping and Reporting Requirements

The Department has submitted to the Office of Management and Budget (OMB) for review and approval §§ 64a.104 (b) and (c) and 64a.105(b)(2) of the regulations which impose reporting and/or recordkeeping requirements and the forms developed

to implement them. These requirements and forms have been approved by OMB (OMB Approval No. 0930–0074; Dated July 27, 1981. Expiration Date: July 31, 1983).

Economic Impact of Regulatory Requirements

Because this rule primarily imposes requirements upon individuals receiving training assistance under section 303 of the Public Health Service Act, the Department certifies that it will not have a signficant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, P.L. 96–354.

The Secretary has also determined that this rule is not a "major rule" under Executive Order 12991. Thus, a regulatory analysis is not required because it will not:

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

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

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

Effect of Interim Final Regulations

This interim final regulation will be in effect from the date of publication until final regulations are promulgated through publication in the **Federal Register**. Comments received during the comment period will be considered prior to the promulgation of final regulations.

Dated: June 18, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approval: July 15, 1981.

Richard S. Schweiker,

Secretary.

Effective August 5, 1981, a new Part 64a is added to 42 CFR as follows:

PART 64a—OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

Sec.

Authority: Sec. 803, Pub. L. 96–398, 94 Stat. 1607–1608 (42 U.S.C. 242a).

§ 64a.101 Purpose.

This part establishes requirements to implement the service payback obligation of individuals who receive clinical traineeships in pyschology, psychiatry, social work, or nursing (that are not of limited duration or experimental nature) under section 303 of the Public Health Service Act.

§ 64a.102 To whom do these regulations apply?

This part applies to any institution which receives a training grant under section 303 of the Public Health Service Act and to any individual who receives a stipend or other trainee allowances under such a grant for any period beginning on or after July 1, 1981, for clincial training in the field of psychology, psychiatry, nursing, or social work, except for training that is of a limited duration or experimental nature.

§ 64a.103 Definitions.

As used in this part:

"Act" means the Public Health Service Act as amended by Pub. L. 96–398.

"Clinical traineeship" means a stipend or other trainee allowances provided to an individual for clinical training in psychology, psychiatry, nursing, or social work, except for training that is of a limited duration or experimental nature, under a training grant authorized by section 303 of the Act.

"Community Mental Health Centers Act" means the Community Mental Health Centers Act (42 U.S.C. 2689 *et seq.*) other than Part D thereof.

"Experimental nature" refers to the training of undergraduates; the training of individuals in disciplines other than psychology, psychiatry, nursing, or social work; and any other training which the Secretary specifically designates as experimental in the notice of award for a training grant under section 303 of the Act.

"Limited duration" means a period that is equal to or less than 180 days, computed cumulatively over a two year period which begins on the first day of the clinical traineeship.

"Mental Health Systems Act" means the Mental Health Systems Act (42 U.S.C. 9401 *et seq.*).

"Nonprofit private entity" means an agency, organization, institution or other entity which may not lawfully hold or use any part of its net earnings to the benefit of any private shareholder or individual and which does not hold or use its net earnings for that purpose.

"Other trainee allowances" means financial assistance for those costs not covered by stipends, such as tuition, fees, and trainee travel, which are directly associated with and necessary to the training of individuals receiving stipends and are incurred within the period of training.

"Secretary" means the Secretary of Health and Human Services or other official of the Department to whom the authority involved has been delegated.

"Stipend" means financial assistance to an individual that is intended to help meet that individual's subsistence expenses during training.

§ 64a.104 What requirements are imposed upon grantees?

Recipients of training grants under section 303 of the Act that provide a clinical traineeship to any individual must—

(a) give each such individual written notice of the service payback and recovery requirements of this part at the time the individual becomes a candidate for the traineeship;

(b) before awarding the clinical traineeship, obtain the individual's written assurance, as required by § 64a.105(a), that he or she will satisfy these requirements; and

(c) provide the Secretary with written notice of the date on which the individual's traineeship is terminated.

§ 64a.105 What are the conditions of obligated service?

In order to receive a clinical traineeship an individual must comply with the following conditions:

(a) *Written assurance.* Prior to the award of a clinical traineeship, the individual must sign a written assurance (in such form and manner as the Secretary prescribes) that he or she will satisfy the requirements of this section.

(b) *Commencement and crediting of service.* (1) An individual must start the obligated service within twenty-four months after termination of the clinical traineeship and carry out the service on a continuous basis unless, as specified in paragraph (e) of this section, the individual has requested and had approved, respectively, an extension of the time for beginning the service, or a break in service.

(2) Following termination of the traineeship, the individual must annually provide (in such form and manner as the Secretary prescribes) a written report describing those previous years' activities which are related to service that fulfills the payback obligation. The Secretary will review this report and credit all service performed in those categories specified in paragraph (d) of this section toward

the individual's payback obligation, except any service which is performed—

(i) Before termination of the individual's clinical traineeship; and

(ii) As part of any activity, such as course work, preparation of a dissertation or thesis, or practicum, which is needed to complete the training for which the individual received the traineeship.

(c) *Duration of obligation.* The period of service payback must equal the period of support under the clinical traineeship on a month for month basis.

(d) *Performance of the obligated service.* (1) *General requirements.* The obligated service must consist of the provision of service for which the individual was trained (in the training program for which the clinical traineeship was received) and must be performed on a full-time basis (not less than 30 hours per week averaged over the obligated service period).

(2) *Preferred service.* Except as provided under paragraph (d)(3) of this section, the individual must provide the obligated service in—

(i) A public inpatient mental institution;

(ii) Any entity which is receiving or has received a grant under the Mental Health Systems Act or the Community Mental Health Centers Act;

(iii) A psychiatric manpower shortage area designated by the Secretary under section 332 of the Public Health Service Act and 42 CFR Part 5;

(iv) Any public or private nonprofit entity or in any nursing home (whether public, private nonprofit, or for profit) in which 50 percent or more of those served are within one or more of the following groups: racial or ethnic minorities (American Indian or Alaskan Native, Asian or Pacific Islander, Black, Hispanic), chronically mentally ill, mentally retarded, criminal or delinquent populations, rape victims, physically handicapped, abusers of alcohol, or persons addicted to drugs or other substances, children and adolescents, the elderly, poverty populations, migrants, members of the armed forces (or veterans if seen in a Federal facility), residents of areas other than those defined as urbanized by the Department of Commerce, or any other special populations, such as groups of refugees or disaster victims, which are specifically designated by the Secretary for this purpose.

(3) *Alternate service.* If the individual obtains the written approval of the Secretary, the individual may fulfill his or her obligation by:

(i) Serving in any public or private nonprofit entity or in any nursing home (whether public, private nonprofit, or for profit) in which not less than 25 percent of those served are within one or more of the underserved population groups listed in paragraph (d)(2)(iv) of this section. The individual must demonstrate a service commitment of more than 50 percent of his or her time to the targeted populations.

(ii) Teaching, conducting research, or conducting evaluation directed at improving alcohol, drug abuse or mental health services to one or more of the priority population groups listed in paragraph (d)(2)(iv) of this section, or working in a position which fosters the closer collaboration of health and alcohol, drug abuse or mental health services.

(3) Providing in a public or private nonprofit entity consultation, training and education, liaison, community support or other professional services for which the individual was trained when the individual's work is directed toward improving alcohol, drug abuse or mental health services to the priority populations listed in paragraph (d)(2)(iv) of this section.

(e) *Conditions for deferral or break in service, waiver, or cancellation.* (1) Upon receipt of a written request showing good cause therefor by the individual having a payback obligation, the Secretary may:

(i) Extend the period for beginning the obligated service (24 months after termination of the clinical traineeship), permit breaks in the required continuous service or extend the period for repayment under paragraph (g)(2) of this section, if it is determined that—

(A) An extension or break in service is necessary for the completion of training;

(B) Performance of the obligation must be delayed because a temporary disability makes present performance impossible; or

(C) Performance of the obligation must be delayed because present performance would involve a substantial hardship and failure to extend the period would be against equity and good conscience.

(ii) Waive, in whole or in part, the service payback and recovery requirements of this section if it is determined that fulfillment would be impossible because the individual is permanently and totally disabled.

(2) Upon receipt of written notice giving evidence of a conflicting obligation under section 752 or 753 of the Act or of an election to fulfill an obligation under section 472 of the Act prior to an obligation under this section, the Secretary will extend the period for beginning service (24 months after termination of the clinical traineeship), permit breaks in the required continuous service or extend the period for repayment under paragraph (g)(1), as appropriate.

(3) The service payback and recovery obligations of an individual will be cancelled upon the submission to the Secretary of a certificate of that individual's death or other evidence which the Secretary determines to be satisfactory.

(f) *Conflicting or multiple payback obligations.* In any case where the individual has, in addition to a payback obligation incurred under this section, an obligation to perform service under section 752 or 753 of the Act (because of receipt of a National Health Service Corps scholarship) or under section 472 of the Act (because of receipt of a National Research Service Award), or both, performance of the same activity may not be counted toward more than one of these obligations. In determining the order in which obligations must be fulfilled, obligations under section 752 or 753 take precedence over obligations incurred under this section. However, with respect to obligations under this section and 472, the individual may elect which obligation to fulfill first. Any individual who has an obligation under section 752 or 753 or makes an election to fulfill an obligation under section 472 prior to an obligation under this section, must give written notice to the Secretary as provided by paragraph (e)(3) of this section.

(g) *Recovery for failure to perform obligated service.* (1) If an individual fails to begin or complete the obligated service in accordance with the requirements of paragraphs (a) through (f) of this section, the United States is entitled to recover from that individual an amount equal to three times the cost of the clinical traineeship (including stipends and other trainee allowances) plus interest on that amount calculated for the total period of support at the maximum monthly legal rate in effect at the time and place of payment of the traineeship, multipled, in any case in which the service that was required has been performed in part, by the percentage which the length of service that was not performed is of the length of the service that was required to be performed. The amount will be determined under the following formula:

$$A = 3\,(\phi + mi\phi)\left(\frac{l-s}{l}\right)$$

where A is the amount the United States is entitled to recover, ϕ is the cost of the clinical traineeship (including stipends

and other trainee allowances); m is the number of months of support under the clinical traineeship; i is the maximum monthly legal rate of interest in effect at the time and place of payment of the traineeship; t is the total number of months of the service obligation; and s is the number of months of the obligation that have been served.

(2) Unless the Secretary extends the repayment period as provided in paragraph (e) of this section, the individual shall pay to the United States the total amount which the United States is entitled to recover under paragraph (g)(1) within three years of the date that the individual failed to begin or complete the period of obligated service (including failing to comply with the applicable terms and conditions of an extension or break in service granted the individual) as determined by the Secretary. At the end of the three-year period or the period of extension any unpaid amount becomes a debt owed to the United States with interest accruing as provided by law.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

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30620 6–9–81 / Grain marketing transactions provisions; comments by 8–10–81

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31021 6–12–81 / Use of "Woodsy Owl" symbol; intent to review regulation; comments by 8–11–81

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36714 7–15–81 / Foreign air carriers; free and reduced-rate transportation; comments by 8–14–81

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35517 7–9–81 / High seas salmon fishery; comments by 8–10–81

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35529 7–9–81 / Blanket certification of routine gas pipeline transactions; availability of environmental assessment; comments by 8–10–81

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35684 7–10–81 / Approval and promulgation of Implementation Plans; Kentucky; Approval of 1979 ozone revisions; comments by 8–10–81

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35686 7–10–81 / Approval and promulgation of implementation plans; State of Missouri; comments by 8–10–81

36719 7–15–81 / Consolidated Permit Regulations; NPDES application requirements; duration of certain NPDES permits; comments by 8–14–81

18561 3–25–81 / National emission standards for hazardous air pollutants; Benzene Fugitive emissions; comments by 8–14–81

32599 6–24–81 / National emission standards for hazardous air pollutants; benzene emissions from benzene storage vessels; comments by 8–10–81

30655 6–10–81 / Proposed revisions on the Pennsylvania State implementation plan; comments by 8–10–81

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30153 6–5–81 / FM broadcasting station; table of assignments; Glenwood, Minn.; reply comments by 8–10–81

31695 6–17–81 / FM Broadcast Stations, Madison, Minn.; changes in table of assignments; comments by 8–10–81

22215 4–16–81 / Proposed amendments to registration standards; responsive comments by 8–11–81

12024 2–12–81 / Telephone systems; license contract agreements

and other intrasystem arrangements; reply comments by 8-10-81

[Comment period extended at 46 FR 25661, 5-8-81]

FEDERAL DEPOSIT INSURANCE CORPORATION

31018 6-12-81 / Proposed exemption from provisions prohibiting a bank from guaranteeing or acting as surety for the obligations of others; comments by 8-11-81

FEDERAL MARITIME COMMISSION

36216 7-14-81 / Licensing of independent ocean freight forwarders; comments by 8-13-81

FEDERAL TRADE COMMISSION

30646 6-10-81 / Kennecott Corp.; Proposed consent agreement with analysis to aid public comment; comments by 8-10-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

36129 7-14-81 / Indirect food additives; paper and paperboard components; 1,2-dibromo-2,4-dicyanobutane; final rule; objections by 8-13-81

INTERSTATE COMMERCE COMMISSION

36721 7-15-81 / Petition of New Jersey Transit Corporation to exempt mass transportation services; comments by 8-14-81

35516 7-9-81 / Tariffs containing joint rates and through routes; freight forwarders and nonvessel operating common carriers by water (NVD); comments by 8-10-81

JUSTICE DEPARTMENT

Prisons Bureau—

34554 7-1-81 / Provisions for control, custody, care, treatment and instruction of inmates; comments by 8-15-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

28864 5-29-81 / Marine terminals; comments by 8-15-81

[*See also* 46 FR 4182, 5-15-81]

PERSONNEL MANAGEMENT OFFICE

35688 7-10-81 / Procurement regulations; comments by 8-10-81

NATIONAL CREDIT UNION ADMINISTRATION

36862 7-16-81 / Organization and operation of Federal Credit Unions; Share, Share Draft and Share Certificate Accounts; comments by 8-10-81

NUCLEAR REGULATORY COMMISSION

26491 5-13-81 / Licensing requirements for pending operating license applications; comments by 8-12-81

31267 6-15-81 / Physical protection of intransit special nuclear material of moderate strategic significance; comments by 8-15-81

SECURITIES AND EXCHANGE COMMISSION

36195 7-14-81 / Automatic effectiveness of post-effective amendments filed by investment companies; comments by 8-10-81

SMALL BUSINESS ADMINISTRATION

38892 7-29-81 / Business loan policy, interest rate policy regarding variable rate graranteed loans; comments by 8-13-81

TRANSPORTATION DEPARTMENT

Coast Guard—

26086 5-11-81 / Operational visibility from the navigational bridge of commercial vessels operating in U.S. waters; comments by 8-10-81

Federal Aviation Administration—

30352 6-8-81 / Petitions for rulemaking; summary of petitions received and dispositions petitions denied; comments by 8-10-81

35929 7-13-81 / Special conditions; Cessna Model 650 series airplanes; comments by 8-12-81

Federal Railroad Administration—

32888 6-25-81 / Revision of state safety participation provisions; comments by 8-14-81

[Corrected at 46 FR 37952, 7-23-81]

Deadlines for Comments On Proposed Rules for the Week of August 16 through August 22 1981

AGRICULTURE DEPARTMENT

Federal Grain Inspection Service—

37511 7-21-81 / Adjustment of fees for Federal Rice Inspection Service; comments by 8-20-81

CIVIL AERONAUTICS BOARD

29719 6-3-81 / "Joint fares" for flight using two or more carriers; statement of general policy; reply comments by 8-20-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

37533 7-21-81 / Foreign fishing fees; comments by 8-20-81

[Corrected at 46 FR 38394, 7-27-81]

DEFENSE DEPARTMENT

Office of the Secretary—

31663 6-17-81 / Enlisted administrative separations; procedures; comments by 8-17-81

ENVIRONMENTAL PROTECTION AGENCY

37723 7-22-81 / Approval and promulgation of implementation plans; Alabama; prevention of significant deterioration regulations; comments by 8-21-81

36869 7-16-81 / Approval and promulgation of State Implementation Plan; Idaho; comments by 8-17-81

37525 7-21-81 / Approval and promulgation of Massachusetts implementation plans; comments by 8-20-81

37722 7-22-81 / Approval and promulgation of implementation plans; Wisconsin; comments by 8-21-81

37057 7-17-81 / Proposed delayed Compliance Order for The Andersons, Toledo, Ohio; comments by 8-17-81

31904 6-18-81 / Standards of performance for new stationary sources, Appendix A—reference methods; comments by 8-17-81

FEDERAL COMMUNICATIONS COMMISSION

32888 6-25-81 / Amateur radio service provisions; comment period extended to 8-21-81

[*See also* 45 FR 83592, 12-19-80]

35131 7-7-81 / FM broadcast station in North Muskegon, Mich.; changes in table of assignments; comments by 8-18-81

28681 5-28-81 / Operation of TV stations by remote control; reply comments by 8-19-81

30516 6-9-81 / Overseas communications services; reply comments period extended to 8-21-81

[*See also* 45 FR 76498, 11-19-81]

83592 12-19-80 / Revision of Amateur Radio Service Rules into plain English; reply comments by 8-19-81

36217 7-14-81 / Use of subsidiary communications authorization for utility load management; reply to comments extended to 8-22-81

[*See also* 46 FR 31290, 6-15-81]

FEDERAL HOME LOAN BANK BOARD

37714 7-22-81 / Balloon payment mortgage loans and reverse annuity mortgage loans; comments by 8-21-81

37056 7-17-81 / Payment of interest on member deposits; comments by 8-17-81

FEDERAL MARITIME COMMISSION

37739 7-22-81 / Financial reports of common carriers by water in the Domestic Offshore Trades; comments by 8-21-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

38536 7-28-81 / Erythromycin Estolate; Extension of comment period on proposal to revoke provisions for certification of adult dosage forms; comments by 8-18-81

37042 7-17-81 / Indirect food additives; polymers; textile and textile fibers; objections by 8-17-81

Next Week's Meetings

Next Week's Public Hearings

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

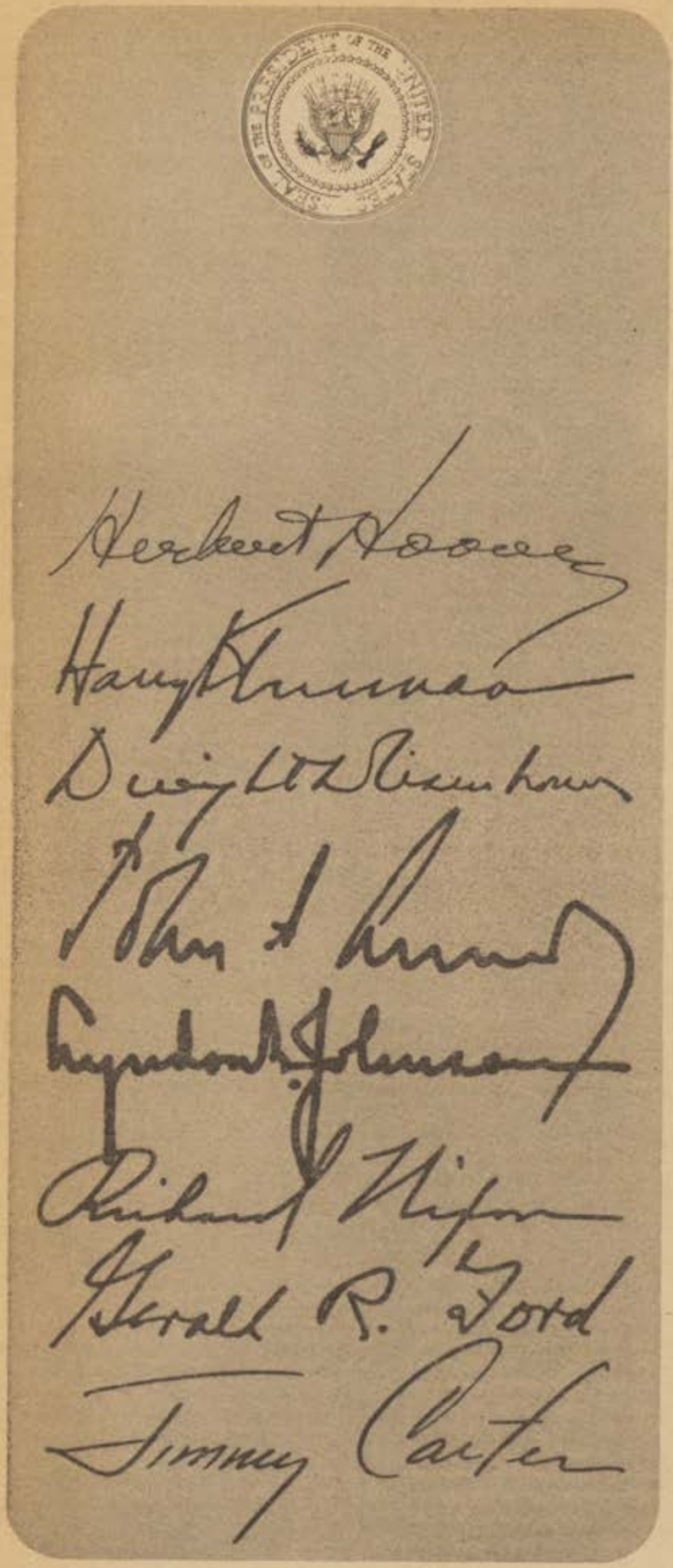
Last Listing August 3, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

Meetings

Note.—Effective date of regulations will be published in the **Federal Register** at a later date.



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