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Thursday
August 6, 1981

Highlights

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 675]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 7–13, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: August 7, 1981.

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

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

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

The committee met again publicly on August 4, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues easier.

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

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

1. Section 908.975 is added as follows:

§ 908.975 Valencia Orange Regulation 675.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 7, 1981, through August 13, 1981, are established as follows:

(1) District 1: 255,000 cartons;

(2) District 2: 245,000 cartons;

(3) District 3: Unlimited cartons.

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

Dated: August 5, 1981.

Frank M. Grasberger,

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

[FR Doc. 81–23167 Filed 8–5–81; 11:05 am]

BILLING CODE 3410–02–M

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Clarification of United States Antitrust Law, Immunity, and Liability Under the Raisin Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule will (1) Emphasize the applicability of U.S. antitrust laws to California raisin marketing agreement and order activities, and (2) advise the Raisin Administrative Committee of the restrictions and limitations imposed by the U.S. antitrust laws. The Committee works with the USDA in administering the raisin marketing agreement and order program.

EFFECTIVE DATE: September 8, 1981.

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

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

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

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

Notice of this action was published in the December 9, 1980, issue of the Federal Register (45 FR 81508), and

interested persons were afforded an opportunity to submit written comments. None were received.

The Raisin Administrative Committee is established under the marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. Hereinafter both are referred to collectively as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Committee works with USDA in administering the order which, among other things, authorizes the Committee, with the approval of the Secretary, to establish market research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of raisins in domestic and foreign markets. The act immunizes Committee members and employees from prosecution under U.S. antitrust laws so long as their conduct in administering the order is authorized by the act or the provisions of the order. This rule is intended to emphasize the applicability of U.S. antitrust laws to the Committee's domestic and foreign marketing activities, and to advise Committee members and employees of the restrictions and limitations imposed by those laws.

After consideration of all relevant matter presented, including that in the notice, and other available information, it is hereby found that a new Subpart—Antitrust Immunity and Liability and a new § 989.801 in that subpart, should be established reading as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Subpart—Antitrust Immunity and Liability

§ 989.801 Restrictions applicable to committee personnel.

Members and employees of the Raisin Administrative Committee are immune from prosecution under the United States antitrust laws only insofar as their conduct in administering the Raisin Marketing Order is authorized by the Agricultural Marketing Agreement Act of 1937, 7 U.S.C. 601 *et seq.*, or the provisions of the order. Under the antitrust laws, Committee members and employees may not engage in any unauthorized agreement or concerted action that unreasonably restrains United States domestic or foreign commerce. For example, Committee members and employees have no authority to participate, either directly or indirectly, whether on an informal or formal, written or oral basis, in any bilateral or international undertaking or agreement with any competing foreign producer or seller or with any foreign government, agency, or instrumentality acting on behalf of competing foreign producers or sellers to (a) raise, fix, stabilize, or set a floor for raisin, sultana, or currant prices, or (b) limit the quantity or quality of raisins, sultanas, or currants imported into or exported from the United States. Participation in any such unauthorized agreement or joint undertaking could result in prosecution under the antitrust laws by the United States Department of Justice and/or suit by injured private persons seeking treble damages, and could also result in expulsion of members from the Committee or termination of employment with the Committee.

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

Dated: July 31, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-22916 Filed 8-5-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 205

[Docket No. ERA-R-80-38]

Emergency Interconnection of Electric Facilities and the Transfer of Electricity to Alleviate an Emergency Shortage of Electric Power

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) hereby issues rules concerning the emergency interconnection of electric facilities and the transfer of electricity to alleviate an emergency shortage of electric power pursuant to sections 202(c) and 202(d) of the Federal Power Act. Section 202(c) authorized the Federal Power Commission to order, upon application or on its own motion, a temporary connection of facilties and the generation, delivery, interchange, or transmission of electric energy necessary to alleviate an emergency shortage of electric power. Section 202(d) authorized an entity that is not otherwise subject to the jurisidiction of the Commission to establish temporary emergency connections without thereby becoming subject to the jurisidiction of the Commission and, upon approval by the Commission, to construct, under the same conditions, a permanent connection that would be only for emergency use. The Department of Energy Organization Act transferred the responsbilities under sections 202(c) and 202(d) of the Federal Power Act to the Secretary of Energy.

To establish these regulations, the DOE is amending Chapter II of Title 10 of the Code of Federal Regulations to establish Part 205, sections 370 *et seq.*

DATE: Effective: September 8, 1981.

FOR FURTHER INFORMATION CONTACT:

Richard E. Weiner, Acting Director, Office of Emergency Operations, Department of Energy, Room 4002, 2000 M Street, NW., Washington, D.C. 20461 (202) 653–3949;

James M. Brown, Jr., Division of Utility Systems and Emergency Communications, Department of Energy, Room 4110, 2000 M Street, NW., Washington, D.C. 20461 (202) 653–3825; or

Lise Courtney M. Howe, Office of General Counsel, Department of Energy, Room 5E–064, Forrestal Building, 1000 Independence Avenue, SW., Wasington, D.C. 20585 (202) 252–2900.

SUPPLEMENTARY INFORMATION:

I. Background

On January 2, 1981, the Department of Energy (DOE) gave notice of a proposed rulemaking pursuant to Sections 202(c) and 202(d) of the Federal Power Act (46 FR 71) and invited public comments on the proposed rules. A public hearing on these proposed regulations was held on January 15, 1981, and comments were received from one party at this hearing. The DOE also received written comments from 12 parties on the proposed regulations. The commenting parties made several suggestions, resulting in some changes in the proposed regulations.

II. Discussion of Comments and DOE Response

The following is a discussion of comments received and the DOE's response to these comments.

The American Hospital Association was concerned that the proposed rule could be construed to require those hospitals that produce electricity by means of cogeneration to participate in the activities described in the regulations. They suggested that this rule be made less broad by clearly

providing that hospital cogenerators are exempt from the rule's requirements.

The DOE has modified the applicability section of the rule to clarify the definition of "entities" covered by these regulations. This clarified definition makes it clear that hospitals and industrial cogenerators are exempt from these regulations.

Gulf States Utilities Company stated that the use of the word "entity" created some confusion in the proposed regulations. Gulf States suggested that the proposed rule be rewritten to eliminate this confusion, and a new comment period allowed.

The DOE has modified the final rule to describe an "entity" in § 205.370. The regulations also were modified, as appropriate, to use the word "entity" consistently throughout. The DOE does not feel, based on the other comments received, and the changes made, that an additional comment period is necessary.

Eli Lilly and Company expressed concern over the definition of emergency included in the proposed rule. They suggested that including a section similar to the "Factors to be Considered in Declaring an Emergency" contained in 18 CFR 32.62(d) (the predecessor of these regulations) would clarify the situation. Eli Lilly was particularly concerned about the possible impacts on the customers of a supplying utility if emergency assistance was to be rendered for a prolonged period of time. Dow Chemical Company also suggested the inclusion of a "Factors" section.

The factors that DOE will consider in determining whether an emergency exists are specified in § 205.373, "Application Procedures." In addition, § 205.371, "Definition of Emergency," was modified to indicate that the DOE expects a power system experiencing an extended period of inadequate power supply to take appropriate actions to resolve the problem.

Gulf States suggested in its comments that the regulations should be modified to indicate which party involved in an emergency interconnection would pay for the initial construction and the ultimate removal of such facilities. Dow Chemical also felt that the section "Rates and Charges" should be modified to preclude recovery by the benefiting entity of additional costs, other than fuel costs, incurred in meeting the emergency. Pacific Gas and Electric Company (PG&E) recommended that the applicant be responsible for the costs of providing any necessary transmission facilities or reinforcements and disconnecting or removing these facilities. PG&E further recommended, in the case of a regulated public utility, that recovery of such costs through appropriate rate mechanisms be expressly authorized. The Edison Electric Institute (EEI) made a number of suggestions concerning the allocation of costs. The EEI suggestions would have modified the regulations to ensure that utilities supplying emergency assistance or transmission services, and their customers, would not suffer an economic disadvantage. Portland General Electric Company suggested that the supplying utility should be given the option of requiring the return of any energy during an emergency.

In issuing these regulations the DOE does not intend the customers of the supplying "entity" to suffer any economic disadvantage. However, specific allocation of costs was not included in the regulations since this responsibility is vested in the Federal Energy Regulatory Commission (FERC) and must be addressed by its regulations. Furthermore, as stated in section 202(c) of the Federal Power Act, the terms of any arrangements for carrying out an emergency order under this section will be prescribed only if the affected "entities" cannot reach an agreement on their own.

The American Iron and Steel Institute (AISI) commented that a section 202(c) order could have adverse operating effects on utilities other than those actually ordered to interconnect physically or to provide transmission services. AISI therefore suggested that applications include a showing that: (1) The requested order will not impair any utility's ability to serve its customers; (2) the application has been served on all entities that could be affected by the order; and (3) voluntary means have been undertaken to resolve the emergency and have proved unsuccessful. Houston Lighting & Power Company made the same observations as AISI and suggested essentially the same modifications.

The DOE was persuaded by these comments. Section 205.372 of the final regulations requires that copies of the appliction be served on any "entity" which may be affected directly by the requested order. Applicants also will be required by § 205.373(h) to show that, to the best of their knowledge, the requested relief will not impair unreasonably the ability of any "entity" affected by the requested order to render adequate service to its customers.

The AISI stated that it is essential that there be effective coordination between the DOE and the FERC. In addition, the DOE and the FERC should recognize the expertise and interest of the State regulatory authorities in exercising emergency powers, so that local expertise and health and safety factors may be considered fully without undue prejudice or disadvantage to any utility customers.

The DOE consulted with the FERC in preparing these regulations. In addition, as stated under Part IV of this preamble, "Other Matters," the FERC also formally reviewed this rule. The requirements for providing copies of applications and responses to State authorities is intended to ensure proper coordination with State officials. The DOE intends to utilize any available State and local expertise in resolving an emergency.

The Dow Chemical Company (Dow) commented that the proposed regulations broaden the DOE authority in an unreasonable and unnecessary manner by expanding the definition of an emergency. Dow feels the definition contained in the proposed regulations removes incentives for proper planning for electrical emergencies by including factors which are often within the control of the utility, e.g., inability to obtain adequate amounts of fuel and regulatory actions prohibiting use of some facilities. Dow therefore recommended that the definition in 18 CFR 32.20 be retained. The Northwest Power Pool also stated that if a utility could be assured emergency assistance, via government intervention, it might be reluctant to commit the necessary funds for construction of resources and facilities and could become less willing to enter into pools or other contractual arrangements for the purpose of insuring its own adequacy and reliability. PG&E commented that the regulations more clearly should discourage deliberate or otherwise unwarranted risk-taking by entities which seek to avoid capital expenditures of other problems by relying on neighboring utilities. Public Service Company of Indiana also raised these same concerns, as did Portland General Electric Company. The Edison Electric Institute suggested that this situation could be avoided by limiting emergency orders to a certain time period, e.g., 30 days, beyond which mandatory hearings would be required before extending the emergency order.

The DOE does not intend these regulations to replace prudent utility planning and system expansion. This intent has been reinforced in the final rule by expanding the "Definition of Emergency" to indicate that, while a utility may rely upon these regulations for assistance during a period of unexpected inadequate supply of electricity, it must solve long-term problems itself. The final regulations also recognize that power pools and

electric utility contractual or coordination relationships are a basic element in resolving electric energy shortages. Finally, the DOE believes that the definition of an "Emergency" contained in these final regulations does not broaden our authority beyond the former Federal Power Commission regulations, but rather clarifies and better illustrates those situations which can lead to an "Emergency."

Dow commented that the proposed regulations required dual reporting and should be changed to require that the entity receiving the benefit from the interconnection make all reports. The EEI recommended that the utility suffering the emergency should file periodic status reports at the request of either the DOE or the utility supplying the emergency electric energy. These reports would summarize briefly the steps being taken to alleviate the emergency condition.

The DOE was not persuaded to change the reporting requirements as published in the proposed rule. The DOE does not believe that the reports required are burdensome and feels that this information is necessary for the DOE to monitor the emergency situation and decide if an emergency order should be modified or terminated. Under the regulations as proposed, DOE may require periodic status reports, as suggested by EEI, if deemed appropriate. The DOE does not believe that reports should be required at the discretion of the supplying utility.

Houston Lighting & Power Company recommended an additional section to the proposed regulations to provide that any entity whose jurisdictional status might be affected by an emergency order may apply for and receive a section 202(d) order preserving its jurisdictional status. Such a section is not necessary since section 202(d) of the Federal Power Act already states that an order under section 202(c) of the Federal Power Act does not change the jurisdictional status of an "entity."

EEI suggested that when an entity ordered to supply emergency assistance is required to curtail service to its customers, service to customers of the entity suffering the emergency should be interrupted first and their service should be the last to be restored. PG&E also suggested that the requirement for curtailing customers of a supplying entity be clarified, especially with regard to interruptible customers.

The DOE agrees with these comments and has made several changes in the final rule to clarify this situation. In particular, the information specified in "Application Procedures" (§ 205.373) should satisfy these comments. In general, the DOE expects that no supplying "entity" will have to curtail service to its customers in order to alleviate the emergency. Where curtailment is unavoidable, DOE expects that the applicant will curtail its customers before the supplying "entity" must take such action. In addition, the applicant will be expected to curtail its customers at least to the same degree as those "entities" rendering assistance.

PG&E suggested requiring the needed "transfer capability" rather than the needed "thermal capability" in applications for a temporary connection. DOE has changed this requirement in the final rule to require the submission of either the required thermal capacity or power transfer capability. Applicants can include whichever value is more appropriate in each case.

PG&E also commented that a hydroelectric intensive system should be able to meet adverse conditions and, therefore, a 20 percent reduction in water supplies, as specified in the guidelines defining inadequate fuel or energy supply, should not qualify as an emergency. The Federal power marketing agencies commented that the term "normal requirements" is unclear as a measure of available water for a hydroelectric generating system.

DOE was persuaded by these comments and has changed the guidelines in the final rule for hydroelectric systems. The final regulations specify in § 205.375(6) that an emergency will exist when water supplies required for power generation have been reduced to the level where the future adequacy of the power supply may be endangered and no near term improvement in water supplies is projected.

EEI suggested that when an emergency results from a failure of facilities or shortage of fuel or water for generating facilities within a utility's own system, that utility should have responsibility for declaring an end to the emergency. This declaration would be effective unless overruled by the DOE within a specified time period.

While an "entity" receiving an emergency order will be required to report to the DOE when it believes that the emergency has ended (§ 205.377(d)), the DOE must make the determination to terminate any order. This authority to terminate or otherwise modify an order cannot be delegated to the "entity" receiving such order.

The Federal power marketing agencies and PG&E suggested that the 10 day requirement for filing a response to an emergency application is too short and should be lengthened.

The DOE has reviewed this requirement in light of the fact that an emergency could exist which requires expeditious action to insure continuity in the supply of electricity. This review has convinced the DOE that, rather than lengthening this time period, it should be reduced to three days. In cases in which there is no immediate threat to the power supply, § 205.374 provides that the DOE may grant an extension to this three day requirement.

PG&E suggested that the applicant be responsible for any charges levied by the DOE or any other government agency for the preparation of an Environmental Impact Statement (EIS) if one is required. The DOE does not foresee the need for preparing an EIS in the case of an order under these regulations. However, if one is required, the DOE would prepare the necessary document at its expense except for any costs associated with supplying the necessary data to the DOE.

EEI commented that removal of temporary facilities within 30 days may be infeasible. DOE has modified the final regulations to allow for an extension to this 30 day period where appropriate.

Finally, PG&E suggested that the DOE develop a screening mechanism under which only those applications in the public interest would be afforded serious review. The DOE intends to review all applications submitted under these regulations. The depth of this review, of course, will depend upon the individual circumstances in each case. The DOE also reserves the right to reject any application at any point in the review process if it judges such action to be appropriate.

III. The Final Regulations

The DOE hereby gives notice of the issuance of regulations under the provisions of sections 202(c) and 202(d) of the Federal Power Act. In accordance with section 202(c) of the Federal Power Act, the DOE may order a temporary connection of facilities and the generation, delivery, interchange, or transmission of electric energy necessary to alleviate an emergency shortage of electric power. Section 202(d) allows an entity that is not otherwise subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC), to establish temporary emergency connections without thereby becoming jurisdictional. Section 202(d) further provides that, upon approval by the DOE, a non-jurisdictional entity may construct a permanent connection to be used only in

emergency situations without becoming subject to FERC jurisdiction.

The regulations are adopted as proposed except for the modifications described above, and other minor clarifying and conforming modifications.

IV. Other Matters

Executive Order 12991: Executive Order 12991 (46 FR 13193, February 19, 1981) requires that agencies subject to it prepare a regulatory impact analysis for all major rules as defined in the Order. DOE has determined that the proposed rule is not major, and the preparation of a regulatory impact analysis is therefore not required. Our decision in this regard is based on the following determinations: (1) The proposal is not likely to result in an annual effect on the economy of $100 million or more; (2) there will not be a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and (3) there will be no 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.

Notification of the FERC: Section 404 of the Department of Energy Organization Act (DOE Act), requires that the FERC be notified whenever the Secretary proposes to prescribe rules, regulations and statements of policy of general applicability in the exercise of functions transferred to him under sections 301 and 206 of the DOE Act.

The FERC, on December 19, 1980, was notified of these regulations and requested to make the necessary determination regarding the impact on any function within its jurisdiction. The FERC notified the DOE on February 2, 1981, that it would not take referral of these regulations.

Environmental Impacts: On December 16, 1980, the Assistant Secretary for Environment was requested to determine if the proposed rule constituted a major Federal action significantly affecting the quality of the human environment. The Assistant Secretary for Environment on December 22, 1980, concluded that these regulations are not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Compliance with the Regulatory Flexibility Act: The Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C., section 601 *et seq.*, (September 19, 1980)), requires Federal agencies to consider the impact of proposed regulations on small businesses, small governmental units, and other small entities; to consider the ability of small entities to comply with the proposed regulation; and to consider less stringent alternative compliance standards for small entities. An agency is required to prepare a regulatory flexibility analysis to document its consideration of these factors except in the situation where the agency determines that a regulation will not have a significant economic impact on a substantial number of small entities. DOE certifies that, for the reasons discussed below, the promulgation of this regulation will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis will not be prepared.

The DOE does not anticipate receiving a substantial number of applications under these regulations. Only six applications were filed under the previous regulations, 18 CFR 32.60 *et seq.* since the formation of DOE in 1977. There will not be a significant increase in the number of applications filed under these regulations, as set forth below, because they are predicated upon the existence of an emergency which occurs independent of the regulations. Furthermore, there is not a significant economic impact in filing an application since the information required is readily available to any "entity" which would be making an application. Therefore, even if all applications received were from small "entities," there would not be a significant economic impact on a substantial number of such entities.

Compliance with the Paperwork Reduction Act of 1980: The Paperwork Reduction Act of 1980 (Pub. L. 96-511, 44 U.S.C. sections 3506(c)(5) and 3507), requires approval from the Office of Management and Budget (OMB) prior to imposing a reporting requirement on ten or more respondents. The OMB was requested to approve the data collection activities contemplated in these regulations. On May 13, 1981, OMB approved this information collection through May 31, 1983 (OMB No. 1903-0068).

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations is amended by adding a center heading consisting of §§ 205.370-205.379 to read as set forth below.

Issued in Washington, D.C., on July 29, 1981.

Barton House,

Acting Administrator, Economic Regulatory Administration.

Emergency Interconnection of Electric Facilities and the Transfer of Electricity to Alleviate an Emergency Shortage of Electric Power

Sec.

Authority: Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101). Federal Power Act, Pub. L. 66-280, 41 Stat. 1063 (16 U.S.C. 791(a))

Emergency Interconnection of Electric Facilities and the Transfer of Electricity to Alleviate an Emergency Shortage of Electric Power

§ 205.370 Applicability.

Sections 202(c) and 202(d) of the Federal Power Act are applicable to any "entity" which owns or operates electric power generation, transmission or distribution facilities. An "entity" is a private or public corporation (utility), a governmental agency, a municipality, a cooperative or a lawful association of the foregoing. Under this section, the DOE has the authority to order the temporary connection of facilities, or the generation or delivery of electricity, which it deems necessary to alleviate an emergency. Such orders shall be effective for the time specified and will be subject to the terms and conditions the DOE specifies. The DOE retains the right to cancel, modify or otherwise change any order, with or without notice, hearing, or report. Requests for action under these regulations will be accepted from any "entity," State Public Utility Commission, State Energy Agency, or State Governor. Actions under these regulations also may be initiated by the DOE on its own motion. Orders under this authority may be made effective without prior notice.

§ 205.371 Definition of emergency.

"Emergency," as used herein, is defined as an unexpected inadequate supply of electric energy which may result from the unexpected outage or

breakdown of facilities for the generation, transmission or distribution of electric power. Such events may be the result of weather conditions, acts of God, or unforeseen occurrences not reasonably within the power of the affected "entity" to prevent. An emergency also can result from a sudden increase in customer demand, an inability to obtain adequate amounts of the necessary fuels to generate electricity, or a regulatory action which prohibits the use of certain electric power supply facilities. Actions under this authority are envisioned as meeting a specific inadequate power supply situation. Extended periods of insufficient power supply as a result of inadequate planning or the failure to construct necessary facilities can result in an emergency as contemplated in these regulations. In such cases, the impacted "entity" will be expected to make firm arrangements to resolve the problem until new facilities become available, so that a continuing emergency order is not needed. Situations where a shortage of electric energy is projected due solely to the failure of parties to agree to terms, conditions or other economic factors relating to service, generally will not be considered as emergencies unless the inability to supply electric service is imminent. Where an electricity outage or service inadequacy qualifies for a section 202(c) order, contractual difficulties alone will not be sufficient to preclude the issuance of an emergency order.

§ 205.372 Filing procedures; number of copies.

An original and two conformed copies of the applications and reports required under §§ 205.370 through 205.379 shall be filed with the Division of Power Supply and Reliability, Department of Energy. Copies of all documents also shall be served on: (a) The Federal Energy Regulatory Commission; (b) any State Regulatory Agency having responsibility for service standards, or rates of the "entities" that are affected by the requested order; (c) each "entity" suggested as a potential source for the requested emergency assistance; (d) any "entity" that may be a potential supplier of transmission services; (e) all other "entities" not covered under paragraphs (c) and (d) of this section which may be directly affected by the requested order; and (f) the appropriate Regional Reliability Council.

§ 205.373 Aplication procedures.

Every application for an emergency order shall set forth the following information as required. This information shall be considered by the DOE in determining that an emergency exists and in deciding to issue an order pursuant to sections 202(c) and 202(d) of the Federal Power Act.

(a) The exact legal name of the applicant and of all other "entities" named in the application.

(b) The name, title, post office address, and telephone number of the person to whom correspondence in regard to the application shall be addressed.

(c) The political subdivision in which each "entity" named in the application operates, together with a brief description of the area served and the business conducted in each location.

(d) Each application for a section 202(c) order shall include the following baseline data:

(1) Daily peak load and energy requirements for each of the past 30 days and projections for each day of the expected duration of the emergency;

(2) All capacity and energy receipts or deliveries to other electric utilities for each of the past 30 days, indicating the classification for each transaction;

(3) The status of all interruptible customers for each of the past 30 days and the anticipated status of these customers for each day of the expected duration of the emergency, assuming both the granting and the denial of the relief requested herein;

(4) All scheduled capacity and energy receipts or deliveries to other electric utilities for each day of the expected duration of the emergency.

(e) A description of the situation and a discussion of why this is an emergency, including any necessary background information. This should include any contingency plan of the applicant and the current level of implementation.

(f) A showing that adequate electric service to firm customers cannot be maintained without additional power transfers.

(g) A description of any conservation or load reduction actions that have been implemented. A discussion of the achieved or expected results or these actions should be included.

(h) A description of efforts made to obtain additional power through voluntary means and the results of such efforts; and a showing that the potential sources of power and/or transmission services designated pursuant to paragraphs (i)–(k) of this section informed that the applicant believed that an emergency existed within the meaning of § 205.371.

(i) A listing of proposed sources and amounts of power necessary from each source to alleviate the emergency and a listing of any other "entities" that may be directly affected by the requested order.

(j) Specific proposals to compensate the supplying "entities" for the emergency services requested and to compensate any transmitting "entities" for services necessary to deliver such power.

(k) A showing that, to the best of the applicant's knowledge, the requested relief will not unreasonably impair the reliability of any "entity" directly affected by the requested order to render adequate service to its customers.

(l) Description of the facilities to be used to transfer the requested emergency service to the applicant's system.

(1) If a temporary interconnection under the provisions of section 202(c) is proposed independently, the following additional information shall be supplied for each such interconnection: (i) Proposed location; (ii) required thermal capacity or power transfer capability of the interconnection; (iii) type of emergency services requested, including anticipated duration; (iv) an electrical one line diagram; (v) a description of all necessary materials and equipment; and (vi) the projected length of time necessary to complete the interconnection.

(2) If the requested emergency assistance is to be supplied over existing facilities, the following information shall be supplied for each existing interconnection: (i) Location; (ii) thermal capacity of power transfer capability of interconnection facilities; and (iii) type and duration of emergency services requested.

(m) A general or key map on a scale not greater than 100 kilometers to the centimeter showing, in separate colors, the territory serviced by each "entity" named in the application; the location of the facilities to be used for the generation and transmission of the requested emergency service; and all connection points between systems.

(n) An estimate of the construction costs of any proposed temporary facilities and a statement estimating the expected operation and maintenance costs on an annualized basis. (Not required on section 202(d) applications.)

(o) Applicants may be required to furnish such supplemental information as the DOE may deem pertinent.

§ 205.374 Responses from "entities" designated in the application.

Each "entity" designated as a potential source of emergency assistance or as a potential supplier of transmission services and which has

received a copy of the application under § 205.373, shall have three (3) calendar days from the time of receipt of the application to file the information designated below with the DOE. The DOE will grant extensions of the filing period when appropriate. The designated "entities" shall provide an analysis of the impact the requested action would have on its system reliability and its ability to supply its own interruptible and firm customers. The effects of the requested action on the ability to serve firm loads shall be clearly distinguished from the ability to serve contractually interruptible loads. The designated "entity" also may provide other information relevant to the requested action, which is not included in the reliability analysis. Copies of any response shall be provided to the applicant, the Federal Energy Regulatory Commission, any State Regulatory Agency having responsibility for service standards or rates of any "entity" that may be directly involved in the proposed action, and the appropriate Regional Electric Reliability Council. Pursuant to section 202(c) of the Federal Power Act, DOE may issue an emergency order even though a designated "entity" has failed to file a timely response.

§ 205.375 Guidelines defining inadequate fuel or energy supply.

An inadequate utility system fuel inventory or energy supply is a matter of managerial and engineering judgment based on such factors as fuels in stock, fuels en route, transportation time, and constraints on available storage facilities. A system may be considered to have an inadequate fuel or energy supply capability when, combined with other conditions, the projected energy deficiency upon the applicant's system without emergency action by the DOE, will equal or exceed 10 percent of the applicant's then normal daily net energy for load, or will cause the applicant to be unable to meet its normal peak load requirements based upon use of all of its otherwise available resources so that it is unable to supply adequate electric service to its ultimate customers. The following conditions will be considered in determining that a system has inadequate fuel or energy supply capability:

(1) System coal stocks are reduced to 30 days (or less) of normal burn days and a continued downward trend in stock is projected;

(2) System residual oil stocks are reduced to 15 days (or less) of normal burn days and a continued downward trend in stocks is projected;

(3) System distillate oil stocks which cannot be replaced by alternate fuels are reduced to 15 days (or less) of normal burn days and a continued downward trend in stocks is projected;

(4) System natural gas deliveries which cannot be replaced by alternate fuels have been or will be reduced 20 percent below normal requirements and no improvement in natural gas deliveries is projected within 30 days;

(5) Delays in nuclear fuel deliveries will extend a scheduled refueling shutdown by more than 30 days; and

(6) Water supplies required for power generation have been reduced to the level where the future adequacy of the power supply may be endangered and no near term improvement in water supplies is projected.

The use of the prescribed criteria does not preclude an applicant from claiming the existence of an emergency when its stocks of fuel or water exceed the amounts and time frames specified above.

§ 205.376. Rates and charges.

The applicant and the generating or transmitting systems from which emergency service is requested are encouraged to utilize the rates and charges contained in approved existing rate schedules or to negotiate mutually satisfactory rates for the proposed transactions. In the event that the DOE determines that an emergency exists under section 202(c), and the "entities" are unable to agree on the rates to be charged, the DOE shall prescribe the conditions of service and refer the rate issues to the Federal Energy Regulatory Commission for determination by that agency in accordance with its standards and procedures.

§ 205.377 Reports.

In addition to the information specified below, the DOE may require additional reports as it deems necessary.

(a) Where the DOE has authorized the temporary connection of transmission facilities, all "entities" whose transmission facilities are thus temporarily interconnected shall report the following information to the DOE within 15 days following completion of the interconnection:

(1) The date the temporary interconnection was completed;

(2) The location of the interconnection;

(3) A description of the interconnection; and

(4) A one-line electric diagram of the interconnection.

(b) Where the DOE orders the transfer of power, the "entity" receiving such service shall report the following information to the DOE by the 10th of each month for the preceding month's activity for as long as such order shall remain in effect:

(1) Amounts of capacity and/or energy received each day;

(2) The name of the supplier;

(3) The name of any "entity" supplying transmission services; and

(4) Preliminary estimates of the associated costs.

(c) Where the DOE has approved the installation of permanent facilities that will be used only during emergencies, any use of such facilities shall be reported to the DOE within 24 hours. Details of such usage shall be furnished as deemed appropriate by the DOE after such notification.

(d) Any substantial change in the information provided under § 205.373 shall be promptly reported to the DOE.

§ 205.378 Disconnection of temporary facilities.

Upon the termination of any emergency for the mitigation of which the DOE ordered the construction of temporary facilities, such facilities shall be disconnected and any temporary construction removed or otherwise disposed of, unless application is made as provided in § 205.379 for permanent connection for emergency use. This disconnection and removal of temporary facilities shall be accomplished within 30 days of the termination of the emergency unless an extension is granted by the DOE. The DOE shall be notified promply when such removal of facilities is completed.

§ 205.379 Application for approval of the installation of permanent facilities for emergency use only.

Application for DOE approval of a permanent connection for emergency use only shall conform with the requirements in § 205.373. However, the baseline data specified in § 205.373(d) need not be included in an application made under this section. In addition, the application shall state in full the reasons why such permanent connection for emergency use is in the public interest.

[FR Doc. 81-22918 Filed 8-5-81; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-16-AD; Amdt. 39-4184]

Airworthiness Directives; Gates Learjet Models 24E/F and 25D/F Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD), applicable to Learjet Models 24E/F and 25D/F airplanes. On the Models 25D/F airplanes, the AD requires the installation of an improved pitch trim actuator, trim-in-motion warning, redesigned pitch axis master interrupt, autopilot roll monitor and several other associated alterations. In addition, this AD adds Airplane Flight Manual (AFM) procedures for the above changes. It also sets forth certain operational limitations until the flight control systems on all Model 24E/F and 25D/F airplanes have been further tested and modified, if required. Failure to follow the aforementioned operating limitations or to operate the airplane with an unmodified flight control system could adversely affect safety of flight.

DATES: Effective July 31, 1981. Comments related to this amendment must be received on or before September 6, 1981. Depending on the comments received, the requirements of this amendment may be modified. Compliance: As prescribed in the body of the AD.

ADDRESSES: Gates Learjet Corporation, Airplane Modification Kits No. AMK 81-7, Change 1, AMK 81-8, and AMK 80-13, Change 3, referenced in this AD, may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277; Telephone (316) 946-2000. A copy of each of the Airplane Modification Kit documents is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106; and Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

Send comments on the AD in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket, ACE-7, Docket No. 81-CE-16-AD, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Larry Malir, ACE-213, Aircraft Certification Program, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4281.

SUPPLEMENTARY INFORMATION: Joint analysis of the herein identified model Gates Learjet aircraft by the FAA and the manufacturer has led to the FAA's conclusion that an unsafe condition may exist in the event of certain pitch or roll axis control system malfunctions. The system malfunction in combination with the aerodynamic response of the airplane may not allow sufficient time for the crew to respond with remedial application of the controls and/or recognition and disengagement of the appropriate system causing the malfunction. Safety may be impacted by such a malfunction at the higher speed ranges and the criticality of such a condition increases at the higher altitudes. Learjet has, accordingly, designed an improved horizontal stabilizer actuator, trim-in-motion indication, a roll monitor in the autopilot, a redesigned pitch axis master interrupt and associated wiring redesign of the stall and mach warning systems. Installation of this redesign on affected Model 25D/F airplanes is being made mandatory by this AD action. This sytem has been approved to 45,000 feet altitude at this time. Until such time as the revised trim system can be tested and approved on the affected Model 25 aircraft to 51,000 feet altitude, the AD will also require revisions to the Airplane Flight Manual in the Limitations Section which will restrict the maximum operating altitude to 45,000 feet. The flight testing above 45,000 feet required at initial certification of the 24 series, which are also authorized to 51,000 feet, was determined to be inadequate and this AD will impose the same altitude restriction on those airplanes until such time as flight testing to 51,000 feet has been satisfactorily accomplished. Further AD action removing the altitude restriction will be taken upon completion of necessary testing on the affected Model 24 and 25 airplanes. This Airworthiness Directive finally specifies the necessary equipment which the FAA believes must be available to the repair agency accomplishing this AD.

Because of the need for immediate imposition of the 45,000 feet altitude restriction on these aricraft pending additional testing or installation of the modified system and its testing and approval to 51,000 feet, a situation exists that requires immediate adoption of this regulation and it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective as an immediate adopted rule. Although this action is in the form of a final rule, which involves requirements affecting immediate flight safety and thus was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information to review the regulation. After the review, if the FAA finds that changes to this regulation are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

Gates Learjet: Applies to the following models and serial number airplanes certificated in any category:

Models	Serial Numbers	Learjet AFM Designation
24E, 24F	350, 352, 353, 354, 356, and subsequent.	24-350, 24-352, 24-353, 24-354, 24-356 and subsequent.
25D, 25F	206 thru 336, 338 thru 341.	25-206 thru 25-336, 25-338 thru 25-341.

Compliance: Required as indicated, unless previously accomplished. To assure that the crew is provided with limitations for the safe operation of the airplane and to reduce the possibility of an unsafe condition resulting from a system's malfunction, accomplish the following:

(A) Before further flight, insert the following information in the FAA Approved Airplane Flight Manual and operate the airplane in accordance with these limitations:

1. In Section 1, LIMITATIONS, adjacent to MAXIMUM OPERATING ALTITUDE:

a. Delete any procedures relative to maximum operation altitudes of 51,000 feet.

b. Add the following limitation for Model 25D/F: Aircraft 25-230 and subsequent: "The maximum operating altitude is 45,000 feet. This is the highest altitude for which acceptable flight characteristics and systems operation have been demonstrated."

c. Add the following limitation for Model 24E: Aircraft 24-350, 24-352 and subsequent, except 24-355: "The maximum operating altitude is 45,000 feet. This is the highest altitude for which acceptable flight characteristics and systems operation have been demonstrated."

d. Add the following limitation for Model 24F: Aircraft 24-350 and subsequent when CJ610-8A engines are installed: "The maximum operating altitude is 45,000 feet. This is the highest altitude for which acceptable flight characteristics and systems operation have been demonstrated."

(B) In order to comply with the requirements of paragraph (A) of this Airworthiness Directive, this AD, or a duplicate thereof, may be used as a temporary amendment to the Airplane Flight Manual and carried in the aircraft as part of the Airplane Flight Manual until replaced by revisions to the Airplane Flight Manual provided by the manufacturer and approved by the FAA. The Airplane Flight Manual changes required by paragraph (A) of this AD may be accomplished by the holder of at least a private pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person who must make the prescribed entry in the Airplane Maintenance Records indicating compliance with paragraph (A) of this AD.

(C) Prior to accomplishing the modification required by paragraph (D) of this AD, contact the FAA office noted in paragraph (F) if any modification or alteration has been performed on the affected airplane for further instruction relative to the compatibility of the modification of this AD.

(D) On or before February 28, 1982, accomplish the following at an FAA certificated maintenance repair agency utilizing qualified technicians who must have recent accessory overhaul experience performing the overhaul test of the Gates Learjet Horizontal Stabilizer Trim Actuator with the necessary shop equipment (Attachment I hereto) as referenced in Learjet Repair Manual Number 1711-9, or the equivalent equipment, in accordance with modification, inspection and installation instruction of the following Learjet Modification Kits, AMK 81-7, Change 1, AMK 81-8 and AMK 80-13, Change 3.

1. Modify Learjet Model 25D and 25F flight control systems, stall warning system and control wheel in accordance with Gates Learjet Airplane Modification Kits AMK 81-7, Change 1, AMK 81-8 and AMK 80-13, Change 3, respectively.

2. Insert in the appropriate sections of the existing Airplane Flight Manual (AFM) the FAA-approved temporary Airplane Flight Manual Change dated June 8, 1981, pertaining to procedures required as a result of the modification of flight control system in accordance with Airplane Modification Kit AMK 81-7, Change 1.

(E) Airplanes may be flown in accordance with FAR 21.197 to a location where modifications required by this AD can be accomplished.

(F) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, FAA, Central Region, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective on July 31, 1981.

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

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

Issued in Kansas City, Missouri, on July 31, 1981.

John E. Shaw,

Acting Director, Central Region.

Attachment I

The stabilizer actuator test stand (P/N ST-00463) is used to functionally test the stabilizer actuator after overhaul. The physical structure of the tesf stand must be capable of withstanding a minimum load of 2500 lbs. without any bending or deformation.

The stabilizer actuator is vertically mounted on the test stand with one end stationary and the other end movable through a hydraulic actuator. The test stand consists of the following components:

a. Hydraulic Actuator—The hydraulic actuator is capable of applying a regulated load of 0 to 2500 lbs. on the stabilizer actuator during the entire extend or retract cycles.

b. Hydraulic Pressure Regulator—The pressure regulator is used to select hydraulic pressures applied to the stabilizer actuator during the functional test.

c. Hydraulic Pressure Gauge—The hydraulic pressure gauge is used to monitor hydraulic pressure applied to the stabilizer actuator. The gauge must be certified at least monthly.

d. Digital Position Readout—The digital position readout indicator is used to monitor the travel of the stabilizer actuator. Signals to the indicator are picked up from a rigid mounted linear potentiometer and movable wiper attached to the hydraulic actuator. The digital readout is accurate to 1/1000th of an inch.

e. Linear Scale—A linear scale, graduated in 100th of an inch, is permanently mounted on the test stand to verify the digital readout. A tool of known length is used to verify the linear scale and digital readout before the stabilizer actuator functional test is performed. The tool length must be certified at least yearly.

f. Lapse Timer—A lapse timer is coupled to the control switches and the stabilizer actuator to monitor travel time during the extend and retract cycles. The lapse timer must measure seconds and be accurate to 1/100th of a second.

g. Trim Controller—The trim controller is used to simulate two-speed input to the stabilizer actuator primary motor. The trim controller part number is EM 2079-6.

h. Pre-Select Timer—The pre-select timer is used to check stabilizer actuator travel vs. time, voltage and amperage inputs in accordance with the functional test.

i. Power Supply—The power supply is variable through 0-30 volts DC and 0-30 amperes DC.

j. DC Voltmeter—The DC voltmeter must be capable of measuring 0-30 volts DC and must be certified at least yearly. The voltmeter is used to monitor the voltage inputs to the stabilizer actuator in accordance with the functional test.

k. DC Ammeter—The DC ammeter must be capable of measuring 0-30 amperes DC and must be certified at least yearly. The ammeter is used to monitor the amperes inputs to the stabilizer actuator in accordance with the functional test.

l. Millivolt Meter—The millivolt meter is used to monitor the stabilizer actuator linear potentiometer for a smooth and steady signal output. The meter is 0-50 volts graduated in 100 mv increments.

m. Switches—Necessary switches installed to operate the stabilizer actuator primary and secondary motors to extend or retract.

n. A digital or Simpson 260 meter, not a part of the test stand, is used to verify the resistance of the stabilizer actuator linear potentiometer. The digital or Simpson 260 meter must be certified at least every 90 working days.

[FR Doc. 81-22987 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-GL-5-AD; Amdt. 39-4179]

Airworthiness Directives; Detroit Diesel Allison Model 250-C30 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new Airworthiness Directive (AD), which was previously made effective by airmail letter dated June 23, 1981. This Airworthiness Directive requires mandatory inspection of certain fourth-stage turbine nozzle assemblies manufactured by Detroit Diesel Allison and is applicable to the Model 250-C30 engine. Investigations of two recently removed fourth-stage turbine nozzle assemblies revealed cracks in the nozzle shroud flange which locates the nozzle between the third and fourth turbine wheels. The possibility exists that cracks in the fourth-stage turbine nozzle

assembly can result in catastrophic turbine wheel failures which could lead to the loss of the aircraft. As a precaution to assure fourth-stage turbine nozzle service life integrity, compliance with Detroit Diesel Allison Commercial Engine Bulletin CEB–A–72–3056 dated June 8, 1981, or later FAA-approved revisions, is mandatory for the 250–C30 engines affected by this Airworthiness Directive.

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

ADDRESSES: The applicable engine service documents may be obtained from Detroit Diesel Allison, Division of General Motors Corporation, Indianapolis, Indiana 46206.

A copy of the service information referenced in this AD is contained in the Rules Docket, Room 415, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Mr. Royace Prather, Engineering and Manufacturing Branch, AGL–214, Flight Standards Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone number (312) 694–7132.

SUPPLEMENTARY INFORMATION: As a result of the investigations of cracks discovered on two recently removed fourth-stage turbine nozzle assemblies and subsequent intensive engineering, metallurgical, and manufacturing processes reviews, a precautionary inspection is required to assure that nozzle service life integrity is maintained for continued airworthiness. Therefore, the FAA is making compliance with Detroit Diesel Allison Commercial Engine Bulletin CEB–A–72–3056 dated June 8, 1981, or later FAA-approved revisions, mandatory for the 250–C30 engines affected by this Airworthiness Directive.

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

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by Amendment 39–4179, AD 81–13–12, as follows:

81–13–12 Detroit Diesel Allison: Amendment 39–4179. Applies to all Model 250–C30 engines and turbine assemblies equipped with fourth-stage turbine nozzle assembly, P/N 6898694, installed in aircraft certificated in all categories.

Except:

Engine Serial Nos.

CAE 890506, 890515, 890518, 890523, 890525, 890527, 890528, 890529, 890530, 890532, 890534, 890537, 890538, 890539, 890542 and subsequent.

Turbine Serial Nos.

CAT 90515, 90523, 90527, 90530, 90532, 90533, 90534, 90536, 90537, 90540, 90541, 90544, 90545, 90546, 90548, 90550 and subsequent.

Compliance required as indicated unless previously accomplished. Inspect fourth-stage turbine nozzles in accordance with the detailed instructions provided in Commercial Engine Bulletin CEB–A–72–3056 dated June 8, 1981, or later FAA-approved revisions as follows:

(a) Nozzles which have accumulated a total time in service greater than 150 hours as of the effective date of this AD, unless already accomplished, must be inspected within the next fifty (50) hours.

(b) Nozzles which have accumulated a total time in service less than or equal to 150 hours as of the effective date of this AD, must be inspected before exceeding 200 hours total time.

This amendment becomes effective August 10, 1981 to all persons except those to whom it was made immediately effective by the priority mail letter dated June 23, 1981.

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

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

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant economic impact on a substantial number of small entities for the following reasons:

A. There are only 534 turbine assemblies affected by this AD. Of this total, a maximum of 300 turbine assemblies are installed in 150 twin-engine Sikorsky S76 helicopters. The economic impact is approximately $1,320 per helicopter and is less than $650 per engine not installed, plus loss of aircraft operating time.

B. The AD time-in-service compliance window is considered sufficient to minimize the loss of an operator's productive aircraft time.

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

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

Frederick Isaac,

Director, Great Lakes Region.

[FR Doc. 81–22586 Filed 8–5–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Airworthiness Docket No. 81–ASW–11, Amdt. 39–4164]

Airworthiness Directives; Kawasaki Heavy Industries, Ltd.; Models KV107–II–IIA Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires removal of the main rotor tension-torsion strap assemblies of the Kawasaki Model KV107–II/–IIA helicopters. The tension-torsion strap assemblies must be removed from service on or before the accumulation of 27,800 hours' time in service to prevent possible failure of a strap. Failure of a strap assembly will result in loss of a main rotor blade.

EFFECTIVE DATE: August 25, 1981.

ADDRESSES: Information in the docket file may be examined at the Office of Regional Counsel, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: J. H. Major, Helicopter Policy and Procedures Staff, ASW–211, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 502.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive that requires removal and replacement of the tension-torsion strap assemblies (P/N 107R2003–1) on or before the accumulation of 27,800 hours' time in service for

Kawasaki Model KV107–II/–IIA helicopters was published in the Federal Register (46 FR 24193). An analysis was completed showing that these main rotor tension-torsion straps of the KV107–II/–IIA helicopters would have a high probability of fatigue failure. Therefore, a conservative service life of 27,800 hours has been assigned to the straps to preclude failure of a strap. Failure of a strap will result in loss of a main rotor blade.

Interested persons have been afforded an opportunity to participate in the making of the amendment and in the economic assessment of the amendment. No comments were received.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Kawasaki Heavy Industries, Ltd. (KHI). Applies to Models KV107–II and KV107–IIA helicopters equipped with main rotor tension-torsion strap assemblies, P/N 107R2003–1, certificated in all categories (Airworthiness Docket No. 81–ASW–11).

Compliance required as indicated.

To prevent fatigue failure of the main rotor tension-torsion strap assemblies, remove from service tension-torsion strap assemblies, P/N 107R2003–1, on or before the accumulation of 27,800 hours' time in service and replace with a serviceable part that has less than 27,800 hours' total time in service.

This amendment becomes effective August 25, 1981.

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

Note.—The FAA has determined that this document involves a rule that is not a major regulation under the provisions of Executive Order 12291, does not involve a significant regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since only four aircraft are affected. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on July 7, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81–22553 Filed 8–5–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–ASW–19]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting points; Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters VOR Federal Airway V–280 between Roswell, N. Mex., and Texico, N. Mex., and revokes V–280S between Roswell and Texico. This action improves flight planning, reduces chart clutter, and eliminates coordination between air traffic control centers for aircraft on V–280 in that area.

EFFECTIVE DATE: October 1, 1981.

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

SUPPLEMENTARY INFORMATION:

History

On June 1, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter V–280 between Roswell, N. Mex., and Texico, N. Mex., and revoke V–280S between Roswell and Texico (46 FR 29279). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) realigns V–280 between Roswell, N. Mex., and Texico, N. Mex. In addition, V–280S between Roswell and Texico is revoked. This action shortens the distance between Roswell and Texico, thereby saving fuel. This amendment is consistent with our policy to eliminate alternate airways from the National Air System.

Adoption of the Amendment

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

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

§ 71.123 [Amended]

By amending the description of V–280 by removing the words "Roswell, N. Mex.; INT Roswell 063° and Texico, N. Mex., 216° radials; Texico, including a south alternate via INT Roswell 060° and Texico 216° radials;" and substituting for them the words "Roswell, N. Mex.; INT Roswell 063° and Texico, N. Mex., 218° radials; Texico;"

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

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

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

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–22751 Filed 8–5–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AWA–6]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes several alternate airway segments in the New England area and designates new VOR Federal airway segments where necessary in order to maintain airway continuity. This action responds to our commitment to eliminate all alternate airway designations.

EFFECTIVE DATE: October 1, 1981.

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

SUPPLEMENTARY INFORMATION:

History

On May 21, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke several alternate airways, designate a new airway, and extend some airways in the New England area (46 FR 27719). This action supports our commitment to eliminate alternate airway designations. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) revokes several alternate airways, designates a new airway, and realigns other airways in the vicinity of Norwich, Conn. This action is consistent with our policy to revoke all alternate airways in the National Airspace System.

Adoption of the Amendment

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409, and amended 46 FR 11508, 45 FR 85441) is further amended, effective 0901 GMT, October 1, 1981, as follows:

§ 71.123 [Amended]

1. By amending the descriptions of the specified airways as follows:

a. V-2: By removing the words "Syracuse, N.Y., including a N alternate via INT Rochester 064° and Syracuse 283° radials;" and substituting for them the words "Syracuse, N.Y.;"

b. V-72: By removing the words "Cambridge, N.Y.; INT Cambridge 063° and Keene, N.H., 336° radials." and substituting for them the words "Cambridge, N.Y.; INT Cambridge 063° and Lebanon, N.H., 214° radials; Lebanon; INT Lebanon 005° and Montpelier, Vt., 112° radials; Montpelier."

c. V-151: By removing the words "including a W alternate via INT Keene 336° and Lebanon 214° radials; Montpelier, Vt., including an E alternate via Lebanon 005° and Montpelier 112° radials;" and substituting for them the words "Montpelier, Vt.;"

d. V-475: By removing the words "including an east alternate from Madison to Providence via INT Madison 082° and Providence 212° radials;"

e. V-483: By removing the words "Syracuse." and substituting for them the words "Syracuse; Rochester, N.Y.; INT Syracuse 283° and Rochester 064° radials; Rochester."

2. By adding a new airway to read as follows:

"V-374: From Martha's Vineyard, Mass., via INT Martha's Vineyard 272° and Madison, Conn., 082° radials; Madison."

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

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

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

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-22753 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-CE-5]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Designation of Transition Area; Oakley, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Oakley, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Oakley Municipal Airport, Oakley, Kansas, utilizing the Oakley Non-Directional Radio Beacon (NDB) as a navigational aid.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Bumstead, Chief, Airspace and Procedures Section, Operations, Airspace and Procedures Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage a new instrument approach procedure to the Oakley Municipal Airport, Oakley, Kansas, is being established utilizing the Oakley NDB as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Oakley, Kansas, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On Pages 27717 and 27718 of the **Federal Register** dated May 21, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Oakley, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rulemaking.

Part 71—Designation of Federal Airways, Area Low Routes, Controlled Airspace and Reporting Points

Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 GMT October 1, 1981, by adding the following new transition area:

§ 71.181 [Amended]

Oakley, Kansas

That airspace extending upward from 700 feet above the surface within a 5.5-mile

radius of the Oakley Municipal Airport, Oakley, Kansas (latitude 39°06'45" N, longitude 100°48'49" W), and within 3 miles each side of the 171° bearing from the Oakley NDB (latitude 39°07'04" N, longitude 100°49'01" W) extending from the 5.5-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); § 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

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

Issued in Kansas City, Missouri, on July 27, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-22745 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-6]

Designation of Federal Airways Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area; Red Wing, Minn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

EFFECTIVE DATE: October 1, 1981.

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

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

Discussion of Comments

On page 29950 of the **Federal Register** dated June 4, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate controlled airspace near Red Wing, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 1, 1981, as follows:

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

§ 71.181 [Amended]

Red Wing, Minnesota

That airspace extending upward from 700' above the surface within a 6.5-mile radius of the Red Wing Municipal Airport (latitude 44°35'23"N, longitude 092°29'07"W) at Red Wing, Minnesota, and within 3 miles either side of the 275° bearing of the Red Wing NDB extending from 6.5 miles to 8.5 miles.

This amendment is made under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

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

Issued in Des Plaines, Illinois, on July 23, 1981.

Kenneth C. Patterson,

Acting Director, Great Lakes Region.

[FR Doc. 81-22747 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 75

[Airspace Docket No. 81-AWA-4]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Establishment of Jet Routes and Area High Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments designate an area high route for Anchorage, Alaska, to the U.S./Canadian border and revoke Area High Route J997R and Control Area 1310 and associated reporting points. These actions improve air traffic control routings and flight planning for pilots, and reduce controlled airspace not required for air traffic control purposes.

EFFECTIVE DATE: October 1, 1981.

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

History

On June 1, 1981, the FAA proposed to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to: (a) revoke Control Area 1310 and amend that part of Control Area 1487 that excludes the portion within 1310, and their associated reporting points; (b) revoke J997R; and (c) designate J804R from Anchorage, Alaska, to overlie J-111 and the current Control Area 1310 route to the FRIED

reporting point at the U.S./Canadian border (46 FR 29280). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. These amendments are those proposed in the notice. Sections 71.163, 71.211, 71.213, and 75.400 were republished on January 2, 1981 (46 FR 449, 758, 760 and 848).

The Rule

These amendments to Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) revoke Control Area 1310 and amend that part of Control Area 1487 that excludes the portion within 1310 and their associated reporting points; revoke J997R; and designate J804R from Anchorage, Alaska, to the U.S./Canadian border. These actions improve air traffic control efficiency and pilot flight planning for air traffic operating between Anchorage, Alaska, and the Continental U.S.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.163, 71.211, 71.213, and 75.400 of Parts 71 and 75 of the Federal Aviation Regulations as republished (46 FR 449, 758, 760 and 848) are amended, effective 0901 GMT, October 1, 1981, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

§ 71.163 [Amended]

1. § 71.163, by removing Control 1310 and by deleting from Control 1487 the words "portion within Control 1310 and the" from the last line of its description.

§ 71.211 [Amended]

2. § 71.211, by removing "CARTS" "FRIED" "SHRIM" and "SNOUT" and their definitions in their entirety.

§ 71.213 [Amended]

3. § 71.213, by removing "CARTS" "FRIED" and "SNOUT" and their definitions in their entirety.

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

§ 75.400 [Amended]

4. § 75.400, by removing "J997R Anchorage, Alaska, to Annette Island, Alaska," and its description and by adding the following:

Waypoint name	Location	Reference facility
J804R Anchorage, Alaska, to FRIED Anchorage, Alaska.	61°09'05"N., 150°12'16"W.	Anchorage, Alaska.
NOWEL	60°29'01"N., 148°38'01"W.	Anchorage, Alaska.
Middleton Island, Alaska	59°53'28"N., 146°20'53"W.	Middleton Island, Alaska.
SNOUT	57°53'28"N., 141°45'13"W.	Yakutat, Alaska.
EEDEN	55°54'00"N., 137°00'00"W.	Biorka Island, Alaska.
FRIED	54°13'20"N., 133°37'51"W.	Annette Island, Alaska.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

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

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-22749 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 81-AGL-3]

Establishment of Jet Routes and Area High Routes; Alteration of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects a final rule that realigns Jet Route No. 60 between Joliet, IL, and Dryer, OH, by realigning the route over Goshen, IN, as published in the **Federal Register** on July 6, 1981 (46 FR 34798). Inadvertently, Jet Route No. 82, which is codesignated with Jet Route No. 60 along that portion of the route, was omitted. This action corrects that omission.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adoption of the Amendment

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Accordingly, pursuant to the authority delegated to me, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished and amended (46 FR 834 and 24170) is further amended, effective 0901 GMT, October 1, 1981, as follows:

§ 75.100 [Amended]

By amending Jet Route No. 82 by removing the words "Joliet; Dryer, OH," and substituting for them the words "Joliet; Goshen, IN; Dryer, OH;"

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

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

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

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-22750 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 81-ASW-22]

Establishment of Jet Routes and Area High Routes; Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters Jet Routes J-15 and J-180 between Junction, Tex., and Humble, Tex. The realignment of these jet routes provides additional route flexibility for maneuvering departure/arrival traffic in the Humble area.

EFFECTIVE DATE: October 1, 1981.

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

SUPPLEMENTARY INFORMATION:

History

On June 1, 1981, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Routes J-15 and J-180 between Junction, Tex., and Humble, Tex. (46 FR 29281). The realignment will provide parallel west departure routes from the Houston terminal area, thereby minimizing departure delays and enhancing the flow of air traffic and reducing controller workload. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is that proposed in the notice. Section 75.100 was republished on January 2, 1981 (46 FR 834).

The Rule

This amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) realigns Jet Routes J-15 and J-180 between Junction, Tex., and Humble, Tex. This action provides parallel west departure routes from Houston, thereby reducing departure/arrival delays and aiding air traffic control procedures.

Adoption of the Amendment

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Accordingly, pursuant to the authority delegated to me, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) is amended, effective 0901 GMT, October 1, 1981, as follows:

1. Jet Route No. 15 [amended]

By removing the words "From Humble, Tex., via INT Humble 269° and Junction, Tex., 112° radials; Junction;" and substituting for them the words "from Humble, Tex., via INT Humble 275° and Junction, Tex., 106° radials, Junctions;"

2. Jet Route No. 180 [amended]

By removing the words "From Humble, Tex., via Daisetta, Tex.;" and substituting for them the words "From Junction, Tex., via INT Junction 112° and Humble, Tex., 264° radials; Humble; Daisetta, Tex.;"

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

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

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

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-22752 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 22050; SFAR No. 44]

Special Federal Aviation Regulation No. 44; Air Traffic Control System Emergency Operation

Note.—This document originally appeared in the **Federal Register** for Tuesday, August 4, 1981. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Federal Aviation Administration.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The Professional Air Traffic Controllers Organization (PATCO) has informed the Federal Aviation Administration that its member air traffic controllers would initiate a strike or other significant job action beginning at 7:00 a.m. EDT on August 3, 1981. Since that action by air traffic controllers will significantly affect the FAA's ability to operate the Air Traffic Control system and reduce the level of air traffic control services that the FAA is capable of providing, the Administrator has determined that an emergency exists which requires special Air Traffic Control provisions to provide for the orderly movement of air traffic. This Special Federal Aviation Regulation establishes provisions for the operation of the Air Traffic Control system during the period the emergency conditions exist and for the activation of the National Air Traffic Control Contingency Plan (Phase III) if operations under that Plan become necessary in order to provide orderly movement of air traffic under the operating conditions that may exist.

DATES: Effective 7:00 a.m. EDT, August 3, 1981. The FAA will accept comments on the rule as long as it remains in force or until September 15, 1981, whichever date is later.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22050, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: National Air Traffic Control Rule Coordinator, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 426-3797.

SUPPLEMENTARY INFORMATION:

Comments Invited

Although this action is in the form of an emergency final rule which involves immediate flight safety throughout the United States, and, thus, was not preceded by notice and public procedure, comments were invited on the draft National Air Traffic Control Contingency Plan (45 FR 75096; November 13, 1980) and on the Contingency Plan adopted February 27, 1981 (46 FR 15402; March 5, 1981). Numerous comments have been received since the adoption of the Plan in February, and the Plan has been revised and updated based on those comments. The FAA also will accept comments on the rule as long as it remains in force or until September 15, 1981, whichever date is later. Comments on the rule should be submitted to the address indicated above. Comments are

specifically invited on any aspects of the emergency operation of the Air Traffic Control system, including any operation under the Contingency Plan, that suggest a need to modify the regulation, or which should be considered should the occasion arise in the future to operate the Air Traffic Control system under emergency conditions. Commenters wishing the FAA to acknowledge receipt of their comments in response to this rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22050." The post card will be date/time stamped and returned to the commenter.

Air Traffic Control System Emergency Operations

The Professional Air Traffic Controllers Organization (PATCO) has informed the FAA that its member air traffic controllers would initiate a strike or other significant job action beginning at 7:00 a.m. EDT on August 3, 1981. That action by air traffic controllers will significantly affect the FAA's ability to operate the Air Traffic Control (ATC) system and reduce the level of services the FAA is capable of providing. The extent of the impact of the controller job action on the ATC system depends on the specific job action taken and the number of controllers involved in that action. Past job actions have varied from local facility actions by controllers to nationwide actions, and from so-called "by-the-book" operational slowdowns to full walkouts. The FAA believes that a significant number of controllers may not participate in any PATCO job action. A controller work force made up of supervisors, qualified non bargaining unit employees and controllers who do not participate in the job action may be capable of providing orderly movement of air traffic by "flow control" procedures with a pro rata reduction of user demands on the system. Flow control procedures use the published, advertised air carrier schedules to the maximum extent possible and allows maximum possible air carrier control over their own operations. It also permits normal flight planning and fuel conservation techniques by users. It can be applied to a single airport or to the whole system and is fully coordinated in advance and kept updated as conditions at each airport change. Flow control does not require any special flight data activity by ATC facilities and facilitates transition between normal operations and reduced operations and reductions in the level of operations. Under flow control, the Director of Air Traffic Service is authorized, as conditions warrant, to restrict, prohibit or permit VFR and/or IFR operations at any airport, TCA or other terminal and enroute airspace; to give priority at any airport to flights that are military necessity, medical emergency flights, Presidential flights, and flights transporting critical FAA employees; and to implement at any airport flow control management procedures including pro rata reduction of air carrier, commercial operator and general aviation operations. Insofar as the FAA's Air Traffic Control Command Center has the ability to maintain an efficient flow of air traffic within a framework of predetermined levels of system capacity it may not be necessary to activate the more restrictive National Air Traffic Control Contigency Plan. However, the Director of Air Traffic Service is authorized to activate the National Air Traffic Control Contingency Plan (Phase III) if the controller work force is reduced to a level that flow control will not provide for the orderly movement of air traffic.

The Contingency Plan was created to provide a safe and efficient ATC system operation with the available, qualified ATC manpower in the event of a significant job action by air traffic controllers which cannot be handled by flow control procedures. Notice of the issuance of the Plan was published in the **Federal Register** on March 3, 1981 (46 FR 15402), and copies were distributed to air carriers and other persons who indicated an interest in the Plan. Based on comments received, a number of changes to the February 27, 1981 Plan have been made. The changes are set forth in Errata Change issued March 10, 1981, Errata Change No. 2 issued March 18, 1981, and Errata Change No. 3 issued June 19, 1981. The Plan is geared to provide air traffic service to critical aviation activities, and, to the extent possible, for needs which cannot reasonably be met through alternative modes of transportation. In addition, the Plan provides ATC service to meet as many other aviation needs as can be accommodated with the available work force. The Plan provides ATC service on a pre-determined basis to best meet the Nation's needs, utilizing approximately 15% of the normal work force. This objective is achievable, in part, through the use of rigid schedules, routes, and altitudes.

Priorities for flight approval, routes, altitudes, and flight schedules are included in the Contingency Plan. Military necessity and emergency flights will receive top priority, and will be accommodated ahead of all other flights, including those scheduled in the Plan. Substantially all long-range flights (over 500 miles) are scheduled in the Plan. All international flights should be able to be accommodated, but departure and arrival times will have to be adjusted. The Plan also provides for ATC handling of over 5,000 short-range flights each day by air carriers and air taxis.

Instrument Flight Rule (IFR) clearances will be issued only in accordance with the provisions of the Contingency Plan. Visual Flight Rule (VFR) flights in terminal control areas (TCAs) will be restricted to departures only and VFR clearances for flight in TCAs for purposes of transiting or landing will not be issued. However, the Plan also provides for relaxation and elimination of the VFR and other system restrictions in a TCA when sufficient ATC staffing is restored to provide the requisite services.

The basic rules and orders necessary for implementation of "flow control" procedures under this Special Federal Aviation Regulation or the activation of the National Air Traffic Control Contingency Plan are disseminated, in accordance with § 91.100 of the Federal Aviation Regulations, by Notices to Airmen (NOTAM) throughout the ATC system.

The imminent action by the controller work force dictates the immediate adoption of this regulation in the interest of safety in air commerce. Therefore, I find that further notice and public procedure thereon are impracticable and contrary to the public interest; I further find that good cause exists for making this regulation effective in less than 30 days after its publication in the **Federal Register.**

Adoption of the Rule

Accordingly, the Federal Aviation Administration hereby adopts, effective 7:00 a.m. EDT, August 3, 1981, Special Federal Aviation Regulation No. 44 (added to 14 CFR Part 91), as follows:

Special Federal Aviation Regulation No. 44

1. Each person shall, before conducting any operation under the Federal Aviation Regulations (14 CFR Chapter I), familiarize himself with all available information concerning that operation, including Notices to Airmen issued under § 91.100 and, when activated, the provisions of the National Air Traffic Control Contingency Plan (FAA Order 7110.86), available for inspection at operating Air Traffic facilities and Regional air traffic division offices.

2. Notwithstanding any provision of the Federal Aviation Regulations to the contrary, no person may operate an aircraft in the Air Traffic Control system—

(a) contrary to any restriction, prohibition, procedure or other action taken by the Director of Air Traffic Service pursuant to

Paragraph 3 of this regulation and announced in a Notice to Airmen pursuant to § 91.100 of the Federal Aviation Regulations, or

(b) if the National Air Traffic Control Contingency Plan is activated pursuant to Paragraph 4 of this regulation, except in accordance with the pertinent provisions of the Contingency Plan (FAA Order 7110.86, dated February 27, 1981, as amended by Errata Change issued March 10, 1981, Errata Change No. 2 issued March 18, 1981, and Errata Change No. 3 issued June 19, 1981).

3. As conditions warrant and until activation of the National Air Traffic Control Contingency Plan (Phase III), the Director of Air Traffic Service is authorized to—

(a) Restrict, prohibit or permit VFR and/or IFR operations at any airport, Terminal Control Area or other terminal and enroute airspace.

(b) Give priority at any airport to flights that are military necessity, medical emergency flights, Presidential flights, and flights transporting critical Federal Aviation Administration employees.

(c) Implement at any airport flow control management procedures, including reduction of flight operations. Reduction of flight operations shall be made pro rata among and between air carrier, commercial operator, and general aviation operations.

4. If the actions taken in accordance with paragraph 2 of this regulation do not provide for the orderly movement of air traffic, the Director of air Traffic Service may activate the National Air Traffic Control Contingency Plan (Phase III).

5. Upon activation of the National Air Traffic Control Contingency Plan (Phase III) and notwithstanding any provision of the Federal Aviation Regulations to the contrary, the Director of Air Traffic Service is authorized to suspend or modify any airspace designation (or chart).

6. All restrictions, prohibitions, procedures and other actions taken by the Director of Air Traffic Service under this regulation with respect to the operation of the Air Traffic Control system will be announced in Notices to Airmen issued pursuant to § 91.100 of the Federal Aviation Regulations.

7. The Director of Air Traffic Service may delegate his authority under this regulation to the extent he considers necessary for the safe and efficient operation of the National Air Traffic Control system.

(Secs. 307 (a) and (c), 313(a), and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348 (a) and (c), 1354(a), and 1421(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this rule is an emergency regulation under the provisions of Section 8 of Executive Order 12291. It is impracticable for the FAA to follow the procedures of Executive Order 12291 because the safety and efficiency of the national air transportation system require immediate implementation of the rule.

This is a final rule of the Administrator issued in accordance with the Federal Aviation Act of 1958, as amended. Thus, in accordance with section 1006 of the Act (49 U.S.C. 1486), it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Washington, DC, on August 3, 1981.

J. Lynn Helms,
Administrator.

[FR Doc. 81-22847 Filed 8-3-81; 11:38 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 22048; Amdt. No. 1196]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

For Examination—

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

For Purchase—Individual SIAP copies may be obtained from:

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

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

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

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

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

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

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach

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

Adoption of the Amendment

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

. . . Effective October 1, 1981

Old Town, ME—Dewitt Fld, Old Town Muni, VOR/DME Rwy 22, Amdt. 3
Old Town, ME—Dewitt Fld, Old Town Muni, VOR-A, Amdt. 7
Bemidji, MN—Bemidji Muni, VOR Rwy 13, Amdt. 13
Bemidji, MN—Bemidji Muni, VOR/DME or TACAN Rwy 31, Amdt. 9
McComb, MS—McComb-Pike County-John E. Lewis Field, VOR/DME-A, Amdt. 6
Cape Girardeau, MO—Cape Girardeau Muni, VOR Rwy 2, Amdt. 7
Cape Girardeau, MO—Cape Girardeau Muni, VOR-A, Amdt. 6, canceled
Cape Girardeau, MO—Cape Girardeau Muni, VOR Rwy 20, Original
Odgen, UT—Ogden Muni, VOR Rwy 7, Amdt. 3

. . . Effective September 17, 1981

El Dorado, AR—Goodwin Field, VOR/DME Rwy 4, Amdt. 5
El Dorado, AR—Goodwin Field, VOR Rwy 22, Amdt. 9
Flippin, AR—Marion County Regional, VOR-A, Amdt. 8
Miami, FL—Opa Locka, VOR Rwy 9L, Amdt. 15
Lawrenceville, GA—Gwinnett County, VOR Rwy 7, Amdt. 7
Lawrenceville, GA—Gwinnett County, VOR/DME Rwy 25, Amdt. 3
Olney-Noble, IL—Olney-Noble, VOR/DME-A, Amdt. 4
Paris, IL—Edgar County, VOR/DME-A, Amdt. 1
Estherville, IA—Estherville Muni, VOR Rwy 16, Amdt. 1
Estherville, IA—Estherville Muni, VOR Rwy 34, Amdt. 3
Crookston, MN—Crookston Muni-Kirkwood Fld, VOR Rwy 31, Amdt. 2
Berlin, NH—Berlin Muni, VOR-A, Amdt. 3, canceled
Berlin, NH—Berlin Muni, VOR-B, Original
Berlin, NH—Berlin Muni, VOR/DME Rwy 18, Original
Lorain/Elyria, OH—Lorain County Regional, VOR Rwy 7, Amdt. 8
Oklahoma City, OK—Wiley Post, VOR Rwy 17L, Amdt. 8
Oklahoma City, OK—Wiley Post, VOR-A, Amdt. 1
Oklahoma City, OK—Wiley Post, VOR-C, Amdt. 3
McMinnville, OR—McMinnville Muni, VOR/DME-A, Amdt. 2, canceled
McMinnville, OR—McMinnville Muni, VOR/DME-B, Amdt. 2
Watertown, SD—Watertown Muni, VOR/DME or TACAN Rwy 35, Amdt. 7
Corpus Christi, TX—Corpus Christi Intl, VOR or TACAN Rwy 17, Amdt. 22
Galveston, TX—Scholes Field, VOR Rwy 13, Amdt. 15
San Antonio, TX—Stinson Muni, VOR Rwy 32, Amdt. 11

. . . Effective September 3, 1981

Casa Grande, AZ—Casa Grande Muni, VOR Rwy 5, Original
Coldwater, MI—Branch County Memorial, VOR Rwy 3, Amdt. 3
Coldwater, MI—Branch County Memorial, VOR Rwy 21, Amdt. 7

. . . Effective August 16, 1981

Pendleton, OR—Pendleton Muni, VOR Rwy 7, Amdt. 14

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

. . . Effective October 1, 1981

McComb, MS—Mcomb-Pike County-John E. Lewis Field, LOC Rwy 15, Amdt. 3
Cape Girardeau, MO—Cape Girardeau Muni, LOC/DME BC Rwy 28, Amdt. 2

. . . Effective September 3, 1981

Casa Grande, AZ—Casa Grande Muni, LOC/DME Rwy 5, Original

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

. . . Effective October 1, 1981

Bemidji, MN—Bemidji Muni, NDB Rwy 31, Amdt. 2
Old Town, ME—Dewitt Fld, Old Town Muni, NDB Rwy 22, Amdt. 3
McComb, MS—McComb-Pike County-John E. Lewis Field, NDB Rwy 15, Amdt. 2
Cape Girardeau, MO—Cape Girardeau Muni, NDB Rwy 10, Amdt. 4

. . . Effective September 17, 1981

Olney-Noble, IL—Olney-Noble, NDB Rwy 3, Amdt. 8
Paris, IL—Edgar County, NDB Rwy 27, Amdt. 3
Le Mars, IA—Le Mars Muni, NDB Rwy 18, Amdt. 5
Crookston MN—Crookston Muni-Kirkwood Fld, NDB Rwy 13, Amdt. 4
Berlin, NH—Berlin Muni, NDB-A, Amdt. 10
McMinnville, OR—McMinnville Muni, NDB Rwy 22, Original
Houston, TX—David Wayne Hooks Memorial, NDB Rwy 35L, Original, canceled

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

. . . Effective October 1, 1981

Bemidji, MN—Bemidji Muni, MLS Rwy 31 (Interim), Amdt. 2
Cape Girardeau, MO—Cape Girardeau Muni, ILS Rwy 10, Amdt. 5

. . . Effective September 17, 1981

Miami, FL—Opa Locka, ILS Rwy 9L, Amdt. 1
Lorain/Elyria, OH—Lorain County Regional, ILS Rwy 7, Amdt. 1
Oklahoma City, OK—Wiley Post, ILS Rwy 17L, Amdt. 6
Galveston, TX—Scholes Field, ILS Rwy 13, Amdt. 5

. . . Effective August 16, 1981

Pendleton, OR—Pendleton Muni, ILS Rwy 25, Amdt. 21

. . . Effective July 16, 1981

Fresno, CA—Fresno Air Terminal, ILS Rwy 29R, Amdt. 26
Hyannis, MA—Barnstable Muni, ILS Rwy 24, Amdt. 13

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

. . . Effective October 1, 1981

Old Town, ME—Dewitt Fld, Old Town Muni, RADAR-1, Amdt. 1

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

. . . Effective October 1, 1981

Odgen, UT—Ogden Muni, RNAV Rwy 7, Original

. . . Effective September 17, 1981

South Lake Tahoe, CA—Lake Tahoe, RNAV Rwy 18, Original
Truckee, CA—Truckee-Tahoe, RNAV-A Amdt. 3
Truckee, CA—Truckee-Tahoe, RNAV-B Original
Miami, FL—Opa Locka, RNAV Rwy 9L, Amdt. 6
Cadillac, MI—Wexford County, RNAV Rwy 7, Amdt. 1
Houston, TX—Lakeside, RNAV Rwy 33, Amdt. 1

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

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

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

Issued in Washington, D.C. on July 31, 1981.

John S. Kern,

Chief, Aircraft Programs Division.

[FR Doc. 81-22746 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 369

Restrictive Trade Practices on Boycotts

AGENCY: International Trade Administration, Commerce.

ACTION: Interpretation.

SUMMARY: The Department seeks to clarify the application of its regulations on restrictive trade practices or boycotts (15 CFR Part 369) to transactions where U.S.-origin spare parts are included with shipments of foreign manufactured products assembled partly from U.S.-origin parts.

EFFECTIVE DATE: January 18, 1978.

FOR FURTHER INFORMATION CONTACT: Brian C. Murphy, Office of Antiboycott Compliance, U.S. Department of Commerce (202) 377-2004.

PART 369—RESTRICTIVE TRADE PRACTICES ON BOYCOTTS

The following appendix is added to Part 369 as Supplement 4.

Supplement 4—Appendix—Interpretation

The question has arisen how the definition of U.S. commerce in the antiboycott regulations (15 CFR Part 369) applies to a shipment of foreign-made goods when U.S.-origin spare parts are included in the shipment. Specifically, if the shipment of foreign goods falls outside the definition of U.S. commerce, will the inclusion of U.S.-origin spare parts bring the entire transaction into U.S. commerce?

Section 369.1(d)(12) of the Regulations provides the general guidelines for determining when U.S.-origin goods shipped from a controlled in fact foreign subsidiary are outside U.S. commerce. The two key tests of that provision are that the goods were (1) acquired without reference to a specific order, and (2) further manufactured, incorporated or reprocessed into another product. Because the application of these two tests to spare parts does not conclusively answer the U.S. commerce question, the Department is presenting this clarification.

In the cases brought to the Department's attention, an order for foreign-origin goods was placed with a controlled in fact foreign subsidiary of a United States company. The foreign goods contained components manufactured in the United States and in other countries, and the order included a request for extras of the U.S. manufactured components (spare parts) to allow the customer to repair the item. Both the foreign manufactured product and the U.S. spare parts were to be shipped from the general inventory of the foreign subsidiary. Since the spare parts, if shipped by themselves, would be in U.S. commerce as that term is defined in the Regulations, the question was whether including them with the foreign manufactured item would bring the entire shipment into U.S. commerce. The Department has decided that it will not and presents the following specific guidance.

As used above, the term "spare parts" refers to parts of the quantities and types normally and customarily ordered with a product and kept on hand in the event they are needed to assure prompt repair of the product. Parts, components or accessories that improve or change the basic operations or design characteristics, for example, as to accuracy, capability or productivity are not spare parts under this definition.

Inclusion of U.S.-origin spare parts in a shipment of products which is otherwise outside U.S. commerce will not bring the transaction into U.S. commerce if the following conditions are met:

(I) The parts included in the shipment are acquired from the United States by the controlled in fact foreign subsidiary without reference to a specific order from or transaction with a person outside the United States;

(II) The parts are identical to the corresponding U.S.-origin parts which have been manufactured, incorporated into or reprocessed into the completed product;

(III) The parts are of the quantity and type normally and customarily ordered with the completed product and kept on hand by the firm or industry of which the firm is a part to assure prompt repair of the product; and

(IV) The parts are covered by the same order as the completed product and are shipped with or at the same time as the original product.

The Department emphasizes that unless each of the above conditions is met, the inclusion of U.S.-origin spare parts in an order for a foreign-manufactured or assembled product will bring the entire transaction into the interstate or foreign commerce of the United States for purposes of Part 369.

Dated: July 31, 1981.

Bo Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 81-22913 Filed 8-5-81; 8:45 am]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8920]

Equifax Inc. (Formerly Retail Credit Co.); Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Dismissal order.

SUMMARY: On remand from the U.S. Court of Appeals, Ninth Circuit, this order dismisses the March 9, 1978 complaint against a collector and seller of consumer credit information. The Commission concluded that further proceedings would not be in the public interest.

DATES: Final order issued July 7, 1978.[1] Dismissal order issued July 14, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/CS-1, Joseph S. Brownman, Washington, D.C. 20580. (202) 724-1679.

SUPPLEMENTARY INFORMATION: In the Matter of Equifax Inc. (formerly Retail Credit Company), a corporation.

The Final Order is as follows:

This matter having been remanded to the Commission by the United States Court of Appeals for the Ninth Circuit, and the Commission having concluded that further proceedings would not be in the public interest.

It is ordered, That the complaint be dismissed.

By the Commission, Commissioner Dixon dissented.

Carol M. Thomas,

Secretary.

[Docket No. 8920]

Equifax Inc. (formerly Retail Credit Company)

Final Order

This matter having been remanded to the Commission by the United States Court of Appeals for the Ninth Circuit, and the Commission having concluded that further proceedings would not be in the public interest,

It is ordered, That the complaint be dismissed.

By the Commission, Commissioner Dixon dissented.

Issued: July 14, 1981.

Carol M. Thomas,

Secretary.

[FR Doc. 81-22914 Filed 8-5-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-17989]

Delegation of Authority to Regional Administrators

AGENCY: Securities and Exchange Commission.

[1] Published on Wednesday, Aug. 23, 1978, 43 FR 37429.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules governing the delegation of authority to grant requests for changes of dates for annual audited reports filed by brokers and dealers. This delegation of authority will allow Regional Administrators to grant any such request where the new report date will not be more than 15 months from the former report date. The purpose of this delegation of authority is to expedite the processing time for these requests.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Robert A. Love, Esq., Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202-272-2781).

SUPPLEMENTARY INFORMATION: The Commission today announced the amendment, effective immediately, of its rules governing delegation of authority to the Regional Administrators (17 CFR 200.30-6) with respect to the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78a *et seq.*, as amended). The new amendment authorizes Regional Administrators of the Commission to grant or deny requests made by brokers and dealers for a change of date for annual audited reports filed pursuant to Rule 17a-5(d) (17 CFR 240.17a-5(d)) under the Act.

Discussion

Rule 17a-5(d) requires brokers and dealers to file an annual audited report as of the same fixed or determinable date each year unless a change is approved by the Commission. Currently, requests for changes of date for annual audited reports are processed by the Director of the Division of Market Regulation (the "Division") pursuant to delegated authority and by the Associate and Assistant Directors of the Division's Office of Financial Responsibility and Securities Processing Regulation pursuant to a "Designation of Personnel to Perform Delegated Functions." In view of the familiarity of the regional offices with the brokers and dealers in their regions, the Commission has determined that the Regional Administrators should also have authority to approve such requests for annual audited report date changes in those cases where the report will not be as of a new date more than 15 months from the date used for the last annual report.[1] Further, the Commission expects in all cases that a broker or dealer have a valid reason for the audit date change and that such requests not be employed as a means of circumventing the reporting requirements.

In order to expedite processing, any request for a change of audit date to a date that is not more than 15 months from the date used for the last such report should be directed to the Commission's regional office with responsibility for the broker's or dealer's principal place of business.

The Commission's regional offices are located at the following addresses:

Regional Office—For Broker-Dealers Located

Atlanta Regional Office, Suite 788, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309—Tennessee, Virgin Islands, Puerto Rico, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida and that part of Louisiana lying east of the Atchafalaya River

Boston Regional Office, 150 Causeway Street, Boston, Massachusetts 02114—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut

Chicago Regional Office, Room 1204, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Illinois 60604—Michigan, Ohio, Kentucky, Wisconsin, Indiana, Iowa, Illinois, Minnesota, Missouri and Kansas City (Kansas)

Denver Regional Office, Suite 700, 410 Seventeenth Street, Denver, Colorado 80202—North Dakota, South Dakota, Wyoming, Nebraska, Colorado, New Mexico and Utah

Fort Worth Regional Office, 8th Floor, 411 West Seventh Street, Fort Worth, Texas 76102—Oklahoma, Arkansas, Texas, that part of Louisiana lying west of the Atchafalaya River and Kansas (except Kansas City)

Los Angeles Regional Office, Suite 1710, 10960 Wilshire Boulevard, Los Angeles, California 90024—Nevada, Arizona, California, Hawaii, and Guam

New York Regional Office, Room 1102, 26 Federal Plaza, New York, New York 10278—New York and New Jersey

Seattle Regional Office, 3040 Federal Building, 915 Second Avenue, Seattle, Washington 98174—Montana, Idaho, Washington, Oregon and Alaska

Washington Regional Office, Ballston Center Tower 3, 4015 Wilson Boulevard, Arlington, Virginia 22203—Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and District of Columbia

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Accordingly, the Commission revises paragraph (d) of § 200.30-6 to read as follows:

§ 200.30-6 Delegation of authority to Regional Administrators.

* * * * *

(d) With respect to the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq.: Pursuant to Rule 17a-5(a) (§ 240.17a-5(a) of this chapter) and Rule 17a-5(d) (§ 240.17a-5(d) of this chapter):

(1) To consider applications by brokers and dealers for extensions of time within which to file reports required by Rule 17a-5 (§ 240.17a-5 of this chapter) and to grant or to deny such applications: *Provided*, Such applicant is advised of his right to have such denial reviewed by the Commission; and

(2) To grant or deny requests by brokers and dealers for the approval of a change of date for the annual audited reports required by Rule 17a-5 (§ 240.17a-5 of this chapter) where the report will not be as of a date more than 15 months from the date as of which the last preceding annual audited report was prepared: *Provided*, Such applicant is advised of his right to have such denial reviewed by the Commission.

* * * * *

Statutory basis and competitive considerations

The Securities and Exchange Commission, Acting pursuant to the Act, and particularly Sections 2, 17 and 23 thereof (15 U.S.C. 78b, 78q and 78w), and Section 1(b) of the Delegation of Functions Act, 15 U.S.C. 78d-1, hereby adopts the amendments to Section 200.30-6(d). The Commission finds that there will be no burden upon competition imposed by the amendment.

The Commission also finds that the foregoing action relates solely to agency management and personnel and, accordingly, that notice and prior publication for comment under the Administrative Procedure Act (5 U.S.C. 553) are not necessary. This action, taken pursuant to 15 U.S.C. 78d-1, as amended, becomes effective August 6, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

July 30, 1981.

[FR Doc. 81-22986 Filed 8-5-81; 8:45 am]

BILLING CODE 8010-01-M

[1] By order dated July 30, 1981, the Chairman of the Commission designated the Assistant Regional Administrators for Regulation to approve these requests.

17 CFR Part 200

[Release No. 34-17988]

Delegation of Authority to Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission is amending its rules governing delegation of authority with respect to the Securities Exchange Act of 1934 ("Act") to delegate authority to the Director of the Division of Market Regulation to grant exemptions from the rule governing the dissemination and display of transaction reports, last sale data, and quotation information.

EFFECTIVE DATE: July 30, 1981.

FOR FURTHER INFORMATION: Robert Colby, (202) 272-2888, Division of Market Regulation, Securities and Exchange Commission, Room 390, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is amending its rules governing delegation of authority to delegate to the Director of the Division of Market Regulation and other senior staff the authority to grant exemptions from Rule 11Ac1-2, governing the dissemination and display of transaction reports, last sale data, and quotation information. The Commission finds, in accordance with the Administrative Procedure Act ("APA") (5 U.S.C. 533(b)(3)(B)) that this amendment relates solely to agency organization, procedures, or practice and that notice and procedures pursuant to the APA are therefore not necessary and that such amendment shall be adopted, effective immediately.

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Accordingly, 17 CFR Chapter II is amended by adding a new paragraph (a)(36) to § 200.30-3 to read as follows:

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(36) To grant exemptions from Rule 11Ac1-2 (§ 240.11Ac1-2 of this chapter), pursuant to Rule 11Ac1-2(g) (§ 240.11Ac1-2(g) of this chapter).

* * * * *

(Pub. L. 87-592, 76 Stat. 394, 15 U.S.C. 78d-1, 78d-2)

By the Commission.

George A. Fitzsimmons,

Secretary.

July 30, 1981.

[FR Doc. 81-22985 Filed 8-5-81; 8:45 am]

BILLING CODE 8010-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. AH029VA; A-3-FRL 1888-2]

Implementation Plans; Approval of Revision of the Commonwealth of Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a variance to the Commonwealth of Virginia State Implementation Plan (SIP) for the salvage fuel-fired boilers and power plant boilers located at the Norfolk Naval Shipyard in Portsmouth, Virginia. This revision was submitted to EPA on August 29, 1980 and consists of a variance from Part IV, Sections 4.22 and 4.31(a)(1)(ii) of the Virginia Air Pollution Control Regulations.

EFFECTIVE DATE: September 8, 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, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Sheridan

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, VA 23219, Attn: Mr. John M. Daniel, Jr.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen, Air Media & Energy Branch (3AH13), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106 (Telephone: 215/597-8187).

SUPPLEMENTARY INFORMATION: On August 29, 1980, the Commonwealth of Virginia submitted a variance which it had issued to the Norfolk Naval Shipyard on August 4, 1980 and requested it be reviewed and processed as a revision to the Virginia SIP. In addition to the variance, the Commonwealth also submitted its technical and modeling analyses. The revision consists of a variance from Part IV, Sections 4.22 and 4.31(a)(1)(ii) for S-101 and S-102 Salvage Fuel-fired Boilers and Boiler Nos. 9, 10, 11, 12, 13, and 14 at the main powerplant.

The Commonwealth has provided proof that, after adequate public notice, a public hearing was held with regard to this variance. The dates of the public notice and hearing as well as the hearing location are shown below:

Date of public notice	Date of public hearing	Location
June 17, 1980	July 17, 1980	Virginia Beach, VA.

EPA proposed on April 9, 1980 (46 FR 21200) to approve the variance if the Commonwealth would amend it to include emission limitations which will remain in effect for the length of the variance.

EPA EVALUATION: The Norfolk Naval Shipyard power plant houses six 150×10^6 BTU/hr boilers which are served by a single 200 ft. stack. These boilers burn No. 6 fuel oil, but are old and are no longer able to meet either the particulate standard for existing fuel burning equipment or the 20% opacity standard.

The shipyard also has a salvage fuel-fired boiler plant consisting of two 30,000 lbs. of steam/hr boilers burning refuse. The emissions from each boiler are controlled by a separate electrostatic precipitator and served by a single stack. Neither of these units was able to meet the particulate standard for existing incinerators (0.14 gr/dscf corrected to 12% CO) or the particulate standard for fuel burning equipment.

The Navy requests a variance from August 4, 1980 until July 31, 1982, in order to operate its power plant and salvage fuel-fired boiler plant until it can complete the proposed work which will bring the facilities into compliance. Specifically, the Navy is requesting a variance to Sections 4.31(a)(1)(ii) and 4.22 of the Virginia State Air Pollution Control Board's Regulations for its power plant and salvage fuel-fired boiler as it regards all units to be existing boilers under the provisions of the Rules for the Control and Abatement of Air Pollution.

Although the power plant has six boilers, it normally only operates two at a time and occasionally three at a time. Under unusual conditions, it is

conceivable that four boilers could be on line simultaneously. Therefore, assuming "worst case" conditions, an evaluation was conducted using four boilers at rated power. Emissions, fuel usage, stack data, etc., were all taken from the 1978 stack tests. The particulate emissions for four boilers at rated power is 180.2 lbs./hr. Repairs to the power plant's stack and breaching are expected to lower the opacity below 20%.

The salvage fuel-fired boiler plant has two boilers. The 1978 stack tests indicate that at rated capacity the total emissions from both units averaged 32.2 lbs. of particulates per hour.

The two plants are 1100 meters apart and the maximum impact of both the power plant and the salvage fuel boiler plant together occurs when the wind is out of the northeast (the power plant plume merges with the plume from the salvage fuel boiler plant) and atmospheric conditions are unstable (B). Under these conditions, the total impact of both plumes contributes a maximum of 9.64 $\mu g/m^3$ of particulates to 24-hour levels. This impact occurs at a point approximately 500 meters downwind from the salvage fuel plant in the approximate vicinity of the proposed SPSA Resource Recovery Facility.

During the past three years that the shipyard has been operating its main power boiler and its salvage fuel-fired boiler plant concurrently, there have been no observed violations in the area of either the primary standard (annual, 75 $\mu g/m^3$) or the secondary standard (24-hour, 150 $\mu g/m^3$) for particulates. The closest monitoring station (176A) is approximately 1.25 miles to the east and its current annual geometric mean is 66 $\mu g/m^3$. There was another station two miles west of the yard (182G) which was discontinued in September, 1979. Its last observed annual mean was 60 $\mu g/m^3$. During this period the highest and second highest 24-hour concentrations observed in the general area were 141 $\mu g/m^3$ and 138 $\mu g/m^3$ respectively.

Therefore, EPA had proposed to approve the control strategy demonstration and the variance, which expires on July 31, 1982, as a SIP revision providing the Commonwealth amends the variance to include emission limitations (i.e., 180.2 #/hour from the power plant stack and 32.2 #/hour from the salvage boiler plant stack) which will remain in effect for the length of the variance.

The Commonwealth of Virginia submitted a revised variance, to EPA on May 5, 1981, that included the required emission limitations. The submission did not revise any other part of the variance or control strategy demonstration. The emission limitations are the highest values that were used in the demonstration, and are the same as those indicated in the above paragraph. These limitations are acceptable and are to be adhered to for the duration of the variance.

The reader should also be aware that these facilities are scheduled to be placed out of service, if the regional Resource Recovery Facility proposed by the Southeastern Virginia Public Service Authority, and for which a State and PSD permit have been granted, is built.

PUBLIC COMMENTS: There were no comments received during the 30-day public comment period.

CONCLUSION: In view of the above evaluation, the Administrator approves the above described variance to Part IV, Sections 4.22 and 4.31(a)(1)(ii) of the Commonwealth of Virginia State Implementation Plan for the salvage fuel-fired boilers and power plant boilers located at the Norfolk Naval Shipyard in Portsmouth, Virginia. In conjunction with the Administrator's approval, 40 CFR Section 52.2420 (Identification of Plan) of Subpart VV (Virginia) is revised to incorporate these amendments.

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 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I certify that SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. 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.

(42 U.S.C. §§ 7401–642)

Dated: July 31, 1981.

Anne M. Gorsuch,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart VV—Virginia

1. In Section 52.2420 Identification of Plan, paragraph (c)(43) is added as follows:

§ 52.2420 [Amended]

* * * * *

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

(43) The variance issued to the Norfolk Naval Shipyard located at Portsmouth, Virginia exempting the salvage fuel-fired boilers and the power plant boilers from Sections 4.22 and 4.31(a)(1) until July 31, 1982, submitted on August 29, 1980 and amended on May 5, 1981 by the Secretary of Commerce and Resources.

[FR Doc. 81-22989 Filed 8-5-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-S-FRL 1880-4]

Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for the State of Indiana

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On February 6, 1981 (46 FR 11311), the U.S. Environmental Protection Agency (EPA) proposed approval of and solicited public comment on an air quality surveillance plan submitted by the State of Indiana as a revision to the Indiana State Implementation Plan (SIP). No public comments were received. This notice announces EPA's final approval of the air quality surveillance plan as a revision to the Indiana SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on September 8, 1981.

ADDRESSES: Copies of the SIP revision are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

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

Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: Section 319 of the Clean Air Act, as amended, requires the U.S. Environmental Protection Agency (EPA) to establish monitoring criteria to be followed uniformly across the Nation. Pursuant to this requirement and the recommendations of the Standing Air Monitoring Work Group (SAMWG), EPA on May 10, 1979 (44 FR 27558), promulgated Rules and Regulations for Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions. The regulations revoke Part 51 of Title 40 of the Code of Federal Regulations and establish a new Part 58 entitled Ambient Air Quality Surveillance.

On June 26, 1979, the State of Indiana submitted to EPA a SIP revision to provide for modification of the existing air quality surveillance network. EPA has reviewed the submittal and determined that it meets the requirements of Sections 110 and 319 of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 58. The complete requirements for an air quality surveillance plan are outlined in 40 CFR 58.20, and were summarized in EPA's notice of proposed rulemaking published February 6, 1981 (46 FR 11311). At that time, EPA discussed the state's submission, and proposed approval of the Indiana air quality surveillance plan. Interested parties were given until March 9, 1981 to comment on the plan and on EPA's proposed approval. No public comments were received. However, on May 18, 1981, the State of Indiana submitted the most recent description of its air quality surveillance network, as of January 1, 1981. This description meets the requirements of § 58.20(e) and is available for public inspection at the Region V and State offices listed above.

This notice announces EPA's final rulemaking action to approve the air quality surveillance plan as a revision to the Indiana SIP.

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

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities. The action relates only to air quality surveillance to be carried out by one state and will not cause any significant economic impacts.

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 EPA is approving provisions which are developed by and are effective in the State. EPA is not promulgating any requirements beyond the requirements imposed by the State.

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

This Final Rulemaking is issued under the authority of sections 110 and 319 of the Clean Air Act as amended (42 U.S.C. 7410 and 7619).

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

Dated: July 30, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart P—Indiana

Section 52.770(c) is amended by adding subparagraph (23) as follows:

§ 52.770 Identification of Plan.

* * * * *

(c) * * *

* * * * *

(23) On June 26, 1979, the State of Indiana submitted a revision to provide for modification of the existing air quality surveillance network.

[FR Doc. 81-22904 Filed 8-5-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-6-FRL 1884-6]

Approval and Promulgation of State Implementation Plans; Air Quality Surveillance Data Reporting for Arkansas, Louisiana, New Mexico and Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to the State Implementation Plans (SIPs) for the States of Arkansas, Louisiana, New Mexico and Oklahoma to meet Federal Monitoring Regulations, 40 CFR Part 58, Subpart C, Paragraph 58.20 Air Quality Surveillance; Plan Content. In the January 12, 1981 **Federal Register** (46 FR 2655), EPA proposed to approve ambient monitoring SIPs for these States. EPA discussed in the proposal the requirements for ambient monitoring SIPs and reviewed the States' monitoring plans for adequacy. Comments were solicited on the proposed monitoring plans and none were received. Therefore, EPA today approves these ambient monitoring SIPs.

EFFECTIVE DATE: September 8, 1981.

ADDRESSES: Copies of the States' submittals and incorporation by reference materials are available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., NW., Washington, D.C. Rm. 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 "M" Street, NW., Washington, D.C. Rm. 2922

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas, 75270 (214) 767-1518.

SUPPLEMENTARY INFORMATION: Section 319 of the Clean Air Act, as amended, establishes the criteria for the development of a uniform air quality monitoring network throughout the United States. The national monitoring system is to be used to assess air quality by regulated standard procedures. Monitoring data gathered by the system will be used in the periodic review of national air quality trends. The ambient monitoring plans submitted by Arkansas, Lousiana, New Mexico and

Oklahoma were reviewed by EPA as more fully described in the **Federal Register** proposing approval of such plans (46 FR 2655; January 12, 1981). The proposal solicited comments from the public; none were received. EPA is, therefore, approving the ambient monitoring plans for Arkansa, Lousiana, New Mexico and Oklahoma. 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 (date of publication in the **Federal Register**). 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 will impose no new regulatory burden since it only approves state actions.

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

Incorporation by reference of the SIPs for Arkansas, Louisiana, New Mexico and Oklahoma was approved by the Director of the **Federal Register** on July 1, 1980.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities. The action relates only to air quality surveillance to be carried out by each state and will not cause any significant economic impacts. Furthermore, this action comes within the terms of the certification issued on January 27, 1981 (46 FR 8709).

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended.

Dated: July 31, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart E—Arkansas

1. In § 52.170, paragraph (c)(9) is added to read as follows:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(9) On April 24, 1980, the Governor submitted final revisions to the ambient monitoring portion of the plan.

Subpart T—Louisiana

1. In § 52.970, paragraph (c)(20) is added to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(20) On January 10, 1980, the Governor submitted final revisions to the ambient monitoring portion of the plan.

Subpart GG—New Mexico

1. In § 52.1620, paragraph (c)(16) is added to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(16) On December 12, 1979, the Governor submitted final revisions to the ambient monitoring portion of plan.

Subpart LL—Oklahoma

1. In § 52.1920, paragraph (c)(15) is added to read as follows:

§ 52.1920 Identification of plan.

* * * * *

(c) * * *

(15) On March 7, 1980, the Governor submitted final revisions to the ambient monitoring portion of the plan.

[FR Doc. 81-22990 Filed 8-5-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL-1878-5]

Approval and Promulgation of Implementation Plans; Georgia: Air Quality Surveillance Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves the air quality surveillance portion of a State Implementation Plan (SIP) revision submittal made by the Georgia Environmental Protection Division in accordance with the requirements of Section 110 of the Clean Air Act. The revision was submitted by the State of Georgia on January 29, 1980, and proposed in the **Federal Register** on April 3, 1981 (46 FR 20231). The revision updates Georgia's SIP to meet EPA requirements as set forth in 40 CFR Part 58 (44 FR 27558, May 10, 1979).

The revision includes commitments to: (1) update the monitoring network and to operate all State and Local Air Monitoring Stations (SLAMS) in accordance with the criteria established by Subpart B of 40 CFR Part 58; (2) site all SLAMS in accordance with the siting criteria contained in Subpart E of 40 CFR Part 58; (3) utilize reference or equivalent methods as defined by EPA in § 50.1 of 40 CFR Part 50; (4) utilize the quality assurance procedures set forth in Appendix A to 40 CFR Part 58. The State's plan revision meets all EPA requirements including episode monitoring procedures and a provision for submitting annual reports to EPA.

DATE: These actions are effective September 8, 1981.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

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

Library, EPA, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

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

Georgia Department of Natural Resources, Environmental Protection Division, 270 Washington Street SW., Atlanta, Georgia 30334.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Gilbert, Air Programs Branch, EPA Region IV at the above address and telephone number 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On May 10, 1979 (44 FR 27558) EPA promulgated ambient air quality monitoring and data reporting regulations. These regulations satisfy the requirements of Section 110 (a)(2)(C) of the Clean Air Act by requiring ambient air quality monitoring and data reporting for purposes of SIPs. At the same time, EPA published guidance to the States regarding the information which must be adopted and submitted to EPA as a SIP revision. Such revisions are to provide for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as SLAMS to measure ambient concentrations of those pollutants for which standards have been established in 40 CFR Part 50.

The State of Georgia has responded by submitting to EPA on January 29, 1980, a plan for air quality surveillance. Their plan provides for the establishment of a SLAMS network such that the monitors will be properly sited and the data quality assured, the network will be reviewed annually for

needed modifications, and the SLAMS network descriptions will be available for public inspection and will contain information such as location, operating schedule, and sampling and analysis method.

EPA reviewed the air quality surveillance plan and found it to be acceptable. On April 3, 1981 (46 FR 20231) EPA proposed approval of the plan and no comments were received.

Action

Based on the foregoing, EPA hereby approves Georgia's air quality surveillance plan. This action is effective September 8, 1981.

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

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

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves State actions and imposes no new requirement on sources.

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

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

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: July 30, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart L—Georgia

In § 52.570, paragraph (c) is revised by adding subparagraph (22) as follows:

§ 52.570 Identification of plan.

* * * * *

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

* * *

(22) Air quality surveillance plan submitted on January 29, 1980, by the Georgia Department of Natural Resources.

[FR Doc. 81-22993 Filed 8-5-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-7-FRC-1858-6]

Revision to Attainment Status Designation: Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On May 1, 1981, EPA proposed in the **Federal Register** to approve the redesignation of Pike and Ralls Counties as two separate and distinct attainment areas for all criteria pollutants. No comments were received as a result of that proposal. EPA is taking final action today to approve these redesignations.

DATES: These designations are effective September 8, 1981.

ADDRESSES: Copies of the state submission are available at the following locations:

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

Environmental Protection Agency, Air, Noise and Radiation Branch, 324 East 11th, Kansas City, Missouri 64106.

Missouri Department of Natural Resources, Division of Environmental Quality, 2010 Missouri Boulevard, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION CONTACT: Taun L. Novak at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act requires each State to designate the status of all areas within the State with respect to the National Ambient Air Quality Standards (NAAQS). These attainment/nonattainment designations for the State of Missouri were originally published on March 3, 1978 in the **Federal Register** at 43 FR 8962.

In the preamble to the recent revision of the prevention of significant deterioration (PSD) regulations (45 FR 52716) August 7, 1980, EPA indicated that States may submit redefinition of the boundaries of attainment or unclassifiable areas that were previously included within a larger area. The purpose of such a redesignation is to establish smaller baseline areas for purposes of PSD review. In general, baseline areas are areas designated attainment or unclassifiable under Section 107 of the Act. The first permit application filed within such an area establishes the baseline air quality for the entire area. Subsequent to the establishment of the baseline, the air quality impacts of any major new source or major modification of an existing source proposing to locate within the area will be reviewed under PSD regulations to determine maximum allowable emissions.

On December 11, 1980, the Missouri Department of Natural Resources (MDNR) submitted redesignation requests for Pike and Ralls Counties in order to establish smaller baseline areas for purposes of PSD review. These counties are presently in the attainment portion of the Northern Missouri air quality control region. There are no PSD sources located in or impacting upon Pike or Ralls County and the available data support the attainment designation. The state requested the counties of Pike and Ralls be redesignated as two separate and distinct attainment areas for all criteria pollutants.

On May 1, 1981, EPA proposed to approve these redesignations (46 FR 24604). A more complete discussion of criteria for redesignations and a listing of criteria pollutants are given in that notice. EPA received no comments in response to the proposed rulemaking. EPA now is taking final action to approve the redesignations.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no new regulatory requirements. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

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

Pursuant to the provisions of 5 U.S.C. 605(b), I have certified that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes an attainment status redesignation under Section 107(d) of the Clean Air Act. This action imposes no regulatory requirements but only changes area air quality

designations. Any regulatory requirements which may become necessary as a result of this seciton will be dealt with in a separate action.

Under Section 307(b)(1) of the Clean Air Act, as amended, 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. The appropriate circuit for this rulemaking is the Eighth Circuit Court of Appeals.

This notice of final rulemaking is issued under the authority of Sections 107 and 301 of the Clean Air Act as amended (42 U.S.C. 7407 and 7601).

Dated: July 30, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

1. Title 40 Part 81 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.326 [Amended]

Section 81.326 is amended by revising the tables as follows:

The table "Missouri—TSP" is revised by inserting "Pike County" and "Ralls County" in order below "Columbia City Limits" as follows:

Missouri—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * *	*	*	*	*
Pike County				X.
Ralls County				X.
* * *	*	*	*	*

The table "Missouri—SO_2" is revised to read as follows:

Missouri—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Northern AQCR (137):				
Pike County				X.
Ralls County				X.
Remainder of AQCR				X.
Remainder of State				X.

The table "Missouri—O_x" is revised by inserting between "Remainder of AQCR" and "Remainder of State" the following:

Missouri—O_x

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
* * *	*	*
Northern AQCR (137):		
Pike County		X.
Ralls County		X.
Remainder of AQCR		X.
* * *	*	*

The table "Missouri—CO" is revised by inserting between "The area encompassed by I-270 and the Mississippi River" and "Remainder of State" the following:

Missouri—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
* * *	*	*
Northern AQCR (137):		
Pike County		X.
Ralls County		X.

Missouri—CO—Continued

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Remainder of AQCR	X	
* * * * * * *		

The table "Missouri—NO_2" is revised to read as follows:

Missouri—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Northern AQCR (137):		
Pike County	X	
Ralls County	X	
Remainder of AQCR	X	
Remainder of State	X	

[FR Doc. 81-22801 Filed 8-5-81; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

41 CFR Ch. 18, Parts 1, 3, 7, 23 and Appendix A

Procurement Regulation Directive 81-3 (Dated May 29, 1981); Miscellaneous Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 81-3 concerning the following areas:

1. Contracts Between NASA and former NASA Employees.
2. Assignment of Claims Clause.
3. NASA Rules and Procedures for Contract Appeals.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Procurement Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202-755-2237.

SUPPLEMENTARY INFORMATION:

1. In Part 1, 1.302-6 is added to the NASA Procurement Regulation to publish NASA policy regarding contracts with individuals who have formerly been employed by NASA and firms owned or controlled by such employees. Corollary revisions are made to Parts 1, 3, and 23.

2. In Part 7, 7.103-8 the "Assignment of Claims" clause is revised to update the titles of certain Federal agencies referenced in that clause.

3. Appendix A contains rules and procedures for (1) contract appeals filed pursuant to the Contract Disputes Act of 1978 (41 U.S.C. 601-613), or where pursuant to the Act an appellant elects the option to proceed in accordance with the Act, and (2) contract appeals for which an election under the Act is not available or is not made.

The material covering "Rules and Procedures for the Adjudication of Contract Appeals Before the NASA Board of Contract Appeals" appears at 14 CFR, Part 1241. The order of appearance of Subparts 1241.1 and 1241.2 has been reversed since the latter rules and procedures will, as time passes, be applicable in most cases.

(42 U.S.C. 2473(c)(1))

Stuart J. Evans,

Director of Procurement.

PART 1—GENERAL PROVISIONS

1. In Part 1, Table of Contents 1.112 is revised to read as follows:

* * * * *

* * * * *

2. In Part 1, Table of Contents 1.302-5 and 1.302-6 are revised to read as follows:

* * * * *

* * * * *

3. In Part 1, 1.112(a) is revised to read as follows:

§ 1.112 Relationship of this regulation to the Defense Acquisition Regulation (DAR) and the Federal Procurement Regulation (FPR).

(a) Since NASA is governed by the same procurement law as the Department of Defense (Chapter 137, Title 10, U.S.C.), and both agencies deal to a considerable extent with the same segment of industry, it is NASA policy to prescribe procurement regulations which, to the maximum practicable extent, are consistent with policies and procedures adopted by the Department of Defense in the DAR.

* * * * *

4. In Part 1, 1.113-1(a) is amended by adding the following sentence:

§ 1.113-1 Government personnel.

(a) * * *

(See 1.302-6 for policy on contracting with former NASA employees.)

* * * * *

5. In Part 1, 1.302-6 is added to read as follows:

§ 1.302-6 Contracts between NASA and former NASA employees.

(a) It is NASA policy that contracts will not normally be placed on a noncompetitive basis with any individual who was employed by NASA during the past two (2) years, or with any firm in which such a former employee is a partner, principal officer, majority shareholder, or which is otherwise controlled or predominantly staffed by such former employees, unless it is determined to be in the best interest of the Government to do so (see 3.802-3(c)).

(b) Where it has been determined that it is appropriate to contract with an individual or a firm described in (a) above, the approval authority for the Justification for Noncompetitive Procurement (JNCP) shall be one level higher than that prescribed in 3.802-3(d) (i), (ii) and (iii).

(c) If an individual or firm described in (a) above is involved in a competitive procurement, precautions must be taken to ensure that such individual or firm, per se, is not accorded preferential treatment. In the event such individual or firm is the successful offeror, the contract file shall include a separate document which fully explains the

safeguards used to ensure fair treatment of all offerors under the procurement.

(d) Nothing in this section shall be construed as relieving former employees from obligations prescribed by law, such as 18 U.S.C. 207. Disqualifications of former officers and employees.

(e) The policy set forth in (a) above shall also be considered when reviewing subcontracts for the purpose of granting consent under NASA prime contracts (see 23.202(a)(v)).

Part 3—Procurement by Negotiation

6. In Part 3, 3.501(b), Part 1, Section B(19) is added to read as follows:

§ 3.501 Preparation of requests for proposals or requests for quotations.

* * * * *

(b) * * *

(19) the following representation and certification shall be inserted in all solicitations:

Contracts Between NASA and Former NASA Employees

The offeror represents that he ( ) is, or ( ) is not, an individual who was employed by NASA during the past two (2) years, or a firm in which such former employee is a partner, principal officer, majority shareholder, or which is otherwise controlled or predominantly staffed by such former employees. If the offeror/quoter intends to subcontract any of the work hereunder, he also represents that his first-tier subcontractor(s) ( ) is, or ( ) is not, an individual who was employed by NASA during the past two (2) years, or a firm in which such former employee is a partner, principal officer, majority shareholder, or which is otherwise controlled or predominantly staffed by such former employees.

* * * * *

7. In Part 3, 3.802–3(d) (i), (ii) and (iii) are revised and (vi) is added to read as follows:

§ 3.802–3 Noncompetitive procurement

* * * * *

(d) Review and Approval. * * *

(i) For small purchases in excess of $500, but not in excess of $10,000, the "Justification" may be in the form of a statement and shall be submitted for the approval of the contracting officer, except as provided in (vi) below.

(ii) For procurements in excess of $10,000, but not in excess of $100,000, the "Justification" shall be submitted for the approval of the Procurement Officer, except as provided in (vi) below, or his designees after prior review and written concurrence by the initiating technical individual's immediate superior. (For the purpose of this requirement, the term "or his designees" shall mean the individuals authorized by the Procurement Officer to sign the "Justification." Such authorization shall be in writing and shall not be delegated beyond the first level of supervision below the Procurement Officer.)

(iii) For procurements in excess of $100,000, but less than the dollar amount set forth below for the installation concerned, the "Justification" shall be submitted for the approval of the Procurement Officer, except as provided in (vi) below, or his designee after prior review and written concurrence by the head of the cognizant technical division or laboratory, as applicable. (For the purpose of this requirement, the term "or his designee" shall mean the individual authorized by the Procurement Officer to sign the "Justification." Such authorization shall be in writing and shall not be delegated to more than one individual.)

(A) $1,250,000—National Space Technology Laboratories, Headquarters Contracts and Grants Division, NASA Resident Office—JPL, Wallops Flight Center.

(B) $2,500,000—Ames Research Center; Dryden Flight Research Center; Goddard Space Flight Center; Johnson Space Center; Kennedy Space Center; Langley Research Center; Lewis Research Center; Marshall Space Flight Center.

* * * * *

(vi) For procurements involving an individual who was formerly employed by NASA during the past two (2) years, or a firm in which such a former employee is a partner, principal officer, majority shareholder, or which is otherwise controlled or predominantly staffed by such former employees, the approval of the "Justification" shall be one level above that specified in (i), (ii), and (iii) above.

The original and ten copies shall be submitted. The position title will be shown for each individual signing the "Justification" as required by (i) through (vi) above.

* * * * *

PART 7—CONTRACT CLAUSES

§ 7.103–9 [Amended]

8. In part 7, Table of Contents, 7.103–9 is amended by adding a "B" to the page number.

9. In Part 7, 7.103–8, the clause date and the clause are revised to read as follows:

§ 7.103–8 Assignment of claims.

Assignment of Claims (May 1981)

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institutions, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to any assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act and is with the Department of Defense, the General Services Administration, the Energy Research and Development Administration,[1] the National Aeronautics and Space Administration, the Federal Aviation Administration, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

* * * * *

PART 23—REQUIREMENT FOR CONSENT TO SUBCONTRACT

§ 23.202 [Amended]

10. In Part 23, 23.202(a)(v) is amended by adding "(see 1.302–6(e));" at end of the paragraph.

[1] Although the functions of ERDA have been reassigned to the Department of Energy, the Assignment of Claims Act of 1940 has not yet been amended to reflect this transfer.

11. In Appendix A, Parts 1241.1 and 1241.2 are revised to read as follows:

Appendix A—Rules of Procedure for the Adjudication of Contract Appeals Before the NASA Board of Contract Appeals

Subpart 1241.2—General Procedures

Authority: 42 U.S.C. 2473.

Subpart 1241.2—General Procedures

§ 1241.196 Scope.

Subpart 1241.2 prescribes the procedures for the adjudication of appeals before the NASA Board of Contract Appeals (hereinafter referred to as the "Board") which are filed pursuant to the Contract Disputes Act of 1978, Public Law 95-563, or, where pursuant to the Act, an appellant elects the option to proceed in accordance with the Act.

Preface to the rules

§ 1241.197 Jurisdiction of the board.

The NASA Board of Contract Appeals (referred to herein as the "Board") shall consider and determine appeals from decisions of contracting officers pursuant to the Contract Disputes Act of 1978 (Public Law 95-563, 41 U.S.C. 601-613) relating to contracts made by (a) the National Aeronautics and Space Administration, or (b) any other executive agency when such agency or the Administrator for Federal Procurement Policy has designated the Board to decide the appeal. The Board is authorized to grant any relief that would be available to a litigant asserting a contract claim in the Court of Claims. In addition, the Board may perform other duties as assigned by the Administrator which are not inconsistent with its statutory duties.

§ 1241.198 Location and organization of the board.

(a) The Board is located in Washington, D.C., and its mailing address is the Board of Contract Appeals, National Aeronautics and Space Administration, Washington, D.C. 20546. The telephone number of the Board is (202) 755-3481.

(b) The Board consists of a Chairperson, Vice Chairperson, and other members, all of whom are attorneys at law duly licensed by any state, commonwealth, territory, or the District of Columbia. Normally, the appeals are assigned to a panel of at least two members of the Board. If a panel of two members is unable to agree upon a decision, the Chairperson may assign a third member to consider the appeal. The Chairperson is designated as Chief Administrative Judge and the other Board members are designated as Administrative Judges.

§ 1241.199 General guidelines.

(a) *Rules.* Appeals referred to the Board are handled in accordance with the rules of the Board.

(b) *Administration and interpretation of rules.* Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

(c) *Preliminary procedures.* Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

(d) *Time, computation and extensions.* (1) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

(2) Except as otherwise provided by law, in computing any period of time prescribed by these rules or by any order of the Board, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(3) Requests for extensions of time from either party shall be made in writing and stating good cause therefore.

§ 1241.200 Ex parte communications.

No members of the Board or the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal, submit to the Board or the Board's staff, off the record, any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communications concerning the Board's administrative functions or procedures.

Preliminary Procedures

§ 1241.201 Appeals, how taken.

(a) Notice of an appeal shall be in writing and mailed or otherwise furnished to the Board within 90 days from the date of receipt of a contracting officer's decision. A copy thereof shall be furnished to the contracting officer from whose decision the appeal is taken.

(b) Where the Contractor has submitted a claim of $50,000 or less to the contracting officer and has requested a written decision within 60 days from receipt of the request, and the contracting officer has not done so, the contractor may file a notice of appeal as provided in paragraph (a) of this section citing the failure of the contracting officer to issue a decision.

(c) Where the contractor has submitted a claim in excess of $50,000 to the contracting officer and the contracting officer has failed to issue a decision within a reasonable time, the contractor may file a notice of appeal as provided in paragraph (a) of this section citing the failure to issue a decision.

(d) Upon docketing of appeals filed pursuant to paragraphs (b) or (c) of this section, the Board may, at its option, stay further proceedings pending issuance of a final decision by the contracting officer within such period of time as is determined by the Board.

(e) In lieu of filing a notice of appeal under paragraphs (b) or (c) of this section, the contractor may request the Board to direct the contracting officer to issue a decision in a specified period of time, as determined by the

Board, in the event of undue delay on the part of the contracting officer.

§ 1241.202 Notice of appeal, contents of.

A notice of appeal should indicate that an appeal is being taken and should identify the contract (by number), the decision from which the appeal is taken, and the amount in dispute, if known. The notice of appeal should be signed personally by the appellant (the contractor taking the appeal), or by the appellant's duly authorized representative or attorney. The complaint referred to in § 1241.206 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

§ 1241.203 Docketing of appeals.

When a notice of appeal in any form has been received by the Board, is shall be docketed promptly. Notice in writing shall be given to the appellant with a copy of these rules, and to the contracting officer.

§ 1241.204 Preparation, content, organization, forwarding, and status of appeal file.

(a) *Duties of Contracting Officer*—Within 30 days of receipt of an appeal, or notice that an appeal has been filed, the contracting officer shall assemble and transmit to the Board an appeal file consisting of all documents pertinent to the appeal including:

(1) the decision from which the appeal is taken;

(2) the contract including specifications and pertinent amendments, plans and drawings;

(3) all correspondence between the parties relevant to the appeal, including the letter or letters of claim in response to which the decision was issued;

(4) transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(5) any additional information considered relevant to the appeal.

Within the same time above specified the contracting officer shall furnish the appellant a copy of each document he transmits to the Board, except those in paragraph (a)(2) of this section. As to the latter, a list furnished appellant indicating specific contractual documents transmitted will suffice.

(b) *Duties of the appellant*—Within 30 days after receipt of a copy of the appeal file assembled by the contracting officer, the appellant shall transmit to the Board any documents not contained therein which he considers relevant to the appeal, and furnish two copies of such documents to the government trial attorney.

(c) *Organization of appeal file*—Documents in the appeal file may be originals or legible facsimiles or authenticated copies, and shall be arranged in chronological order where practicable, numbered sequentially, tabbed, and indexed to identify the contents of the file.

(d) *Lengthy documents*—Upon request by either party, the Board may waive the requirements to furnish to the other party copies of bulky, lengthy, or out-of-size documents in the appeal file when inclusion would be burdensome. At the time a party files with the Board a document as to which such a waiver has been granted he shall notify the other party that the document or a copy is available for inspection at the offices of the Board or of the party filing same.

(e) *Status of documents in appeal file*—Documents contained in the appeal file are considered, without further action by the parties, as part of the record upon which the Board will render its decision. However, a party may object, for reasons stated, to consideration of a particular document or documents reasonably in advance of hearing, or, if there is no hearing, of settling the record. If such objection is made the Board shall remove the document or documents from the appeal file and permit the party offering the document to move its admission as evidence in accordance with § 1241.213 and §1241.220.

(f) Notwithstanding the foregoing, the filing of the § 1241.204 (a) and (b) documents may be dispensed with by the Board either upon request of the appellant in his notice of appeal or thereafter upon stipulation of the parties.

§ 1241.205 Motions.

(a) Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party. However, the Board may defer its decision on the motion pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own initative to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

(b) The Board may entertain and rule upon other appropriate motions.

§ 1241.206 Pleadings.

(a) *Appellant*—Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of its claims. Appellant shall also set forth the basis, with appropriate reference to contract provisions, of each claim and the dollar amount claimed, to the extent known. This pleading shall fullfill the generally recognized requirements of a complaint, although no particular form is required. Upon receipt of the complaint, the Board shall serve a copy of it upon the Government. Should the complaint not be received with 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth its complaint and the Government shall be so notified.

(b) *Government*—Within 30 days from receipt of the complaint, or the aforesaid notice from the Board, the Government shall prepare and file with the Board an original and two copies of an answer thereto. The answer shall set forth simple, concise and direct statements of Government's defenses to each claim asserted by appellant, including any affirmative defenses available. Upon receipt of the answer, the Board shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

§ 1241.207 Amendments of pleadings or record.

The Board upon its own initiative or upon application by a party may order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend its pleading upon conditions fair to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings, it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable it to meet such evidence.

§ 1241.208 Hearing election.

After filing of the Government's answer or notice from the Board that it has entered a general denial on behalf of the Government, each party shall advise whether it desires a hearing as prescribed in § 1241.217 through § 1241.225, or whether it elects to submit its case on the record without a hearing, as prescribed in § 1241.211.

§ 1241.209 Prehearing briefs.

Based on an examination of the pleadings, and its determination of whether the arguments and authorities addressed to the issue are adequately set forth therein, the Board may in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 1241.208. If the Board does not require prehearing briefs either party may, in its discretion and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 1241.210 Prehearing or presubmission conference.

(a) Whether the case is to be submitted pursuant to § 1241.211 or heard pursuant to § 1241.217 through § 1241.225, the Board may upon its own initiative, or upon the application of either party, arrange a telephone conference or call upon the parties to appear before an administrative judge of the Board for a conference to consider:

(1) simplification, clarification, or severing of the issues;

(2) the possibility of obtaining stipulations, admissions, agreements and rulings on

admissibility of documents, understandings on matters already of record, or similar agreements that will avoid unnecessary proof;

(3) agreements and rulings to facilitate discovery;

(4) limitation of the number of expert witnesses, or avoidance of similar cumulative evidence;

(5) the possibility of agreement disposing of any or all of the issues in dispute; and

(6) such other matters as may aid in the disposition of the appeal.

(b) The administrative judge of the Board shall make such rulings and orders as may be appropriate to aid in the disposition of the appeal. The results of pretrial conferences, including any rulings and orders, shall be reduced to writing by the administrative judge and this writing shall thereafter constitute a part of the record.

§ 1241.211 Submission without a hearing.

Either party may elect to waive a hearing and to submit its case upon the record before the Board, as settled pursuant to § 1241.213. Submission of a case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit such submissions to be supplemented by oral argument (transcribed if requested), and by briefs arranged in accordance with § 1241.223.

§ 1241.212 Optional small claims (expedited) and accelerated procedures.

These procedures are available solely at the election of the appellant.

§ 1241.212–1 Election to utilize small claims (expedited) and accelerated procedures.

(a) In appeals where the amount in dispute is $10,000 or less, the appellant may elect to have the appeal processed under a small claims (expedited) procedure requiring decision of the appeal, whenever possible, within 120 days after the Board receives written notice of the appellant's election to utilize this procedure. The details of this procedure appear in § 1241.212–2 of this Rule. An appellant may elect the accelerated procedure of paragraph (b) of this section rather than the small claims (expedited) procedure for any appeal eligible for the small claims (expedited) procedure.

(b) In appeals where the amount in dispute is $50,000 or less, the appellant may elect to have the appeal processed under an accelerated procedure requiring decision of the appeal, whenever possible, within 180 days after the Board receives written notice of the appellant's election to utilize this procedure. The details of this procedure appear in § 1241.212–3 of this Rule.

(c) The appellant's election of either the small claims (expedited) procedure or the accelerated procedure may be made by written notice within 60 days after receipt of notice of docketing, unless such period is extended by the Board for good cause. The election may not be withdrawn except with permission of the Board and for good cause.

(d) In deciding whether the small claims (expedited) procedure or the accelerated procedure is applicable to a given appeal, the Board shall determine the amount in dispute by adding to the amount claimed by the appellant against the Government the amount claimed by the Government against the appellant. If either party making a claim against the other party does not otherwise state in writing the amount of its claim, the amount claimed by such party shall be the maximum amount which such party represents in writing to the Board that it can reasonably expect to recover against the other.

§ 1241.212–2 The small claims (expedited) procedure.

(a) In cases proceeding under the small claims (expedited) procedure, the following time periods shall apply:

(1) Within 10 days from the Government's first receipt from either the appellant or the Board of a copy of the appellant's notice of election of the small claims (expedited) procedure, if not previously accomplished under § 1241.204, the Government shall send the Board a copy of the contract, the contracting officer's final decision, and the appellant's claim letter or letters, if any; remaining documents required under § 1241.204 shall be submitted in accordance with times specified in that rule unless the Board otherwise directs;

(2) Within 15 days after the Board has acknowledged receipt of appellant's notice of election, the assigned administrative judge shall take the following actions, if feasible, in an informal meeting or a telephone conference with both parties: (i) identify and simplify the issues; (ii) establish a simplified procedure appropriate to the particular appeal involved; (iii) determine whether either party wants a hearing, and if so, fix a time and place therefor; (iv) require the Government to furnish all the additional documents relevant to the appeal; and (v) establish an expedited schedule for resolution of the appeal.

(b) Pleadings, discovery, and other prehearing activity will be allowed only as consistent with the requirement to conduct the hearing on the date scheduled, or if no hearing is scheduled, to close the record on a date that will allow decisions within the 120-day limit. The Board, in its discretion, may impose shortened time periods for any actions prescribed or allowed under these rules, as necessary to enable the Board to decide the appeal within the 120-day limit, allowing whatever time, up to 30 days, that the Board considers necessary for the preparation of the decision after closing the record and the filing of briefs, if any.

(c) Written decision by the Board in cases processed under the small claims (expedited) procedure will be short and contain only summary findings of fact and conclusions. Decisions will be rendered for the Board by a single administrative judge. If there has been a hearing, the administrative judge presiding at the hearing may, in the judge's discretion, at the conclusion of the hearing and after entertaining such oral arguments as deemed appropriate, render on the record oral summary findings of fact, conclusions, and a decision of the appeal. Whenever such an oral decision is rendered, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes and to establish the starting date for the period for filing a motion for reconsideration under § 1241.29.

(d) A decision against the Government or the contractor shall have no value as precedent, and in the absence of fraud shall be final and conclusive and may not be appealed or set aside.

§ 1241.212–3 The accelerated procedure.

(a) In cases proceeding under the accelerated procedure, the parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs. The Board, in its discretion, may shorten time periods prescribed or allowed elsewhere in these rules, including § 1241.204, as necessary to enable the Board to decide the appeal within 180 days after the Board has received the appellant's notice of election of the accelerated procedure, and may reserve 30 days for preparation of the decision.

(b) Written decision by the Board in cases processed under the accelerated procedure will normally be short and contain only summary findings of fact and conclusions. Decisions will be rendered for the Board by a single administrative judge with the concurrence of the chair or a vice chair or other designated administrative judge, or by a majority among these two and an additional designated member in cases of disagreement. Alternatively, in cases where the amount in dispute is $10,000 or less as to which the accelerated procedure has been elected and in which there has been a hearing, the single administrative judge presiding at the hearing may, with the concurrence of both parties, at the conclusion of the hearing and after entertaining such oral arguments as deemed appropriate, render on the record oral summary findings of fact, conclusions, and a decision of the appeal. Whenever such an oral decision is rendered, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes, and to establish the starting date for the period for filing a motion for reconsideration under § 1241.229.

§ 1241.212–4 Motions for reconsideration in § 1241.212 cases.

Motions for reconsideration of cases decided under either the small claims (expedited) procedure or the accelerated procedure need not be decided within the original 120-day or 180-day limit, but all such motions shall be processed and decided rapidly so as to fulfill the intent of this Rule.

§ 1241.213 Settling the record.

(a) The record upon which the Board's decision will be rendered consists of the documents furnished under § 1241.204 and § 1241.212 to the extent admitted in evidence, and the following items, if any: pleadings, prehearing conference memoranda or orders,

prehearing briefs, depositions or interrogatories received in evidence, admissions, stipulations, transcripts of conferences and hearings, hearing exhibits, post-hearing briefs, and documents which the Board has specifically designated be made a part of the record. The record will, at all reasonable times, be available for inspection by the parties at the office of the Board.

(b) Except as the Board may otherwise order in its discretion, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(c) The weight to be attached to any evidence of record will rest within the sound discretion of the Board. The Board may in any case require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

§ 1241.214 Discovery—depositions.

(a) *General policy and protective order*—The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order required to protect a party or person from annoyance, embarrassment, or undue burden or expense. Those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted*—After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions*—The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or failing such agreement, governed by order of the Board.

(d) *Use as evidence*—No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the deponent given at the hearing. In cases submitted on the record, the Board may, in its discretion, receive depositions to supplement the record.

(e) *Expenses*—Each party shall bear its own expenses associated with the taking of any deposition.

(f) *Subpoenas*—Where appropriate, a party may request the issuance of a subpoena under the provisions of § 1241.221.

§ 1241.215 Interrogatories to parties, admission of facts, and production and inspection of documents.

After an appeal has been docketed and complaint filed with the Board, a party may serve on the other party: (a) written interrogatories to be answered separately in writing, signed under oath and answered or objected to within 30 days after service; (b) a request for the admission or specified facts and/or the authenticity of any documents, to be answered or objected to within 30 days after service; the factual statements and the authenticity of the documents to be deemed admitted upon failure of a party to respond to the request; and (c) a request for the production, inspection and copying of any documents or objects not privileged, which reasonably may lead to the discovery of admissible evidence, to be answered or objected to within 30 days after service. Any discovery engaged in under this Rule shall be subject to the provisions of § 1241.214 with respect to general policy and protective orders, and of § 1241.233 with respect to sanctions.

§ 1241.216 Service of papers other than subpoenas.

Papers shall be served personally or by mail, addressed to the party upon whom service is to be made. Copies of complaints, answers and briefs shall be filed directly with the Board. The party filing any other paper with the Board shall send a copy thereof to the opposing party, noting on the paper filed with the Board that a copy has been so furnished. Subpoenas shall be served as provided in § 1241.221.

Hearings

§ 1241.217 Where and when held.

Hearings will be held at such places determined by the Board to best serve the interests of the parties and the Board. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals, § 1241.212 requirements, and other pertinent factors. On request or motion by either party and for good cause, the Board may, in its discretion, adjust the date of a hearing.

§ 1241.216 Notice of hearings.

The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will consider the desires of the parties and the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearings shall be promptly acknowledge by the parties.

§ 1241.219 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 1241.211.

§ 1241.220 Hearings: nature, examination of witnesses.

(a) *Nature of hearings*—Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and the Government may offer such evidence as they deem appropriate and as would be admissible under the Federal Rules of Evidence or in the sound discretion of the presiding administrative judge. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may require evidence in addition to that offered by the parties.

(b) *Examination of witnesses*—Witnesses before the Board will be examined orally under oath or affirmation, unless the presiding administrative judge shall otherwise order. If the testimony of a witness is not given under oath, the Board may advise the witness that his statements may be subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provision of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 1241.221 Subpoenas.

(a) *General*—Upon written request of either party filed with the recorder, or on his own initiative, the administrative judge to whom a case is assigned or who is otherwise designated by the chair may issue a subpoena requiring:

(1) testimony as a deposition—the deposing of a witness in the city or county where he resides or is employed or transacts his business in person, or at another location convenient for him that is specifically determined by the Board;

(2) testimony at a hearing—the attendance of a witness for the purpose of taking testimony at a hearing; and

(3) production of books and papers—in addition to paragraphs (a) (1) or (2) of this section, the production by the witness at the deposition or hearing of books and papers designated in the subpoena.

(b) *Voluntary Cooperation*—Each party is expected (1) to cooperate and make available witnesses and evidence under its control as requested by the other party, without issuance of a subpoena, and (2) to secure voluntary attendance of desired third-party witnesses and production of desired third-party books, papers, documents, or tangible things whenever possible.

(c) *Requests for subpoenas*—

(1) A request for subpoena shall normally be filed at least:

(i) 15 days before a scheduled deposition where the attendance of a witness at a deposition is sought;

(ii) 30 days before a scheduled hearing where the attendance of a witness at a hearing is sought. In its discretion the Board may honor requests for subpoenas not made within these time limitations.

(2) A request for a subpoena shall state the reasonable scope and general relevance to the case of the testimony and of any books and papers sought.

(d) *Requests to quash or modify*—Upon written request by the person subpoenaed or by a party, made *within* 10 days after service

but in any event not later than the time specified in the supoena for compliance, the Board may (1) quash or modify the subpoena if it is unreasonable and oppressive or for other good cause shown, or (2) require the person in whose behalf the subpoena was issued to advance the reasonable cost of producing subpoenaed books and papers. Where circumstances require, the Board may act upon such a request at any time after a copy has been served upon the opposing party.

(e) *Form; issuance*—

(1) Every subpoena shall state the name of the Board and the title of the appeal, and shall command each person to whom it is directed to attend and give testimony, and if appropriate, to produce specified books and papers at a time and place therein specified. In issuing a subpoena to a requesting party, the administrative judge shall sign the subpoena and may, in his discretion, enter the name of the witness and otherwise leave it blank. The party to whom the subpoena is issued shall complete the subpoena before service.

(2) Where the witness is located in a foreign country, a letter rogatory or subpoena may be issued and served under the circumstances and in the manner provided in 28 U.S.C. 1781–1784.

(f) *Service*—

(1) The party requesting issuance of a subpoena shall arrange for service.

(2) A subpoena requiring the attendance of a witness at a deposition or hearing may be served at any place. A subpoena may be served by a United States marshal or deputy marshal, or by any other person who is not a party and not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by personally delivering a copy to that person and tendering the fees for one day's attendance and the mileage provided by 28 U.S.C. 1821 or other applicable law; however, where the subpoena is issued on behalf of the Government, money payments need not be tendered in advance of attendance.

(3) The party at whose instance a subpoena is issued shall be responsible for the payment of fees and mileage of the witness and of the officer who serves the subpoena. The failure to make payment of such charges on demand may be deemed by the Board as a sufficient ground for striking the testimony of the witness and the books or papers the witness has produced.

(g) *Contumacy or refusal to obey a subpoena*—In case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the jurisdiction of a United States District Court, the Board will apply to the Court through the Attorney General of the United States for an order requiring the person to appear before the Board or a member thereof to give testimony or produce evidence or both. Any failure of any such person to obey the order of the Court may be punished by the Court as a contempt thereof.

§ 1241.222 Copies of papers.

When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

§ 1241.223 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be directed by the presiding administrative judge at the conclusion of the hearing.

§ 1241.224 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Waiver of transcript may be especially suitable for hearings under § 1241.212–2. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract with the reporter.

§ 1241.225 Withdrawal of exhibits.

After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

Representation

§ 1241.226 The appellant.

An individual appellant may appear before the Board in person, a corporation by one of its officers; and a partnership or joint venture by one of its members; or any of these by an attorney at law duly licensed in any state, commonwealth, territory, the District of Columbia, or in a foreign country. An attorney representing an appellant shall file a written notice of appearance with the Board.

§ 1241.227 The government.

Government counsel may, in accordance with their authority, represent the interest of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or appellant's attorney in the form specified by the Board from time to time.

Decisions

§ 1241.228 Decisions.

Decisions of the Board will be made in writing and copies of the decision will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board. Decisions of the Board will be made solely upon the record, as described in § 1241.213.

Motion for Reconsideration

§ 1241.229 Motion for reconsideration.

A motion for reconsideration may be filed by either party. It shall set forth specifically the grounds relied upon to sustain the motion. The motion shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

Suspensions; Dismissals and Defaults; Remands

§ 1241.230 Suspensions; dismissal without prejudice.

The Board may suspend the proceedings by agreement of counsel for settlement discussions, or for good cause shown. In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. Where the suspension has continued, or may continue, for an inordinate length of time, the Board may, in its discretion, dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed. Unless either party or the Board acts within three years to reinstate any appeal dismissed without prejudice, the dismissal shall be deemed with prejudice.

§ 1241.231 Dismissal or default for failure to prosecute or defend.

Whenever a record discloses the failure of either party to file documents required by these rules, respond to notices or correspondence from the Board, comply with orders of the Board, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the Board may, in the case of a default by the appellant, issue an order to show cause why the appeal should not be dismissed or, in the case of a default by the Government, issue an order to show cause why the Board should not act thereon pursuant to § 1241.233. If good cause is not shown, the Board may take appropriate action.

§ 1241.232 Remand from court.

Whenever any court remands a case to the Board for further proceedings, each of the parties shall, within 20 days of such remand, submit a report to the Board recommending procedures to be followed so as to comply with the court's order. The Board shall consider the reports and enter special orders governing the handling of the remanded case. To the extent the court's directive and time limitations permit, such orders shall conform to these rules.

Sanctions

§ 1241.233 Sanctions.

If any party fails or refuses to obey an order issued by the Board, the Board may then make such order as it considers necessary to the just and expeditious conduct of the appeal.

Effective Date

§ 1241.234 Effective date.

These rules shall apply (a) mandatorily, to all appeals relating to contracts entered into on or after March 1, 1979, and (b) at the contractor's election, to appeals relating to earlier contracts, with respect to claims pending before the contracting officer on March 1, 1979, or initiated thereafter.

Subpart 1241.1—General Procedures

Sec.

Preface to the Rules

Sec.

Preliminary Procedures

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Ex Parte Communications

Sanctions

Authority: 42 U.S.C. 2473(b)(1).

Subpart 1241.1—General Procedures

§ 1241.10 Scope.

This Subpart 1241.1 prescribes the procedures for the adjudication of appeals before the NASA Board of Contract Appeals (hereinafter referred to as "the Board") arising from NASA contracts.

Preface to the Rules

§ 1241.11 Authority and jurisdiction of the Board.

(a) the Board, constituted under the provisions of Subpart 1209.1 of this chapter, is authorized to hear, consider and determine appeals from decisions of contracting officers arising under contracts which contain provisions requiring the determination of appeals by the Administrator or his duly authorized representative or board. In addition, the Board may perform other quasijudicial duties as assigned by the Administrator. The Board has authority to determine appeals falling within the scope of its jurisdiction as fully and finally as might the Administrator.

(b) Under § 1209.102(b) of this chapter, the Board is granted the authority to issue its rules of procedure.

§ 1241.12 Location and organization of the Board.

(a) The Board is located in Washington, D.C., and its mailing address is The Board of Contract Appeals, National Aeronautics and Space Administration, Washington, D.C. 20546.

(b) The Board consists of a Chairman and two other members, all of whom shall be attorneys at law duly licensed by any state or the District of Columbia, and who have significant experience in Government procurement law. In general, the appeals are assigned to a panel of at least two members of the Board. If a panel of two members is unable to agree upon a decision, the Chairman may assign a third member to consider the appeal. The Chairman is designated as Chief Administrative Judge and the other Board members are designated as Administrative Judges.

§ 1241.13 Decisions on questions of law.

When an appeal is taken pursuant to a Disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may, in its discretion, hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

§ 1241.14 Board of contract appeals procedure.

(a) *Rules.* Appeals referred to the Board are handled in accordance with the rules of the Board.

(b) *Administration and interpretation of rules.* Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

(c) *Preliminary procedures.* Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

(d) *Time, computation, and extensions.* (1) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

(2) Except as otherwise provided by law, in computing any period of time prescribed by these rules or by any order of the Board, the day of the event from which the designated period of time begins to run shall not be included but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(3) Requests for extensions of time from either party shall be made in writing and stating good cause therefor.

Preliminary Procedures

§ 1241.101. Appeals, how taken.

Notice of an appeal must be in writing and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

§ 1241.102 Notice of appeal, contents of.

A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), and the final decision of the contracting officer from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in § 1241.106 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fufills the requirements of a complaint.

§ 1241.103 Forwarding of appeals.

When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor and contracting officer will be promptly advised of its receipt and the contractor will be furnished a copy of these rules.

§ 1241.104 Preparation, contents, organization, forwarding and status of appeal file.

(a) *Duties of Contracting Officer.* Within 30 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer shall assemble and transmit to the Board an appeal file consisting of all documents pertinent to the appeal, including:

(1) The decision and findings of fact from which appeal is taken;

(2) The contract including specifications and pertinent amendments, plans and drawings;

(3) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which decision was issued;

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(5) Any additional information considered pertinent.

Within the same time specified above, the contracting officer shall furnish the appellant a copy of each document he transmits to the Board, except those stated in § 1241.104(a)(2), as to which a list furnished appellant indicating specific contractual documents transmitted will suffice, and those stated in § 1241.104(d).

(b) *Duties of the appellant.* Within 30 days after receipt of a copy of the appeal file assembled by the contracting officer, the appellant shall supplement the same by transmitting to the Board any documents not contained therein which he considers pertinent to the appeal, and furnishing two copies of such documents to the Government trial attorney.

(c) *Organization of the appeal file.* Documents in the appeal file may be originals or legible fascimile or authenticated copies thereof, and shall be arranged in chronological order where practicable, numbered sequentially, tabbed, and indexed to identify the contents of the file.

(d) *Lengthy documents.* The Board may waive the requirement of furnishing to the other party copies of bulky, lengthy, or out-of-size documents in the appeal file when a party has shown that doing so would impose an undue burden. At the time a party files with the Board a document as to which such a waiver has been granted, he shall notify the other party that the same or a copy is available for inspection at the offices of the Board or of the party filing same.

(e) *Status of documents in appeal file.* Documents contained in the appeal file are considered, without further action by the parties, as part of the record upon which the Board will render its decision, unless a party objects to the consideration of a particular document in advance of hearing or of settling the record in the event there is no hearing on the appeal. If objection to a document is made, the Board will rule upon it admissibility into the record as evidence in accordance with §§ 1241.113 and 1241.120.

§ 1241.105 Dismissal for lack of juridiction.

Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

§ 1241.106 Pleadings.

(a) *Appellant.* Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the respondent shall be so notified.

(b) *Respondent.* Within 30 days from receipt of said complaint, or the aforesaid notice from the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counter-claims as appropriate. Upon receipt thereof, the Board shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

§ 1241.107 Amendments of pleadings or record.

The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in § 1241.104, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the § 1241.104 documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

§ 1241.108 Hearing election.

Upon receipt of respondent's answer or the notice referred to in the last sentence of § 1241.106(b), appellant shall advise whether he desires a hearing as prescribed in §§ 1241.117 through 1241.125, or whether, in the alternative, he elects to submit his case on the record without a hearing, as prescribed in § 1241.111. In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in § 1241.112.

§ 1241.109 Prehearing briefs.

Based on an examination of the documentation described in § 1241.104, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may, in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 1241.108. In the absence of a Board requirement therefor, either party may, in its discretion and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 1241.110 Prehearing or presubmission conference.

(a) Whether the case is to be submitted pursuant to § 1241.111, or heard pursuant to § 1241.117 through § 1241.125, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before an Administrative Judge for a conference to consider:

(1) The simplification or clarification of the issues;

(2) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(4) The possibility of agreement disposing of all or any of the issues in dispute; and

(5) Such other matters as may aid in the disposition of the appeal.

(b) *Conference record.* The results of the conference shall be reduced to writing by the Board member within 5 calendar days after the close of the conference. Copies shall be duly served on the parties who may, within 10 calendar days from receipt of the written record, file objection, comment, request for correction, or other motion pertaining to that record of prehearing conference. The record of prehearing conference, together with any objection, comment, request for correction, or other motion made by the parties shall become a part of the Board record.

§ 1241.111 Submission without a hearing.

Either party may elect to waive a hearing and to submit his case upon the record before the Board, as settled pursuant to § 1241.113. Submission of a case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit such submission to be supplemented by oral

argument (transcribed, if requested), and by briefs arranged in accordance with § 1241.123.

§ 1241.112 Optional accelerated procedure.

(a) In appeals involving $25,000 or less, either party may elect, in his notice of appeal, complaint, answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal processed under a shortened and accelerated procedure. For application of this rule the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount of claim is stated, a case will be considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed $25,000. Upon such election, a case shall then be processed under this rule unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board sustains such objection. In cases proceeding under this rule, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) Written decision by the Board in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision.

(c) Except as herein modified, these rules otherwise apply in all respects.

§ 1241.113 Settling the record.

(a) The record upon which the Board's decision will be rendered consists of the appeal file described in § 1241.104 and, to the extent the following items have been filed, pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions or interrogatories received in evidence, admissions, stipulations, transcripts of conferences and hearings, hearing exhibits, posthearing briefs, and documents which the Board has specifically designated be made a part of the record. The record will at all reasonable times be available for inspection by the parties at the office of the Board.

(b) Except as the Board may otherwise order in its discretion, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(c) The weight to be attached to any evidence of record will rest within the sound discretion of the Board. The Board may in any case require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

§ 1241.114 Discovery—depositions.

(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party and for good cause shown, order the taking of testimony of any person by deposition upon oral examination or writtten interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or failing such agreement, governed by order of the Board.

(d) *Use as evidence.* No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases submitted on the record, the Board may in its discretion, receive depositions as evidence in supplementation of that record.

(e) *Expenses.* Each party shall bear its own expenses associated with the taking of any deposition.

§ 1241.115 Interrogatories to parties, admission of facts, and production and inspection of documents.

(a) *Interrogatories to parties.* After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath and returned within 30 days. Upon timely objection by the party, the Board will determine the extent to which the interrogatories will be permitted.

(b) *Admission of facts.* After an appeal has been filed with the Board, a party may serve upon the other party a request for the admission of specified facts. Within 30 days after service, the party served shall answer each requested fact or file objections thereto. The factual propositions set out in the request shall be deemed admitted upon the failure of a party to respond to the request for admission.

(c) *Production and inspection of documents.* Upon motion of any party showing good cause therefor, and upon notice, the Board may order the other party to produce and permit the inspection and copying or photographing of any designated documents or objects, not privileged, specifically identified, and their relevance and materiality to the cause or causes in issue explained, which are reasonably calculated to lead to the discovery of admissible evidence. If the parties cannot themselves agree thereon, the Board shall specify just terms and conditions in making the inspection and taking the copies and photographs.

§ 1241.116 Service of papers.

Papers shall be served personally or by mailing the same, addressed to the party upon whom service is to be made. Copies of complaints, answers, and simultaneous briefs shall be filed directly with the Board. The party filing any other paper with the Board shall send a copy thereof to the opposing party, noting on the paper filed with the board, or on the letter transmitting the same, that a copy has been so furnished.

Hearings

§ 1241.117 Where and when held.

Hearings will ordinarily be held in the Washington, D.C., area, except that upon request seasonably made and upon good cause shown, the Board may set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may, in its discretion, advance a hearing.

§ 1241.118 Notice of hearings.

The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearings shall be promptly acknowledged by the parties.

§ 1241.119 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 1241.111.

§ 1241.120 Nature of Hearings.

Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding member in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed

upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

§ 1241.121 Examination of witnesses.

Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member shall otherwise order. If the testimony of a witness is not given under oath or affirmation, the Board shall warn the witness that his statements may be subject to the provisions of Title 18, United States Code, Sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 1241.122 Copies of papers.

When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

§ 1241.123 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member at the conclusion of the hearing. Ordinarily, they will be simultaneous briefs, exchanged within 30 days after receipt of transcript.

§ 1241.124 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts or copies of the proceedings shall be supplied to the parties at such rates as may be fixed by contract with the reporter.

§ 1241.125 Withdrawal of exhibits.

After a decision has become final the Board may, upon request, and after notice to the other party, in its discretion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board on its discretion as a condition of granting permission for such withdrawal.

Representation

§ 1241.126 The appellant.

An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any state, commonwealth, territory, or in the District of Columbia. An attorney representing an appellant shall file a written notice of appearance with the Board.

§ 1241.127 The respondent.

Government counsel may, in accordance with their authority, represent the interest of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and the Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal: *Provided, however,* That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

Decisions

§ 1241.128 Decisions.

Decisions of the Board will be made in writing and copies thereof will be forwarded simultaneously to both parties. Decisions of the Board will be made solely upon the record, as described in §1241.113. The rules of the Board, all final orders and decisions, and other records of, or before, the Board shall be available for inspection at its offices to the extent permitted by, and subject to the exemptions of, 5 U.S.C. 552.

Motion for Reconsideration

§ 1241.129 Motion for reconsideration.

A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

Dismissals

§ 1241.130 Dismissal without prejudice.

In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may, in its discretion, dismiss such appeals from its docket without prejudice to their restoration when the cause of supension has been removed. Unless either party or the Board acts within three years to reinstate any appeal dismissed without prejudice, the dismissal shall be deemed with prejudice.

§ 1241.131 Dismissal for failure to prosecute.

Whenever a record discloses the failure of either party to file documents required by these rules, respond to notices or correspondence from the Board, comply with orders of the Board, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the Board may issue an order requiring the offending party to show cause why the appeal should not be either dismissed or granted, as appropriate. If the offending party shall fail to show such cause, the Board may take such action as it deems reasonable and proper under the circumstances.

Ex Parte Communications

§ 1241.132 Ex parte communications.

No member of the Board or of the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board or the Board's staff, off the record, any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communications concerning the Board's administrative functions or procedures.

Sanctions

§ 1241.133 Sanctions.

If any party fails or refuses to obey an order issued by the Board, the Board may make such order in regard to the failure as it considers necessary to the just and expeditious conduct of the appeal.

[FR Doc. 81-22848 Filed 8-5-81; 8:45 am]
BILLING CODE 7510-01-M

41 CFR Ch. 18 and Part 7

Procurement Regulation Directive 81-4 (Dated June 15, 1981); Regulatory Coverage for Uniform Standard Progress Payment Rates

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). The uniform standard progress payment rate applicable to other than small business firms is increased from 80 percent to 85 percent. The rate applicable to small business firms is increased from 85 percent to 90 percent. NASA Procurement Regulation coverage in 7.104-35(a) and (b), Appendix E.503-1, E.504-1, E.504-2 and E.511-3 is revised to reflect the above increases.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202-755-2237.

(42 U.S.C. 2473(c)(1))

Stuart J. Evans,

Director of Procurement.

PART 7—CONTRACT CLAUSES

1. In Part 7, Table of Contents, paragraph 7.104-36 through 7.104-39 are revised to read as follows:

* * * * *

7.104-36	Preference for United States-Flag Vessels.	7-1.14G
7.104-37	[Reserved]	7-1.14G
7.104-38	Labor Surplus Area Subcontracting Program.	7-1.14G
7.104-39	[Reserved]	7-1.14G

* * * * *

§ 7.104-35 [Amended]

2. In Part 7, 7.104-35 is amended by changing the date of the clauses in paragraphs (a) and (b) to read "(June 1981)" in place of "(May 1980)."

3. In Part 7, 7.104-35 (a) and (b) are amended by changing "eighty percent (80%)" or "80 percent" to read "eighty-five percent (85%)" and also "85 percent" or "eighty-five percent (85%)" to read "ninety percent (90%)" wherever they appear in the clauses entitled "Progress Payments for Other Than Small Business Concerns" and "Progress Payments for Small Business Concerns."

Appendix E—Progress Payments Based on Costs

Appendix E [Amended]

4. In Appendix E, E.503-1 is revised by amending the first two sentences to read as follows:

E.503-1 Uniform Standard Percentages. The uniform standard progress payment rate is eighty-five percent (85%) of total costs for firms which are not small business concerns, and ninety percent (90%) of total costs for small business concerns. This ninety percent (90%) rate applies to all contracts awarded to small business concerns, whether or not awarded pursuant to formal advertising. * * *

5. In Appendix E, E.504-1 is revised to read as follows:

E.504-1 Progress Payment Provision in Invitations for Bids. When progress payments are contemplated, the invitations for bids shall include a notice of availability of progress payments as described in E.504-4. The percentage of total costs to be mentioned in these invitations for bids is ninety percent (90%) for small business concerns and eighty-five percent (85%) for firms which are not small business concerns.

* * * * *

6. In Appendix E, E.504-2 is amended by changing the words "* * * at 85 percent of total costs." at the end of the paragraph to read "* * * at ninety percent (90%) of total costs."

7. In Appendix E, E.511-2 is amended by substituting "eighty-five percent (85%)" for the words "80 percent."

8. In Appendix E, E.511-3 is amended by substituting "ninety percent (90%)" for the words "85 percent."

[FR Doc. 81-22846 Filed 8-5-81; 8:45 am]

BILLING CODE 7510-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-36; RM-3748]

Radio Broadcast Services; FM Broadcast Station in Hoisington, Kansas, Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 264 as a substitute for Channel 265A in Hoisington, Kansas, and modifies the license of Station KHOK in Hoisington to specify operation on Channel 264. This action is taken in response to a petition filed by Heart of Kansas Radio, Inc., licensee of Station KHOK.

DATE: Effective September 28, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: July 20, 1981.

Released: July 30, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making* herein, 46 FR 10776, published February 4, 1981, proposing the substitution of Class C FM Channel 264 for Channel 265A in Hoisington, Kansas, and modification of the license of Station KHOK, Hoisington, to specify operation on Channel 264. The *Notice* was issued in response to a petition filed by Heart of Kansas Radio, Inc. ("petitioner"), licensee of Station KHOK. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned as proposed.

2. Hoisington (population 3,710),[1] in Barton County (population 30,663), is located approximately 152 kilometers (95 miles) northwest of Wichita, Kansas. It is presently served by Class A FM Station KHOK, of which petitioner is the licensee.

3. Petitioner states, in supporting comments, its continuing desire to upgrade its facilities to provide expansion of its coverage area. Its engineering statement indicates that a Class C operation will enable it to supply a first FM service to 303 persons residing in an area of 64 square kilometers (25 square miles), a second FM service to 10,572 persons in an area comprised of 2,065 square kilometers (807 square miles), and a second aural service to 2,260 persons in an area of 599 square kilometers (234 square miles).

4. As set forth in our *Notice*, the preclusion study submitted by petitioner indicates that the assignment of Channel 264 to Hoisington will cause preclusion to 23 communities having a population in excess of 1,000 on the following channels: 261 within 65 miles; 263 within 105 miles; 264 within 180 miles; and 265A within 105 miles. However, of these 23 communities, 10 have existing FM assignments, and two additional ones have alternate channels available to them in the event an interest should develop in the future.

5. In support of its proposal, petitioner submitted information with respect to Hoisington which is persuasive as to its need to expand its coverage area. The station provides a unique programming format in the area which, petitioner states, outlying residents are interested in but cannot presently receive with any quality.

6. We have determined that the public interest would be served by the substitution of Channel 264 for Channel 265A in Hoisington and the modification of the license for Station KHOK accordingly in view of the failure of any other expression of interest in a Class C channel for Hoisington.

7. Accordingly, it is ordered, That effective September 28, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to the following community.

City	Channel No.
Hoisington, Kansas	264

8. It is further ordered, pursuant to the authority contained in § 316 of the Communications Act of 1934, as amended, the license of Station KHOK, Hoisington, Kansas, is modified to specify operation on Channel 264, subject to the following provisions:

(a) At least 30 days before operating on Channel 264, the licensee shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 264;

(b) At least 10 days prior to commencing operation on Channel 264, the licensee shall submit the measurement data required of an applicant for an FM broadcast station license; and,

[1] Population figures are extracted from the 1970 U.S. Census.

(c) The licensee shall not commence operation on Channel 264 without prior Commission authorization.

(d) Nothing contained herein shall be construed to authorize a major change in transmitter location or the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

9. Authority for the actions taken herein is contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules, Broadcast Bureau.

[FR Doc. 81-22932 Filed 8-5-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-782; RM-3643]

Radio Broadcast Services; FM Broadcast Station in Norton, Kans., Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 294 to Norton, Kansas, as its first FM assignment in response to a petition filed by Norton Broadcasting, Inc. The proposed station would provide substantial first and second service to the surrounding area.

DATE: Effective September 28, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 20, 1981.

Released: July 30, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 9141, published January 28, 1981, proposing the assignment of Channel 294 to Norton, Kansas, as its first FM assignment. The *Notice* was issued in response to a petition filed by Norton Broadcasting, Inc. ("petitioner"). Comments in support of the petition were filed by the petitioner. Opposing comments were filed by Grant Broadcasting Co., Inc.

2. Norton (population 3,627),[1] seat of Norton County (pop. 7,279) is located approximately 328 kilometers (205 miles) northwest of Wichita, Kansas. It is served locally by daytime-only AM Station KQNK, licensed to the petitioner.

3. In its comments, petitioner restates the information in the *Notice* which demonstrated the need for a first channel assignment to Norton, noting that there is no existing nighttime service provided to Norton, and that the proposed frequency can be assigned within the Commission's separation requirements. Petitioner also states that the community strongly supports the assignment. It reaffirms its intent to apply for the channel, if assigned.

4. Grant County Broadcasting, in opposition to the proposal, claims that it did not receive notification of the proposed assignment of Channel 294 to Norton, which allegedly is in conflict with the recent assignment of Channel 294 to Hugoton, Kansas (BC Docket No. 80-428). Grant also claims that the assignment to both cities would be a great error, and requests the Commission to disallow the Norton request.

5. The assignment of Channel 294 to Norton would cause preclusion on Channel 291 within 65 miles, Channel 292A within 65 miles, Channel 293 within 150 miles, Channel 294 within 180 miles, Channel 295 within 150 miles, Channel 296A within 65 miles, and Channel 297 within 65 miles. The *Notice* requested the petitioner to submit a list of alternate channels available to the precluded areas. Petitioner states that there will be no preclusive impact, as several channels are available to the precluded areas.

6. The Commission believes that it would be in the public interest to assign Channel 294 to Norton, Kansas, as its first FM assignment. Although a community this size is not normally assigned a Class C channel, the proposed assignment would provide substantial first and second service. Since alternate channels are available to the precluded areas, we believe the preclusion impact is insignificant. In response to Grant's opposition, a staff study has confirmed that the assignment of Channel 294 to Norton will not be short-spaced to Hugoton. The distance between the cities is approximately 200 miles, whereas, only 180 miles is required. The channel can be assigned in accordance with the minimum distance separation requirements.

7. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, It is ordered, That effective September 28, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended, with regard to Norton, Kansas, as follows:

City	Channel No.
Norton, Kansas	294

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-22933 Filed 8-5-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-569; RM-3621]

Radio Broadcast Services; FM Broadcast Station in McCook, Nebr.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes two Class C FM channels for Class A channels at McCook, Nebraska, and modifies the existing Class A station licenses, in response to a petition filed by Jerrell E. Kautz.

DATE: Effective September 28, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 21, 1981.

Released: July 30, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making and Order to Show Cause*, 45

[1] Population figures are taken from the 1970 U.S. Census.

Fed. Reg. 64990, published October 1, 1980, proposing the substitution of Class C Channel 270 for Channel 276A (permit to petitioner), in response to a petition filed by Jerrell E. Kautz ("petitioner"). The *Notice* also proposed substitution of Channel 231 for Channel 240A and modification of the license of Station KICX–FM (Channel 240A) to specify operation on Channel 231. Comments in support of the proposal were filed by Semeco Broadcasting Corp. (licensee of Station KICX–FM) and by the petitioner. Jerry T. Venable and Ernest McRae (petitioners for Channel 231 at Smith Center, Kansas), filed comments opposing the assignment of Channel 231 to McCook. Reply comments were filed by the petitioner.

2. McCook (population 8,285),[1] seat of Red Willow County (population 12,191) is located approximately 408 kilometers (255 miles) southwest of Omaha, Nebraska. It is served locally by daytime only AM Stations KBRL and KICX, and FM Stations KICX–FM (Channel 240A), and Station KZMC–FM (Channel 276A) for which a construction permit has been issued to petitioner.

3. In its comments, petitioner stresses the need for only one Class C assignment to McCook. Kautz argues that the present KICX (AM/FM) (McCook) combination and proposed KBRL (AM), (McCook) and KFNF–FM (Oberlin, Kansas) combination (pending Commission approval) creates a dual coverage, and competitive imbalance in favor of the existing stations. Petitioner claims that it is impossible for the operator of the proposed Class C channel to obtain a similar AM facility under Section 73.37 (1) and (2) of the Commission's Rules. He perceives that only by obtaining the Class C channel could he compete with the AM/FM dual operations. However, petitioner maintains that the competitive imbalance will be continued if two Class C channels are assigned. Kautz suggests assigning Channel 287 to McCook, rather than Channel 270 as proposed in the *Notice*, since Channel 270 is too close an adjacency to Channel 266, Oberlin, Kansas, already operating in the market approximately 25 miles south. However, if despite its showing here of competitive imbalance in favor of the existing stations, two Class C channels are nevertheless assigned to McCook, he suggests Channel 287 for the petitioner, and Channel 270 to replace the facility at KICX–FM. Petitioner asserts that if two Class C channels are assigned, he should not be required to reimburse KICX–FM for switching to a Class C facility, since it will benefit more from the change than the petitioner. In the event Commission policy stands without change, he is willing to make a token reimbursement to Station KICX–FM (Channel 240A).

4. Venable and McRae in comments state that the distance between Smith Center, Kansas, and McCook, Nebraska, is only 103 miles, rather than the required 180 miles. The proposal to assign Channel 231 to McCook is therefore short spaced by 77 miles, under Section 73.207 of the Commission's Rules.

5. Semeco Broadcasting Corp. in its comments states that it is in favor of the proposal to modify its Class A license to operate on a Class C channel.

6. Petitioner in reply comments claims that he was not served with Semeco's comments, as required by the rules. Kautz reiterates his earlier contention that KICX–FM should pay for its frequency change, which may also require replacement of its antenna, or else he should be reimbursed for his expenses and the cost of initiating the rule making. Petitioner claims that Semeco will make a substantial gain from his efforts and should, therefore, reimburse him for his work in initiating the rule making. Finally, if the Commission should fail to find that one Class C channel is appropriate for assignment to McCook, petitioner requests a hearing on the matter.

7. As stated in the *Notice*, the assignment of Channel 270 to McCook would cause preclusion on Channels 268, 269A, 270, 271 and 272A in all or parts of five counties in Colorado, twenty counties in Kansas, and thirty-five counties in Nebraska. Petitioner was requested to submit a listing of alternate channels available to the precluded areas. From the information submitted it appears that numerous channels are available to all or parts of the precluded areas. Petitioner's *Roanoke Rapids/Anamosa* study, as requested by the *Notice*, provides maps but no figures to indicate that the proposed Class C assignment will provide first and second service to a vast area.

8. It has been the general Commission policy to avoid an intermixture result unless it was shown that the intermixture would not be harmful or that the Class A licensee is willing to compete under unfavorable circumstances. Petitioner makes a valid argument as to the existing competitive imbalance from his point of view. However, we believe the public would greatly benefit from having two Class C stations in McCook in view of the large unserved and underserved areas in this region. Therefore we have no difficulty in concluding that two Class C channels should be assigned to McCook. To avoid an adjacency problem and also the short-spacing to Smith Center, those channels shall be 287 and 241. As for the reimbursement question, our general policy is to order the benefitting party to reimburse, where the Commission finds it equitable in the individual case. The proper figure is normally left to the good faith determination of the parties, subject to Commission approval in the event of disagreement. The amount reimbursed would include only the cost of converting the operating frequency from a Class A to Class C facility. The cost of increasing the power and antenna height to conform to the minimum requirements of a Class C operation would not be reimbursed. See *Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1976). In the present case it is clear that petitioner, as the ultimate permittee of Channel 287 at McCook is the subject party. Our basic reason for applying this policy in a case such as this is the unfairness of putting the existing station in a position of being compelled to upgrade to a Class C station in order to remain competitive. Since Class C channels have been available at McCook and Semeco has not sought to upgrade before, it is reasonable to assume that it is doing so only to compete on an equal basis. We assume it would not have done so otherwise, and the Commission would not have approved an intermixture result.[2] Therefore we believe that an exception to our policy should not be created here. Nor should the costs of this proceeding fall upon Semeco since petitioner clearly benefits from the work it did.

9. Since there has been no other interest expressed in the Class C channels, we shall substitute Class C Channel 287 for Channel 276A and Channel 241 for Channel 240A and modify the license of Station KICX–FM and the permit for Station KZMC–FM, accordingly. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

10. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, That effective September 28, 1981, the FM Table of Assignments, Section 73.202(b) of the Rules, is amended with respect to McCook, Nebraska, as follows:

[1] Population figures are taken from the 1970 U.S. Census.

[2] See *Mitchell, South Dakota, supra*.

City	Channel No.
McCook, Nebr	241, 287

11. It is further ordered, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, that the license of Station KICX–FM, McCook, Nebraska, is modified, to specify operation on Channel 241, subject to the following conditions:

(a) At least 30 days before operating on Channel 241, the licensee shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 241;

(b) At least 10 days prior to commencing operation on Channel 241, the licensee shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The licensee shall not commence operation on Channel 241 without prior Commission authorization.

12. It is further ordered, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, That the license of Station KZMC–FM, McCook, Nebraska, is modified, to specify operation on Channel 287, subject to the following conditions:

(a) At least 30 days before operating on Channel 241, the licensee shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 287;

(b) At least 10 days prior to commencing operation on Channel 287, the licensee shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The licensee shall not commence operation on Channel 287 without prior Commission authorization.

13. Furthermore, nothing contained herein shall be construed to authorize a major change in transmitter location or to require the filing of an environmental impact statement pursuant to Section 1.1301 of the Commission's Rules.

14. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by Certified Mail, Return Receipt Requested, to Semeco Broadcasting Corp., Box 333 201 West 4th Street, McCook, Nebraska 69001.

15. It is further ordered, That this proceeding is terminated.

16. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–22930 Filed 8–5–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 80–745; RM–3647]

Radio Broadcast Services; FM Broadcast Station in Millersburg, Ohio Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 237A to Millersburg, Ohio, in response to a petition filed by Dale G. Davis. The assignment could provide Millersburg with its first local aural broadcast service.

DATES: Effective September 28, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: July 22, 1981.

Released: July 31, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 Fed. Reg. 81078, published December 9, 1980, which proposed the assignment of FM Channel 237A to Millersburg, Ohio, as that community's first FM assignment, in response to a petition filed by Dale G. Davis. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned.

2. Millersburg (population 2,979),[1] the seat of Holmes County (population 23,024), is located approximately 105 kilometers (65 miles) south of Cleveland. It presently has no local aural broadcast service.

3. In support of its proposal, petitioner submitted information with respect to Millersburg which is persuasive as to its need for a first FM channel assignment.

4. In its supporting comments, petitioner indicates that the transmitter site restriction, which we established in the *Notice*, could be reduced if a pending application for Station WLKR, Norwalk, Ohio, to move its transmitter to the west of that community were granted.

5. Our engineering study reveals that the transmitter site restriction is not affected by this move; rather Stations WHOK, Lancaster, Ohio (Channel 238), and WDBN, Medina, Ohio (Channel 235) are the limiting stations. As a result, the imposition of a site restriction 11.7 kilometers (7.3 miles) southeast of Millersburg is still needed to comply with the minimum mileage separation requirements of Section 73.207 of the Commission's Rules.

6. As for the transmitter location, petitioner is apprised of the fact that, in accordance with § 73.315 of the Commission's Rules, its site should be selected so that a 70 dBu signal can be provided over the boundaries of Millersburg.

7. In view of the above, we believe that the public interest would be served by the assignment of Channel 237A to Millersburg, Ohio. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local aural broadcast service.

8. Canadian concurrence in the assignment has been obtained.

9. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

10. Accordingly, it is ordered, That effective September 28, 1981, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Millersburg, Ohio	237A

11. It is further ordered, That this proceeding is terminated.

12. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81–22934 Filed 8–5–81; 8:45 am]

BILLING CODE 6712–01–M

[1] Population figures are extracted from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 78-308; RM-2869; FCC 81-334]

Radio Broadcast Services; Transmission of Program Related Signals in the Vertical Blanking Interval of the Standard Television Signal

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Federal Communications Commission amends its rules to permit the transmission of source identification (SID) signals in the vertical blanking interval of the TV video signal. The SID signals are used to identify the network, the city of origin, and the date and time of the program's transmission. These signals may be used to relate viewer surveys to network programming.

DATES: Effective August 31, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Stanley Schmulewitz, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: July 16, 1981.

Released: July 29, 1981.

By the Commission: Commissioner Dawson abstaining from voting.

1. The Commission released a *Notice of Proposed Rule Making and Memorandum Opinion and Order* in this proceeding on October 20, 1978 (FCC 78-308, 43 Fed. Reg. 49331). The *Notice* proposed to permit TV stations to transmit source identification ("SID") signals in the vertical blanking interval "(BVI") of the television video signal.[1] SID signals would be used to identify the network, the city of origin, and the date and time off the program's transmission.

2. The *Notice* was adopted in response to a petition from the National Broadcasting Company, Inc. ("NBC"). The petitioner indicated that the SID signal was desirable for the verification of the transmission of network programs by local affiliated stations so that faster and more accurate comparative program popularity ratings could be obtained. One type of program rating service or technique uses special receiver devices in the homes of selected viewers that automatically record and report the time the receiver is in use and the channel(s) to which it is tuned. This device does not indicate whether the station viewed carried the network program or one that originated locally. The viewer rating thus obtained must be verified and corrected if necessary at a later date upon receipt of the station's report of network programs transmitted. The SID signal would permit automatic devices to indicate if affiliate stations transmitted network or non-network programming.

3. The *Memorandum Opinion and Order* portion of the document responded to an opposition to the NBC petition filed by the Board of Delegates ("Board") of the NBC television network affiliates. The Board had sought denial of the NBC petition and institution of a Notice of Inquiry instead to study all possible uses of the VBI. The Board's opposition was based on its belief that use of the VBI for SID signals would result in the effective dedication of a line in the interval for SID signals. This, it felt, would preclude the use of that particular line for other purposes such as teletext.[2]

4. The Commission denied the Board's request. Amendment of the rules was proposed to permit the use of any of lines 17, 18, or 20 for the transmission of program related (SID) signals. The Commission recognized that a rule amendment along the lines proposed would result in the practical use of line 20 for SID signals.[3] No dedication of any line for SID signals was proposed, however, nor was any contemplated. This stance was necessary since changes in the use of the VBI, and hence on the present allocation of lines within the interval, were expected. The primary reason for the expected change was, and is, teletext. Consequently, in paragraph 11 of the *Notice* we stated that "[i]f it is desirable in the future to consider use of Line 20 for teletext or other general purpose data transmission systems, we will not allow the currently proposed use of Line 20 by the SID signal to preclude the ultimate use of Line 20 by a general purpose data system."

5. Notwithstanding the Commission's assurances regarding the optional nature of SID transmissions, many comments and replies were addressed to a perceived compulsory transmission on a reserved line. Comments were also received that recognized the optional nature but opposed the proposal nonetheless, fearing that the use of line 20 would be lost to licensees if SID transmissions were permitted, or that licensees would be forced to carry the SID signal by network pressure, or that the VBI could be better used for teletext rather than SID signals. Opposition comments were also received that requested a comprehensive study of the possible uses of the VBI.

6. Reply comments were filed in response to the oppositions. As a group they may be summarized as stating that SID signal transmission would be optional, SID signals would not preclude other uses of line 20, and that a comprehensive study of the VBI is not necessary to implement the SID proposal.

7. The Commission stated in the *Notice* that we consider the transmission of the SID signal to be in the public interest in view of the program identification function it serves. A survey of the comments and reply comments in this proceeding reveals no convincing arguments against the proposal. Many of the oppositions were simply in error in their assumption that a line would be dedicated for SID signals. Others that recognized this distinction fear the networks will force licensees to transmit the SID signal or that its use will prevent teletext operations on line 20 (when and if such operations are permitted). Because we have not reserved a line for SID signals, we believe it is clear that the transmission of SID signals, while permissible, does not preclude the use of line 20 for other purposes. As for the licensees' fears of network pressure to carry the SID signal, we observe that licensees are required to retain ultimate control over the content of their transmissions, including radiated VBI signals. Hence, any attempt to interfere with a licensee's discretion to control the overall nature of its service offering, if it occured, might constitute a matter warranting appropriate corrective action by the Commission.

8. We also feel the proposals for a comprehensive VBI inquiry are untimely. This suggestion was made by the Board in response to the NBC petition and dealt with by the Commission in the *Notice* where it was denied. The continued calls for a comprehensive inquiry apparently desire the Commission to evaluate the uses of the VBI currently envisioned and

[1] The vertical blanking interval is that period of the time during which synchronizing pulses are transmitted to control the vertical scanning of the television picture. During this interval, picture information is not transmitted.

[2] Teletext is the term used to describe information intended for visual display that is superimposed on the vertical blanking interval as an additional service of television stations. This information can be alphanumeric or pictorial and can only be displayed on receivers that are equipped with special decoders. Specific applications for this service include features such as a page-formatted information magazine and closed captioning.

[3] Lines 17 and 18 must now be used for prescribed signals by stations operating their transmitters by remote control. Approximately 80% of all licensees operate in this manner and could not use these lines for SID signals.

to structure the VBI to fit those uses which are determined to be most desirable. We see no reason for such an action now. Much activity concerning the communication potential of the VBI is now taking place. Two petitions for rule making concerning teletext have been filed with the Commission since the *Notice* was adopted in this proceeding. Others are likely to follow. The Commission has also recently adopted a *Notice of Proposed Rule Making* in BC Docket No. 81–239 proposing to delete the current requirement that stations operating by remote control must transmit vertical interval test signals on lines 17 and 18. Should the rules be amended as proposed, two additional lines in the VBI would become available for other uses. SID signals, on the other hand, may be easily accommodated within the present VBI structure. As CBS notes, they will require less than four percent of the time available on just one line in the VBI. Certainly this insignificant usage is not sufficient reason to institute a general inquiry. A better action in the Commission's view is to permit the optional transmission of SID signals while the present activity and research concerning the VBI is concluded without haste. This might not occur if the Commission were to institute an inquiry now. The Commission feels that the best course to pursue at present is to maintain flexibility among the various options for the VBI by not dedicating its small number of lines to particular uses.

9. In view of the foregoing the Commission is persuaded that the rules may be amended as proposed permitting the use of the VBI for the transmission of SID signals. We continue now to discuss those comments that raised concerns other than the desirability of SID transmissions.

10. Screen Actors Guild ("SAG") favors expanding the purpose of SID to include coding for the protection of performers and favors making this coding mandatory. SAG believes that such a system would serve other financial and cultural purposes as well. In our view, however, mandatory coding to achieve the purposes described by SAG may not be within the ambit of our statutory authority. Therefore, its proposal must be rejected. We note, however, that it may be possible for SAG to use the SID information to be transmitted to achieve its goal. Alternatively, they may submit a petition for rule making to amend the rules to permit transmission of the necessary information.

11. Alert Communications Corp. ("Alert") filed reply comments stating that it is developing a system using "computerized pattern recognition techniques" which can accomplish the same purpose as SID without occupying a VBI line. In response, we note that the feasibility of this technique has not yet been proven. However, the Commission encourages the continued development of this equipment. Should it ultimately prove capable of serving the same purpose as the SID signal, the use of the VBI for this purpose would no longer be necessary.

12. An issue considered at some length was the classification of the SID signal as broadcast related (*i.e.*, related to the function of broadcasting) or program related (*i.e.*, related to the content of a particular program). While this may appear to be an academic question it does affect the requirement for cable carriage as defined by § 76.55(b) of the FCC cable rules. In the *Notice* the Commission stated that we would consider the SID signal to be program related for the purposes of this proceeding. At the same time, however, we proposed to give cable system operators the same option as broadcast licensees concerning the carriage of the signal, *i.e.*, they could either carry it or not. In response, the national Cable Television Association ("NCTA") feels that the FCC position giving cable operators an option should be strengthened. NCTA states that if cable carriage is to be required then technical standards and non-interference requirements should be provided.

13. In view of these comments and others, we now see no reason to define the SID signal as either a program or broadcast related signal. If the Commission were required to structure the use of the VBI among competing uses, we might define each use and establish a priority for transmission, *e.g.*, program related signals must be transmitted before broadcast related signals. This is not necessary now because the VBI has more than sufficient "room" to accommodate the SID signal. Defining it is not necessary for either its transmission or its use and might serve only to restrict flexibility with respect to the use of the VBI at a later date. In sum, the Commission can determine no benefits to be obtained from defining the SID signal now, and by not defining it cable system operators should have no doubt concerning the optional nature of its carriage.

14. The Commission is taking this opportunity to further revise § 73.682(a)(21) by deleting a description of test signals which was useful at the time the rule was adopted but which is now no longer needed.

15. In view of the foregoing, it is ordered, under the authority of Sections 4(i), 303 (f), (g) and (r) and 307(b) of the Communications Act of 1934, as amended, that the rules are amended as set forth in the attached Appendix, effective August 31, 1981.

16. It is further ordered, That this proceeding is terminated. For further information contact Stanley Schmulewitz, Broadcast Bureau, (202) 632–9660.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 73—RADIO BROADCAST SERVICES

In Part 73 of the Commission's Rules, Section 73.682 is amended by revising subparagraph (a)(21) to read as follows:

§ 73.682 Transmission standards.

(a) Transmission standards

* * * * *

(21) The interval beginning with line 17 and continuing through line 20 of the vertical blanking interval of each field may be used for the transmission of test signals, cue and control signals, and identification signals, subject to the conditions and restrictions set forth below. Test signals may include signals designed to check the performance of the overall transmission system or its individual components. Cue and control signals shall be related to the operation of the TV broadcast station. Identification signals may be transmitted to identify the broadcast material or its source, and the date and time of its origination. Figures 6 and 7 of Section 73.699 identify the numbered lines referred to in this subparagraph.

* * * * *

[FR Doc. 81–22029 Filed 8–5–81; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Deferral of Effective Dates

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Deferral of effective dates for final rules.

SUMMARY: The Department of the Interior is deferring the effective date of rules issued in final form but not yet in

effect to permit reconsideration of the rules under Executive Order 12291. The deferred rules relate to the Hawaiian Tree Snails, the Texas Poppy-mallow, gypsum wild buckwheat and the Todsens pennyroyal. The Department has requested and considered comments on whether the rules listed are major under Executive Order 12291. The rules are now being reviewed by the Office of Management and Budget.

DATES: The rules are deferred until August 31, 1981. This deferral is effective July 31, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235–2771) or Ms. Patricia Bangert, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240 (202/343–2172).

SUPPLEMENTARY INFORMATION: The President's Memorandum of January 29, 1981, directed Federal agencies to defer the effective dates of regulations issued in final form but not yet in effect for a 60-day period. In notices published February 4, 1981 (46 FR 10707), February 17, 1981 (46 FR 12496), March 30, 1981 (46 FR 19233), April 30, 1981 (46 FR 24186), June 2, 1981 (46 FR 29481), and June 29, 1981 (46 FR 33279); the Department of the Interior deferred the effective dates of the regulations listed below to July 31, 1981. Executive Order 12291, issued by the President on February 17, 1981 (published 46 FR 13191, February 19, 1981), directed agencies to suspend or postpone the effective dates of all major rules that had not yet become effective to the extent necessary to permit reconsideration of the rules in accordance with the Order. The Department of the Interior is further deferring the effective dates of the rules listed below to August 31, 1981, to allow sufficient time for review by the Office of Management and Budget.

Rule	Dated published and FR page	Effective date
Fish and Wildlife Service 50 CFR Part 17, Endangered and Threatened species.	Jan. 13, 1981, 46 FR 3178, 3184 (2 documents).	Aug. 31, 1981.

Hawaiian (Oahu) Tree Snails to be endangered.
Callirhoe scabriuscula (Texas poppy-mallow) to be endangered.

Rule	Dated published and FR page	Effective date
Fish and Wildlife Service 50 CFR Part 17, Endangered and Threatened species.	Jan. 19, 1981, 46 FR 5730.	Aug. 31, 1981.

Eriogonum gypsophilum (gypsum wild buckwheat) to be Threatened.
Hedeoma todsenii (Todsen's pennyroyal) to be Endangered.

The Department of Interior has requested public comment on whether the rules listed are major under Executive Order 12291. The rules are now being reviewed by the Office of Management and Budget.

Dated: July 30, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

(Extension of Effective Dates for Final Rules)

[FR Doc. 81–22915 File 8–5–81; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 46, No. 151
Thursday, August 6, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Ch. IX

Extension of Time for Submitting Information on Marketing Orders for Fruits, Vegetables, and Specialty Crops

AGENCY: Agricultual Marketing Service, USDA.

ACTION: Extension of time for submitting data and other information.

SUMMARY: At the request of Dr. Richard Heifner, chairman of the study team responsible for conducting a thorough review of fruit, vegetable, and specialty crop marketing order regulations, the time for submitting data and other information to the Department about the programs is hereby extended to September 1, 1981. Dr. Heifner requested the extension to afford additional time for interested persons to comment on the programs. The information will be used as part of the Department's review of these programs being conducted at the request of the Presidential Task Force on Regulatory Relief.

DATE: Comments due by September 1, 1981.

ADDRESS: Send comments to Dr. Richard Heifner, Agricultural Marketing Service, U.S. Department of Agriculture, 14th and Independence Avenue, SW., South Building, Room 3063, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Heifner at the address above ((202) 447–4016).

SUPPLEMENTARY INFORMATION: Under the Authority of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the Secretary of Agriculture has established 47 fruit, vegetable, and specialty crop marketing orders. To aid in the review of these marketing orders a request for data and other information on the programs was made on July 13, 1981 (46 FR 37054, July 17, 1981). Comments were allowed until August 1, 1981. An extension of time is hereby granted to allow interested persons further opportunity to comment on the programs.

The review of these marketing orders will focus on their economic efficiency. Alternatives to marketing orders and the impacts of the alternatives will also be considered. The review team seeks statistical data, reports, studies, economic analyses, and other similar information. In addition, studies and analyses assessing alternatives to marketing orders are especially sought.

Documents exceeding ten pages in length should be accompanied by a summary.

Dated: August 5, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-23149 Filed 8-5-81; 9:21 am]
BILLING CODE 3410-02-M

FARM CREDIT ADMINISTRATION

12 CFR Part 614

Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes a proposed amendment to its regulations in connection with the implementation of certain provisions of the Farm Credit Act Amendments of 1980 (Pub. L. 96–592) concerning the special credit needs of young, beginning, and small farmers and ranchers. Section 403 of the Farm Credit Act of 1971, as amended (Pub. L. 96–592) (12 U.S.C. 2001, *et seq.*), requires Federal land bank associations and production credit associations, under district policies, to develop and implement programs for furnishing sound and constructive credit and related services to young, beginning, and small farmers and ranchers. In addition to dealing with these groups, the amendment to current Agency regulations on the subject also contains a subsection which is retained from existing regulations relating to the financing of specialized enterprises.

DATE: Written comments must be received on or before August 26, 1981.

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, S.W., Washington, D.C. 20578, (202–755–2181).

Public comment on this proposed amended regulations must be received within 20 days from the date of publication. This shortened period for comment has been set by the Federal Farm Credit Board based on its decision that this proposed regulation merely represents an expansion of an existing program.

For the reasons set out in the preamble, Part 614 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown.

PART 614—LOAN POLICIES AND OPERATIONS

Section 614.4165 is revised to read as follows:

Subpart D—General Loan Policies for Banks and Associations

* * * * *

§ 614.4165 Special credit needs.

In the formulation of bank policies and bank procedures, consideration shall be given to the special credit need of young, beginning, or small farmers and ranchers and the peculiar needs of borrowers engaged in highly specialized, high-risk enterprises. District and bank policies shall be subject to Farm Credit Administration approval.

(a) Young, beginning, or small farmers and ranchers. District boards shall adopt policies prescribing establishment of programs by production credit associations and Federal land bank associations in their extension of sound and constructive credit and related services to young, beginning, or small farmers and ranchers. Such policies shall outline objectives of the programs and shall include, but are not limited to, the following:

(1) Provisions, relating to coordination among units of the Farm Credit System, which recognize the special requirements of such borrowers and

assure that credit and related services are made available to them on a joint and cooperative basis. Such provisions should also emphasize coordination or participation with other credit institutions, especially governmental sources of credit or guarantees.

(2) The requirement that each association board adopt policies establishing parameters within which management is directed to operate in this phase of its lending and services. Capital resources with which to withstand risk and staff resources capable of providing specialized servicing shall be subject to prior approval of the supervising bank.

(3) Definition of young farmer or rancher, beginning farmer or rancher, and small farmer or rancher.

(4) Bank supervisory requirements which will ensure:

(i) Uniform identification of loans made to borrowers under such programs;

(ii) Monitoring and evaluation of the associations' operations and achievements;

(iii) Periodic reporting of activities under programs developed and progress toward program objectives.

(b) The Federal land bank and Federal intermediate credit bank for each district, on the basis of reports of activities from each association under their supervision, shall provide to the Farm Credit Administration a joint annual report summarizing the operations and achievements in their district under such programs. The format for these reports shall be prescribed by the Farm Credit Administration.

(c) Specialized enterprises. Consideration can be given to organizing groups of similar borrowers into pools by which banks or associations may be afforded increased protection from the higher risk occasioned by financing their specialized enterprises. Where such programs are authorized, the bank board shall adopt appropriate policies that: (1) define criteria for the selection of borrowers for specialized enterprise financing, and (2) establish requirements for bank supervisory procedures which will give direction, guidance, and control to association programs.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

C. T. Fredrickson,

Acting Governor.

[FR Doc. 81-22908 Filed 8-5-81; 8:45 am]

BILLING CODE 6705-01-M

12 CFR Part 614

Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for public comment proposed new and amended regulations to implement a number of the major authorities conferred on institutions of the Farm Credit System by the Farm Credit Act Amendments of 1980, Pub. L. 96-592. The proposed regulations relate to Federal intermediate credit bank lending authorities, bank for cooperatives' loan terms and conditions, and bank for cooperatives' lending limits.

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

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, SW., Washington, DC 20578 (202-755-2181).

SUPPLEMENTARY INFORMATION: The Farm Credit Administration proposes amendments to its current regulations relating to the lending authorities of the Federal intermediate credit banks so as to define the eligibility requirements for institutions from which loans may be discounted or purchased as specified in the Farm Credit Act of 1971, as amended, 12 U.S.C. 2001, *et seq.*, ("1971 Act") and the basis on which such activities are to be conducted.

It is proposed that the regulations of the Farm Credit Administration dealing with banks for cooperatives' loan terms and conditions be revised to reflect amendments to section 3.7(b) of the 1971 Act which authorize banks for cooperatives to make loans, commitments, and extend other technical assistance to foreign and domestic parties, provided a voting stockholder of a bank for cooperatives will benefit substantially.

In addition, amendments are being proposed to regulations concerning the bank for cooperatives' lending limit in order to accommodate the new types of international financing and leveraged lease financing authorized under a number of provisions of Title III of the 1971 Act.

The current regulations of the Farm Credit Administration relating to Federal intermediate credit bank lending authorities are being revised to specify those institutions from which loans may be discounted or purchased as specified in the Farm Credit Act Amendments of 1980 (P.L. 96-592).

Part 614 of Chapter VI, Title 12, of the *Code of Federal Regulations* is amended as shown.

PART 614—LOAN POLICIES AND OPERATIONS

1. Subpart 614.4100 is amended by revising paragraphs (a) and (b) to read as follows:

Subpart C—Lending Authorities

* * * * *

§ 614.4100 Federal intermediate credit banks.

(a) The banks are authorized to make loans and extend other similar financial assistance to and discount for production credit assoications, with their endorsement or guaranty, any note, draft, and other obligation presented by such association. In addition, the banks may participate in loans to eligible borrowers with such associations or other Federal intermediate credit banks.

(b) The banks are authorized to make loans and extend other similar financial assistance to, discount for, and purchase with recourse from any a national bank, State bank, trust company, agricutural credit corporation, incorporated livestock loan company, savings institution, credit union, or any association of agricultural producers engaged in the making of loans to farmers and ranchers, and any corporation engaged in the making of loans to producers or harvesters of aquatic products, notes, drafts, and other obligations for loans which have been made for eligible purposes in accordance with provisions of Subpart P of Part 614 of the Regulations. All such financial instruments shall bear the endorsement or guaranty of the originating lender.

* * * * *

2. Section 614.4210 is amended by revising paragraph (b) and adding new paragraphs (c) through (c)(4) to read as follows:

Subpart E—Loan Terms and Conditions

§ 614.4210 Banks for cooperatives.

(a) * * *

(b) The documents(s) evidencing a loan approval by a bank shall set out the terms and conditions under which a loan is approved. A loan agreement shall be executed between the borrower and the bank.

(c) Term loans made to finance a foreign or domestic party with respect to transactions with an eligible cooperative and term loans to a foreign or demestic party in which an eligible cooperative has an ownership interest shall be subject to the following conditions:

(1) The loan shall be denominated in U.S. dollars, in order to eliminate foreign exchange risk upon repayment.

(2) The borrower's obligation shall be guaranteed or insured against default under such policies as are available in the United States and other countries. Exceptions may be made for borrowers with longstanding successful business relationships with the banks for cooperatives' customers or borrowers with a high credit rating.

(3) For an eligible cooperative borrower(s) that has a majority ownership interest, financing may be extended for the full value of the transaction; otherwise, financing may be extended only to approximate the percentage of ownership.

(4) Unless otherwise designated, the loan shall be submitted to the Farm Credit Administration for prior approval.

3. Section 614.4354 is amended by revising paragraphs (a)(1)(i) through (v) and by adding paragraphs (a)(1)(vi) through (xi), (a)(2), (a)(3), (a)(4); (b); (c)(1) and (2); (d)(1) and (d)(3); and (e) to read as follows:

Subpart J—Lending Limits

* * * * *

§ 614.4354 Banks for cooperatives.

(a) * * *

(1) * * *

(i) Term loans to eligible cooperatives: 25 percent.

(ii) Term loans to foreign and domestic parties: 10 percent.

(iii) Lease loans qualifying under § 614.4120 and applying to the lessee: 25 percent.

(iv) Standby letters of credit qualifying under § 614.4810: 35 percent.

(v) Guarantees qualifying under § 614.4800: 35 percent.

(vi) Seasonal loans exclusive of seasonal loans qualifying under § 614.4260(c): 35 percent.

(vii) Foreign trade receivables qualifying under § 614.4700: 50 percent.

(viii) Bankers acceptances held qualifying under § 614.4710 and seasonal loans qualifying under § 614.4260(c): 50 percent.

(ix) Export and import letters of credit qualifying under § 614.4720: 50 percent.

(x) The sum of term and seasonal loans exclusive of seasonal loans qualifying under § 614.4260(c): 35 percent.

(xi) The sum of (i) through (ix): 50 percent.

(2) Loans to an eligible borrower secured by notes of individuals or business entities which are current and carry a full recourse endorsement or unconditional guarantee by the borrower, if the bank determines the financial condition, repayment capacity, and other factors of the original maker reasonably justify the credit granted by the endorser, qualify for the basic lending limits provided in paragraph (a)(1) which may be applied for each original notemaker, provided the following listed documents fully support such a determination and are in the files of the bank:

(i) * * *

(ii) * * *

(iii) * * *

(3) Net worth for the calculation of lending limits at June 30 shall exclude 20 percent of the bank's undistributed earnings and shall not include any portion of Central Bank for Cooperatives' undistributed earnings.

(4) Loans made within the established lending limits that become excessive because of a subsequent decrease in the bank's net worth shall be reduced to the lending limits in an orderly manner over a reasonable period, in accordance with a plan submitted to the Farm Credit Administration.

(b) Total system. Loans outstanding at any one time to any one borrower from one or more district banks and the Central Bank for Cooperatives, exclusive of participations sold to institution(s) other than banks for cooperatives, shall not exceed the percentages specified in paragraph (a)(1) applied to the combined net worth of the 13 banks for cooperatives as determined by the Farm Credit Administration. Loans made within previously established limits that become excessive because of changes in lending limits prescribed herein may be held and liquidated in accordance with terms individually specified by the Farm Credit Administration.

(c) * * *

(1) Direct loans outstanding at any one time to any one borrower as defined by these regulations, exclusive of participations sold to others, shall not exceed the lending limit percentages prescribed in paragraph (a)(1) for district banks.

(2) Participations in loans at any one time to any one borrower as defined by these regulations, exclusive of participations resold to institutions other than banks for cooperatives, shall not exceed amounts greater than the lending limit described in paragraph (b) less amounts held by the district banks.

(d) * * *

(1) Determine its balance sheet net worth total as of the preceding June 30 or December 31, whichever is more recent, or at any interim date determined by the Farm Credit Administration as a result of material changes in the bank's net worth.

(2) * * *

(3) Apply the lending limit percentages outline in paragraph (a)(1).

(4) * * *

(e) The term "one borrower" is generally defined as a cooperative organization or foreign or domestic party and, if any, its affiliated organizations which are controlled by a common directorate or management, or wherein such primary organization owns in excess of 50 percent of the net worth or voting stock of an affiliated organization; provided, however, that any such affiliated organization shall be defined as a separate borrower under certain conditions, subject to prior approval by the Farm Credit Administration. Such definitions shall be based primarily on the conclusion that the affiliated organization would be viable in the event of the demise of the other organization. Particular consideration should be given to, but not limited to, the following items:

* * * * *

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

C. T. Fredrickson,

Acting Governor.

[FR Doc. 81-22910 Filed 8-5-81; 8:45 am]

BILLING CODE 6705-01-M

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12 CFR Part 615

Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, proposes new and amended regulations to implement a number of the major authorities conferred on institutions of the Farm Credit System by the Farm Credit Act amendments of 1980 (Pub. L. 96-592) The proposed actions concern (1) the development of debt maturity

guidelines, priorities, and objectives for the Farm Credit System; (2) the authority for banks for cooperatives to invest in foreign business entities; (3) the authority for banks for cooperatives to pay patronage refunds in participation certificates; and (4) the authority for banks for cooperatives to contribute more than 25 percent of earnings to allocated surplus.

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

ADDRESS: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578, (202–755–2181).

SUPPLEMENTARY INFORMATION: The Farm Credit Administration proposes amndments to its current regulations for a debt maturity program so as to require the finance committees of the three groups of Farm Credit System institutions to develop debt maturity guidelines, priorities, and objectives that will help guide the Farm Credit System's Fiscal Agency.

A new regulation is proposed to implement the authority conferred on the banks for cooperatives of the Farm Credit System under § 3.1(13)(C) of the Farm Credit Act of 1971, as amended, 12 U.S.C. 2001, *et. seq.*, to invest in foreign business entities.

It is proposed that current regulations concernings banks for cooperatives' surplus and reserves be revised to authorize the payment of patronage refunds by banks for cooperatives in participation certificates as well as in stock or cash. In addition, revisions are proposed to amend regulations concerning banks for cooperatives' earnings so as to authorize the banks for cooperatives to apply more than 25 percent of net earnings, after payment of operating expenses, to the restoration or maintenance of the allocated surplus account.

For the reasons set out in the preamble, Part 615 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown.

PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

1. Section 615.5103 is revised to read as follows:

Subpart C—Issuance of Bonds, Notes, Debentures and Similar Obligations

* * * * *

§ 615.5103 Debt Maturity Program.

The three Finance Committees directly or through their subcommittee structures shall develop and maintain Systemwide debt maturity guidelines based on individual bank maturity policies and requirements of the market, and shall plan and set funding priorities and objectives for each banking system and for the 37 Farm Credit banks to be provided to the Fiscal Agency. These guidelines, priorities, and objectives shall be designed to ensure that the debt marketing responsibilities of the Fiscal Agency will continue to provide flexibililty for the banks and are fiscally sound. These guidelines, priorities, and objectives shall be subject to approval of the Farm Credit Administration.

* * * * *

2. Section 615.5143 is added to read as follows:

Subpart E—Investments

* * * * *

§ 615.5143 Banks for cooperatives.

As may be authorized by the banks for cooperatives' boards of directors and approved by the Farm Credit Administration, ownership, investments may be made in foreign business entities solely for the purpose of obtaining credit information and other services needed to facilitate transactions which may be financed under section 304 of the Farm Credit Act Amendments of 1980. The investment should be the minimum required to access the credit and other services and should not be of a size which constitutes an investment for earnings pupose. These business entities must be principally engaged in providing credit information to and performing such servicing functions for their members to the extent that such activities constitute a meaningful line of business with their members. The reason for the investment must be to facilitate transactions financed under section 304 of the Farm Credit Act Amendments of 1980. Also, investments must be made by a bank for cooperatives for its own account and not on behalf of its members. The bank for cooperatives may use only those services provided by the business entity, as necessary, to facilitate transactions authorized by section 304 of the Farm Credit Act Amendments of 1980, on behalf of eligible cooperatives.

* * * * *

3. Section 615.5330 is amended by revising paragraphs (a) and (c) to read as follows:

Subpart K—Surplus and Reserves

§ 615.5330 Banks for cooperatives.

(a) Surplus. "Surplus" is defined as the net accumulation of net savings which has not been appropriated by the board of directors for a specific purpose and has not been distributed as a patronage dividend in the form of Class C stock, participation certificates, or cash. Amounts therein may be allocated to patrons or unallocated. Amounts not allocated shall not be distributed as patronage refunds. Each bank shall maintain in surplus an amount not less than 25 percent of all capital stock and participation certificates outstanding unless otherwise approved by the Farm Credit Administration.

(b) * * *

(c) Allowance for loan losses. Each bank shall maintain an allowance for loan losses account sufficient to fairly present the realizable value of loans and loan-related assets on the bank's balance sheet. In determining the adequacy of the allowance for loan losses account, the banks should consider, at a minimum, the estimated potential losses in loans or loan-related assets, historical loan loss experience, the specialized agricultural enterprises being financed, the current economic environment, and the current phase of the industry's business cycle.

* * * * *

4. Section 615.5370 is amended by revising paragraph (a) and by adding paragraph (d) to read as follows:

Subpart L—Distribution of Earnings

§ 615.5370 Banks for cooperatives earnings.

(a) Whenever at the end of any fiscal year a bank shall have no outstanding capital stock held by the Governor, the net savings shall first be applied to the restoration of the amount of the impairment, if any, of capital stock, as

determined by the bank board. Any remaining net savings or losses shall be distributed as authorized by the bank board. Twenty-five percent of such remaining net savings, or such other amount as determined by the bank board, derived from business done with or for patrons may be used to maintain an allocated surplus account. Not more than 10 percent of the net savings derived from business done with or for patrons, plus the total amount of any net earnings derived from nonpatronage (including nonmember) sources, may be used to create or maintain an unallocated surplus or unallocated reserve account. The amount so determined shall be first reduced by related income taxes. For purposes of this regulation, all net savings shall be deemed to be from patronage sources unless otherwise determined by the bank. Cash patronage refunds shall not exceed 25 percent of the total amount of net savings allocated or paid to patrons except with Farm Credit Administration approval. Patronage refunds not paid in cash or allocated in surplus shall be paid in capital stock and participation certificates as determined by the bank board. A net loss in any fiscal year shall be absorbed on the basis determined by the bank board. Any costs or expenses attributable to a prior year shall not be charged to reserves, surplus, or patronage allocations without the approval of the Farm Credit Administration.

(b) * * *

(c) * * *

(d) Banks for cooperatives may allocate earnings from leveraged lease transactions and transactions involving letters of credit, bankers acceptance financing, and finance trade receivables with foreign borrowers in either of the two following ways: (1) as patronage dividends in cash and equity allocations resulting from transactions which have been initially capitalized by the borrowers by the purchase of equity or (2) allocation to unallocated surplus from those transactions which have not been initially capitalized and have been priced to reflect the use of the bank's capital. The allocation of earnings shall be the same for substantially identical transactions.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

C. T. Fredrickson,

Acting Governor.

[FR Doc. 81-22909 Filed 8-5-81; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-GL-8-AD]

Airworthiness Directives; Wood Electric Corp. Series 107, 108, and 2100 Circuit Breakers Installed in, but Not Limited to, Boeing Model 707/720/727/737 Series Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require the testing and replacement, as necessary, of all Wood Electric Corporation, Series 107, 108, and 2100 single-phase circuit breakers. The AD is prompted by a report of extensive damage done on a Boeing Model 727, due to a short circuit in a passenger service unit. The cause of this damage has been attributed to a Wood Electric Corporation Series 108 circuit breaker failing to trip on electrical overload, resulting in overheat and fire damage to wiring in the passenger service unit.

Wood Electric Corporation has been sold to Potter and Brumfield of Princeton, Indian. However, since the nameplates of the affected circuit breakers still in service bear Wood's identification, the former name will be referenced throughout this notice.

DATE: Comments must be received on or before August 15, 1981.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Great Lakes Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-GL-8-AD, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Mr. Charles L. Smalley, Systems and Equipment Section, AGL-213, Engineering and Manufacturing Branch, FAA Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7126.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is requested. Communication should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date of comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There has been a report of extensive damage done on a Bowing Model 727 airplane when a short circuit occurred in a passenger service unit, which was attributed to a Wood Electric Corporation Series 108 circuit breaker failing to trip on electrical overload, resulting in overheating and fire damage to wiring in the passenger service unit. Because of this incident, the operator tested a total of 210 Wood Electric cirucit breakers on the damaged airplane and reported that all passed a mechanical test; however, 31 circuit breakers failed a 200 percent overload electrical test with a trip time of 15 to 60 seconds for acceptance. Since this condition is likely to exist in other circuit breakers of the same design, the proposed AD would require a recurrent electrical overload test of all Wood Series 107, 108, and 2100 circuit breakers.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposed to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Wood Electric: Applies to Wood Electric Series 107, 108, and 2100 circuit breakers known to be installed in, but not limited to, Boeing Model 707, 720, 727, and 737 airplanes.

Compliance is required as indicated. To prevent electrical cable overheating and/or fire, accomplish the following.

A. Within the next 4,000 hours time in service, or three years after the effective date of this AD, perform the following:

1. Remove all electric power from airplane and turn battery switch off.

2. Gain access to circuit breakers for testing.

3. Open all circuit breakers in the airplane to prevent possible damage to sensitive equipment through parallel circuits.

CAUTION: DO NOT USE HAND TOOLS OF ANY KIND TO OPEN OR CLOSE THE BREAKERS. USE FINGER PRESSURE ONLY.

4. Close breaker to be checked, remove wires and, using a low voltage variable

current source and a stop watch, apply current equal to 200 percent of the breaker rated amperage. Any breaker not tripping within 15 to 90 seconds (inclusive) should be replaced. Alternatively, this overload test may be conducted using 400 percent overcurrent and a maximum trip time of 7 seconds. Upon completion of the circuit breaker test, install removed wires.

5. Replace each defective Series 107, 108, and 2100 circuit breaker with circuit breaker of equivalent rating and design.

6. After check of the first circuit breaker has been completed, open breaker and repeat the procedure in turn for each remaining Series 107, 108, and 2100 breakers in the airplane.

7. Restore electric power removed in Step 1.

8. Replace all items removed to gain access.

B. Repeat the above every 4,000 hours or three years, whichever comes first.

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

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This is due primarily to the fact that the suspect circuit breakers are randomly distributed throughout the general aviation and air carrier fleets and the possibility of one aircraft having nothing but these type breakers is considered extremely remote. The unit cost of this piece of equipment is approximatley $15. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

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

Frederick Isaac,

Director, Great Lakes Region.

[FR Doc. 81-22587 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-43]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area; Clanton, Ala.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule will designate the Clanton, Alabama, Transition Area. A standard instrument approach procedure has been developed for the Gragg-Wade Field Airport. Controlled airspace is required to protect the aircraft Instrument Flight Rule (IFR) operations and must be designated before IFR flight procedures can become effective.

DATE: Comments must be received on or before: September 18, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before September 18, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate the Clanton, Alabama, 700-foot Transition Area. This action will provide controlled airspace protection for aircraft executing the NDB RWY 26 Standard Instrument Approach Procedure at Gragg-Wade Field Airport. The Gragg-Wade NDB (nonfederal, nondirectional radio beacon), which will support the approach procedure, is proposed for establishment in conjunction with the designation of the transition area. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

Clanton, Alabama

That airspace extending upward from 700 feet above the surface within a six-mile radius of Gragg-Wade Field Airport (Lat. 32°51'02" N., Long. 86°36'42" W.); within three miles each side of the 090° bearing from the Gragg-Wade RBN (Lat. 32°51'11" N., Long. 86°36'40" W.), extending from the six-mile radius area to 8.5 miles east of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

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

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Ga., on July 28, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-22748 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AEA-4]

Redesignation of Northeast Area Airway Structure

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate three airways and redefine two airways as the result of a comprehensive Northeast Area Procedural Study. The study was undertaken to determine if a more efficient airway system in the New York area could be developed. This action proposes changes which would allow for a more efficient movement of traffic in the New York area, consequently, enhancing fuel conservation.

DATE: Comments must be received on or before September 8, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81-AEA-4, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AEA-4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to:

a. Establish—

1. Victor Airway V-403 from over Solberg, N.J., VORTAC direct to Pottstown, Pa., VORTAC, thence via the Pottstown 222° T (231° M) to the existing Belay, Md., INT.

2. Victor Airway V-405 from over Broadway, N.J., VOR direct to Pottstown, Pa., VORTAC, thence via the Pottstown 222° T (231° M) to the existing Belay, Md., INT.

3. Victor Airway V-408 from over Modena, Pa., VORTAC via the Modena 257° T (266° M) and the Harrisburg, Pa., VORTAC 204° T (212° M) to the existing Lucke, Md., INT.

b. Realign—Victor Airways V-123 and V-213 by 1° to properly define a new intersection.

The is an extremely heavy flow of traffic from the northeast via Victor Airway V-3 to the Washington area. Due to the close promixity of V-3 to the Philadelphia area, traffic departing Philadelphia is being held down below the en route traffic resulting in delays in inefficient fuel economy for Philadelphia departures. The new airways from Solberg and Broadway to Belay intersection would be used to bypass traffic proceeding to Washington, at 10,000 feet and below, allowing more airspace for movement and climb to higher altitudes for Philadelphia departures. The rerouting of Washington traffic will not result in any increase in mileage. There is still a requirement for V-3 for traffic 11,000 feet and above.

Traffic procedures to Dulles Airport from the New York area require flights to descend so as to enter the Washington area at 16,000 feet. This is due to the heavy concentration of traffic in the Washington/Baltimore area. Routing via the proposed new airway from Modena will keep Dulles traffic clear of the Washington/Baltimore complex permitting traffic to enter the Washington area at altitudes above 16,000 feet and on a routing which is 5 miles shorter than present routing. This would result in savings in time and better fuel efficiency.

There is a requirement to better define the airspace between Philadelphia and McGuire approach controls in the vicinity of the existing Cobus intersection. This action would result in replacing Cobus intersection with a new intersection 2 miles to the southwest. Realignment of Victor Airway V-123/V-213 would bring the airway in alignment with the newly proposed intersection. This would allow clear delineation of control jurisdiction and result less coordination and more efficient movement of traffic. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the airway description as published under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), by:

a. Adding:

1. V-403 from Solberg, N.J.; Pottstown, Pa., to INT of Pottstown 222° T (231° M) and Baltimore, Md., 034° T (042° M).

2. V-405 from Broadway, N.J.; Pottstown, Pa., to INT of Pottstown 222°

T (231° M) and Baltimore, Md., 034° T (042° M).

3. V–408 from Modena, Pa., via the INT of Modena 257° T (266° M) and Harrisburg, Pa., 204° T (212° M) radials; to INT of Harrisburg 204° T (212° M) amd Martinsburg, W. Va., 130° T (137° M).

b. Removing: In V–123 and V–213, the words "Woodstown 043°" and substituting for them the words "Woodstown 042°."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on July 29, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-22568 File 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 81-AEA-11]

Amendment to Restricted Area R-6602, Fort Pickett, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Restricted Area R–6602, Fort Pickett, Va., by subdividing the existing area, reducing the area's lateral size, changing the area's designated times of use, and modifying the designated altitude. The change is required to provide airspace for a terminal instrument approach procedure and accommodate a change to the military's training requirements in the affected airspace. No person may operate an aircraft within a restricted area during its designated time of use without the permission of the using or controlling agency.

DATES: Comments must be received on or before September 2, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81–AEA–11, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–AEA–11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering amendments to §§ 71.123, 71.151, and 73.66 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to: (1) delete a portion of R–6602 from the Northwest corner; (2) vertically subdivide the existing area; (3) raise the ceiling of the Southeast corner of the existing area from 1,900 feet MSL to 4,000 feet MSL; (4) change the normal time of use to include the month of May; and (5) make appropriate editorial changes to the Continental Control Area and Federal Airways V–155 and V–157. The deletion in the Northwest corner of the area would allow unrestricted use of the Non-Directional Beacon (NDB) instrument approach procedure to Blackstone Army Airfield/Allen C. Perkinson Municipal Airport for category A, B, and C aircraft. Vertical subdivision provides for more efficient joint use of the airspace by permitting activation of only those altitudes needed for a particular training activity. Changes in the time of use and the ceiling of the Southeast corner are required to accommodate the increased utilization of Fort Pickett by all military services. Editorial changes to the Continental Control Area and airways V–155 and V–157 would be necessary to reflect the vertical subdivisions. The U.S. Army has certified to the FAA that the requirements of the National Environment Protection Act (NEPA) have been met. Send comments on land use and environmental aspects to: Mr. David L. Foley, Facilities Engineering Division (DFAE), Fort Pickett, Blackstone, Va. 23824.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend

Restricted Area R-6602, Federal Airways V-155 and V-157, and the Continental Control Area under §§ 71.123, 71.151 and 73.66 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73), as republished (46 FR 409, 446 and 826), as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

§ 71.123 [Amended]

1. In § 71.123 under V-155 by removing the word "R-6602" and substituting for it the word "R-6602A."

2. In § 71.123 under V-157 by removing the word "R-6602" and substituting for it the word "R-6602A."

§ 71.151 [Amended]

3. In § 71.151 by removing the words "R-6602 Camp Pickett, Va." and substituting for them the words "R-6602C Fort Pickett, Va."

PART 73—SPECIAL USE AIRSPACE

§ 73.66 [Amended]

4. In § 73.66 by removing the title and text of R-6602 Fort Pickett, Va., and adding the following:

"R-6602A Fort Pickett, Va.

Boundaries. Beginning at Lat. 37°05'37"N., Long. 77°51'54"W.; to Lat. 37°04'25"N., Long. 77°51'45"W.; along State Highway No. 40 to Lat. 37°03'55"N., Long. 77°51'05"W.; to Lat. 37°02'43"N., Long. 77°50'38"W.; to Lat. 37°01'05"N., Long. 77°50'43"W.; to Lat. 36°59'50"N., Long. 77°50'34"W.; to Lat. 36°57'58"N., Long. 77°52'14"W.; to Lat. 36°57'54"N., Long. 77°53'19"W.; to Lat. 36°58'12"N., Long. 77°57'42"W.; to Lat. 37°01'50"N., Long. 77°58'40"W.; to Lat. 37°01'50"N., Long. 77°55'58"W.; to Lat. 37°04'21"N., Long. 77°55'58"W.; to Lat. 37°05'37"N., Long. 77°54'42"W.; to point of beginning.

Designated altitudes. Surface to but not including 4,000 feet MSL.

Time of designation. Continuous May 1 to Sept. 15. Other times by NOTAM 24 hours in advance.

Controlling agency. FAA Washington ARTCC.

Using agency. Commander, Fort Lee, Va.

R-6602B Fort Pickett, Va.

Boundaries. Beginning at Lat. 37°05'37"N., Long. 77°51'54"W.; to Lat. 37°04'25"N., Long. 77°51'45"W.; along State Highway No. 40 to Lat. 37°03'55"N., Long. 77°51'05"W.; to Lat. 37°02'43"N., Long. 77°50'38"W.; to Lat. 37°01'05"N., Long. 77°50'43"W.; to Lat. 36°57'54"N., Long. 77°53'19"W.; to Lat. 36°58'12"N., Long. 77°57'42"W.; to Lat. 37°01'50"N., Long. 77°58'40"W.; to Lat. 37°01'50"N., Long. 77°55'58"W.; to Lat. 37°04'21"N., Long. 77°55'58"W.; to Lat. 37°05'37"N., Long. 77°54'42"W.; to point of beginning.

Designated altitudes. 4,000 feet MSL to but not including 11,000 feet MSL.

Time of designation. By NOTAM 24 hours in advance.

Controlling agency. FAA Washington ARTCC.

Using agency. Commander, Fort Lee, Va.

R-6602C Fort Pickett, Va.

Boundaries. Beginning at Lat. 37°05'37"N., Long. 77°51'54"W.; to Lat. 37°04'25"N., Long. 77°51'45"W.; along State Highway No. 40 to Lat. 37°03'55"N., Long. 77°51'05"W.; to. 37°02'43"N., Long. 77°50'38"W.; to Lat. 37°01'05"N., Long. 77°50'43"W.; to Lat. 36°57'54"N., Long. 77°53'19"W.; to Lat. 36°58'12"N., Long. 77°57'42"W.; to Lat. 37°01'50"N., Long. 77°58'40"W.; to Lat. 37°01'50"N., Long. 77°55'58"W.; to Lat. 37°04'21"N., Long. 77°55'58"W.; to Lat. 37°05'37"N., Long. 77°54'42"W.; to point of beginning.

Designated altitudes. 11,000 feet MSL to but not including 18,000 feet MSL.

Time of designation. By NOTAM 24 hours in advance.

Controlling agency. FAA Washington ARTCC.

Using agency. Commander, Fort Lee, Va."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on July 28, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-22588 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 81-AGL-24]

Airway Changes Around the Minneapolis Terminal Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish six new routes and realign seven existing routes in the Minneapolis area. This action would improve the arrival and departure procedures in the Minneapolis terminal area. Upon completion of these proposed changes, arrival and departure delays should be reduced resulting in time and fuel savings to the users.

DATE: Comments must be received on or before September 2, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 81-AGL-24, 2300 East Devon, Des Plaines, Ill. 60018.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments

on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AGL-24." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering amendments to §§ 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to:

a. Establish—

1. V-410 from Gopher, Minn.; Gopher 103° and Eau Claire, Wis., 265° radials; Eau Claire.

2. V-411 from Rochester, Minn.; Rochester 314° and Farmington, Minn., 178° radials; Farmington.

3. V-412 from Redwood Falls, Minn.; Redwood Falls 046° and Flying Cloud, Minn., 270° radials; Flying Cloud.

4. V-413 from Gopher, Minn.; Gopher 315° and Brainerd, Minn., 168° radials; Brainerd.

5. V-414 from Gopher, Minn.; Gopher 281° and Alexandria, Minn., 141° radials; Alexandria.

6. V-416 from Gopher, Minn.; Gopher 315° and Alexandria, Minn., 103° radials; Alexandria.

b. Realign and renumber—

1. V-2N from Gopher, Minn.; Gopher 103° and Nodine, Wis., 324° radials; Nodine. V°418 is the new number.

c. Realign low altitude airways—

1. V-161 from Gopher, Minn.; Gopher 138° INT and Rochester, Minn., 360° radials; Rochester.

2. V-82 from Farmington, Minn.; Farmington 136° and Rochester Minn.; 360° radials; Rochester.

3. V-26 from Redwood Falls, Minn.; Farmington, Minn.; Eau Claire, Wis. (existing V-26S including present intersections). Delete V-26S between Redwood Falls, Minn.; Eau Claire, Wis.

d. Realign jet routes—

1. J-30 from Farmington, Minn.; Nodine, Wis. (This replaces segment of J-30 from Nodine, Wis.; Gopher, Minn.)

2. J-113 from Gopher, Minn.; Gopher 149° and Dubuque, Iowa, 302° radials; Dubuque.

Upon completion of these proposed changes, arrival and departure delays should be reduced resulting in time and fuel savings to the users. Sections 71.123 and 75.100 were republished on January 2, 1981 (46 FR 409 and 834).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the route descriptions as published under § 71.123 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75), as republished (46 FR 409 and 834), by:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

§ 71.123 [Amended]

a. Establishing under § 71.123:

1. V-410 from Gopher, Minn.; Gopher 109°T(103°M) and Eau Claire, Wis., 269°T(265°M) radials; Eau Claire.

2. V-411 from Rochester, Minn.; Rochester 319°T(314°M) and Farmington, Minn., 184°T(178°M) radials; Farmington.

3. V-412 from Redwood Falls, Minn.; Redwood Falls 053°T(046°M) and Flying Cloud, Minn., 276°T(270°M) radials; Flying Cloud.

4. V-413 from Gopher, Minn.; Gopher 321°T(315°M) and Brainerd, Minn., 174°T(168°M) radials; Brainerd.

5. V-414 from Gopher, Minn.; Gopher 287°T(281°M) and Alexandria, Minn., 148°T(141°M) radials; Alexandria.

6. V-416 from Gopher, Minn.; Gopher 321°T(315°M) and Alexandria, Minn., 110°T(103°M) radials; Alexandria.

7. V-418 from Gopher, Minn.; Gopher 109°T(103°M) and Nodine, Wis.; 328°T(324°M) radials; Nodine.

§ 71.123 [Amended]

b. Modifying § 71.123:

1. Under V-2 after the words "Nodine, Minn." by deleting the words "including a N alternate"

2. Under V-26 after the words "Redwood Falls, Minn., including a south alternate;" by deleting the words "Flying Cloud, Minn.; INT Flying Cloud 081° and Eau Claire, Wis., 271° radials; Eau Claire, including a south alternate from Redwood Falls to Eau Claire via Farmington, Minn." and substituting for them the words "Farmington, Minn.; Eau Claire, Wis."

3. Under V-82 after the words "Farmington, Minn.;" by inserting the words "INT Farmington 142°T(136°M) and Rochester, Minn., 005°T(360°M) radials;"

4. Under V-161 after the words "Rochester 243° radials;" by deleting the words "INT Rochester 356° and Gopher, Minn., 116° radials;" and substituting for them the words "INT Rochester 005°T(360°M) and Gopher, Minn., 144°T(138°M) radials."

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

§ 75.100 [Amended]

c. Modifying § 75.100:

1. Under J-30 by deleting the words "Gopher, Minn." and substituting for them the words "Farmington, Minn."

2. Under J-113 between the words "Dubuque, Iowa;" and "to Gopher, Minn." by inserting the words "INT Dubuque, Iowa, 306°T(302°M) and Gopher 155°T(149°M) radials."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on July 28, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-22569 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 812 3181]

Great North American Industries, Inc., et al.; 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, two Gainesville, Texas corporations and a corporate officer, to cease representing that substantial fuel economy can be achieved by the use of Teflon oil additives such as "Tephguard." Further, representations that fuel economy can be increased by the use of any automobile retrofit device, fuel or engine oil additive would be prohibited, unless substantiated by competent scientific evidence, and accompanied by the disclosure of any limitations on the performance or efficacy of such products. Additionally, the Order would bar claims of government approval without written and dated authorization; prohibit misrepresentations concerning the conclusions of product tests or surveys; and require that consumer endorsements of any product or service reflect typical consumer experiences.

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/P, James H. Sneed, Washington, D.C. 20580. (202) 523-3727.

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)).

In the Matter of Great North American Industries, Inc., a corporation; File No. 812 3181; Products on the Move, Inc., a corporation; and Patrick O. McCrary, individually and as an officer of Great North American Industries, Inc., and Products on the Move, Inc.; agreement containing Consent Order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Great North American Industries, Inc., a corporation, Products on the Move, Inc., a corporation, and Patrick O. McCrary, individually and as an officer of Great North American Industries, Inc., and Products on the Move, Inc., hereinafter sometimes referred to as "proposed respondents," and it now appearing that the proposed respondents are 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 Great North American Industries, Inc., and Products on the Move, Inc., by their duly authorized officer, and Patrick O. McCrary, individually and as an officer of Great North American Industries, Inc., and Products on the Move, Inc., and their attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondents Great North American Industries, Inc., and Products on the Move, Inc., are corporations organized, existing, and doing business under and by virture of the laws of the State of Texas, with their office and principal place of business located at 104 W. Main Street, in the City of Gainesville, State of Texas.

Proposed respondent Patrick O. McCrary is an officer of Great North American Industries, Inc., and Products on the Move, Inc. He formulates, directs and controls the policies, acts and practices of all said corporations, and his address is the same as that of said corporations.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirements 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 the complaint contemplated thereby and related material pursuant to Rule 2.34, 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 respondents, 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 respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (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 United States Postal Service of the complaint and decision containing the agree-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they 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 respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided

by law for each violation of the order after it becomes final.

Order.—Part I

It is ordered, That respondents Great North American Industries, Inc., a corporation, and Products on the Move, Inc., a corporation, their successors and assigns, and their officers, and Patrick O. McCrary, individually and as an officer of Great North American Industries, Inc., and Products on the Move, Inc., and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of the engine oil additive known as Tephguard (Tefguard) or of any other engine oil additive containing polytetrafluoroethylene (PTFE) fluoropolymers in resin or micropowder form, including, but not limited to, "Teflon," "Fluon," and "Halon" resins, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that such additive will or may result in substantial fuel economy improvement when used in an automobile, truck, recreational vehicle, or other motor vehicle.

Part II

It is further ordered, That respondents Great North American Industries, Inc., a corporation, and Products on the Move, Inc., a corporation, their successors and assigns, and their officers, and Partick O. McCrary, individually and as an officer of Great North American Industries, Inc., and Products on the Move, Inc., and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any engine oil additive, any fuel additive, or any automobile retrofit device as "automobile retrofit device" is defined in § 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. 2011, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that such additive or device will or may result in fuel economy improvement when installed in an automobile, truck, recreational vehicle, or other motor vehicle unless:

(1) Such representation is true; and

(2) At the time of making such representation, respondents rely upon written results of competent, scientific testing on a chassis dynamometer according to the then current urban dynamometer driving schedule (40 CFR 86, Appendix I) and the then current highway fuel economy driving schedule (40 CFR 600, Appendix I) established by the Environmental Protection Agency to substantiate such representation. Provided that, for any such test, respondents may select the type of vehicle, its model year, its engine size, mileage, fuel type, and motor oil. Any break-in period used in the testing of any engine oil additive, fuel additive, or automobile retrofit device shall be the break-in period specified in the respondents' use directions for such additive or device; and

(3) Respondents clearly and conspicuously disclose (i) any limitation on the efficacy of the engine oil additive, fuel additive, or automobile retrofit device; (ii) the characteristics of any vehicle used in any test, including the vehicle type, vehicle model year, engine size, mileage, and the break-in period for the engine oil additive, fuel additive, or automobile retrofit device; and (iii) where any representation of fuel economy improvement from the use of a retrofit device, oil additive, or fuel additive is expressed in miles per gallon, miles per tankful, percentage, or other numerical representation, or where the representation of the benefit from the use of such additive or device is expressed as a monetary saving in dollars, percentage, or other numerical representation, all advertising and other sales promotional materials which contain the representation must also clearly and conspicuously disclose the following disclaimer: "REMINDER: Your actual saving may vary. It depends on the kind of driving you do, how you drive, and the condition of your car."

Part III

It is further ordered That respondents Great North American Industries, Inc., a corporation, and Products on the Move, Inc., a corporation, their successors and assigns, and their officers, and Patrick O. McCrary, individually and as an officer of Great North American Industries, Inc., and Products on the Move, Inc., and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

a. Representing, directly or by implication, any performance characteristic of any product or service, other than any representation covered by Part II of this order concerning any engine oil additive, any fuel additive, and any automobile retrofit device as "automobile retrofit device" is defined in section 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. section 2011, unless, at the time of making the representation, respondents possess and reasonably rely upon a reasonable basis which substantiates such representation. For any representation of any performance characteristic of any product, other than any representation covered by Part II of this order concerning any engine oil additive, any fuel additive, or any automobile retrofit device as "automobile retrofit device" is defined in section 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. section 2011, such reasonable basis must consist of competent scientific evidence;

b. Representing, directly or by implication, that any federal, state, or local governmental agency has approved, in any manner, any product or service unless respondents possess, at the time of making such representation, written and dated authorization from such governmental agency that such representation may appear in advertising or sales promotional materials for the specific purpose for which such representation is used in the advertising or sales promotional materials.

Provided that this paragraph shall not be construed to prohibit respondents from directly representing that they have tested any product or service in accordance with test procedures established by any federal, state, or local governmental agency so long as such representation is otherwise in compliance with the provisions of this order;

c. Representing, directly or by implication, that any consumer endorsement of any product or service which appears in advertising or sales promotional materials reflects the typical experience of consumers with such product or service unless such representation is true;

d. Misrepresenting, in any manner, the purpose, content, or conclusion of any test or survey pertaining to any product or service.

Part IV

It is further ordered That respondents Great North American Industries, Inc., a corporation, and Products on the Move, Inc., a corporation, their successor and assigns, and their officers, and Patrick O. McCrary, individually and as an officer of Great North American Industries, Inc., and Products on the

Move, Inc., and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to maintain the following accurate records which may be inspected by Commission staff members upon fifteen (15) days' notice: copies of and dissemination schedules for all advertisements, sales promotional materials, and post-purchase materials; all documents which substantiate, contradict, or otherwise relate to any claim which is a part of the advertising, sales promotional materials, or post-purchase materials disseminated by respondents directly or through any business entity; copies of all documents generated by the requirements of Part V of this order. Such documentation relating to advertising shall be retained by respondents for a period of three (3) years from the last date any such advertising, sales promotional material, or post-purchase material was disseminated. Documentation relating to Part V of the order shall be retained by respondents for a period of three (3) years from the last date Exhibit C was disseminated.

Part V

It is further ordered That respondents shall forthwith distribute a copy of this order to all operating divisions of said corporations, and to all present and future personnel, agents, or representatives having sales, advertising or policy responsibilities with respect to the subject matter of this order and that respondents shall secure from each such person a signed statement acknowledging receipt of such order.

Respondents shall also, within thirty (30) days of the date this order is served upon them, distribute, via first class mail, a copy of Exhibit C and a copy of this Agreement Containing Consent Order to Cease and Desist to each and every individual or other entity that has purchased from them, through one purchase or through a series of purchases, more than twelve (12) cans of Tephguard. Respondents shall also, at least five (5) days prior to filling any order or series of orders which individually or collectively indicate that more than twelve (12) cans of Tephguard have been ordered by any individual or other entity, distribute, via first class mail or any faster means, a copy of Exhibit C and a copy of this Agreement Containing Consent Order to Cease and Desist to each and every such individual or other entity.

Exhibit C and the envelope containing it shall be the corporate stationery of one of the corporate respondents. The envelope containing Exhibit C shall contain no marking other than name and return address of that corporate respondent, the name and address of the individual or other entity purchasing or ordering Tephguard, and the words "IMPORTANT NOTICE" conspicuously disclosed on the front of the envelope.

Part VI

It is further ordered That the corporate respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents 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 the order.

Part VII

It is further ordered That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment. In addition, for a period of five years from the effective date of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

Part VIII

It is further ordered That the respondents shall, within sixty (60) days after service upon them of this order, and also one (1) year thereafter, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Exhibit C

Dear Tephguard Customer:

I am enclosing for your information a copy of an Agreement and Consent Order entered into by Great North American Industries, Products on the Move, myself and the Federal Trade Commission.

The Agreement and Consent Order, as stated in the Agreement itself, is not an admission that any law enforced by the Federal Trade Commission has been violated, but, rather, sets forth certain requirements for any future advertising of Tephguard that Great North American Industries, Products on the Move, and I must follow. These requirements affect you also in the sense that they represent the views of the Federal Trade Commission on how Tephguard should be advertised in the future. I thus encourage you to closely review the enclosed document.

Your continued confidence in our line of products is appreciated.

Very truly yours,

Patrick O. McCrary,

President, Great North American Industries, Inc., and Products on the Move, Inc.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Great North American Industries, Inc., Products on the Move, Inc., and from Patrick O. McCrary, the president of both companies.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. 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 accompanying the consent order charges Great North American Industries, Products on the Move, and Mr. McCrary (hereinafter referred to as "respondents") with the dissemination of advertisements containing several false and misleading representations regarding an automobile engine oil additive known as "Tephguard." In particular, the complaint alleges that representations of substantial fuel economy improvement made in advertisements for Tephguard were both false and without a reasonable basis. The complaint also charges that Tephguard advertisements were deceptive because they made misrepresentations concerning scientific tests and consumer endorsements of the product and falsely represented that the Environmental Protection Agency had approved Tephguard as a means of improving automobile fuel economy.

The proposed consent order contains the following provisions designed to remedy the advertising violations charged:

Part I prohibits respondents from making advertising claims of substantial fuel economy improvement resulting from the use of Tephguard, or other similar "Teflon" oil additives, in motor vehicles.

Part II prohibits, for any automobile retrofit device, fuel additive, or engine oil additive, the making of any representation that the use of the device or additive in a motor vehicle will result in fuel economy improvement unless the representation is true and is substantiated by scientific dynamometer testing according to the Environmental Protection Agency's test driving schedules. This part further requires several disclosures. Respondents must disclose any limitation on

the efficacy of the device or additive, must disclose certain facts about any testing they have done, and, where the energy savings claims are expressed numerically, must include a disclaimer concerning expected savings.

Part III (a) requires respondents to have a reasonable basis for all performance claims for any product or service at the time they make the claim. For product performance claims, this reasonable basis must consist of competent scientific evidence;

III (b) requires respondents to have written and dated authorization from any governmental agency at the time they make any representation that such agency has approved their product or service in any manner and that such approval may be used in advertising the product or service.

III (c) requires that consumer endorsements appearing in respondents' advertising that are meant to reflect typical consumer experience do so in fact.

III (d) prohibits respondents from misrepresenting the purpose, content or conclusion of any test or survey for any product or service.

Part IV requires that, where respondents advertise or promote any product or service, advertisement dissemination schedules and documents that substantiate or contradict any claim in the advertisements be retained for a period of three years from the last date an advertisement for the product or service was disseminated.

Part V requires that respondents distribute a copy of the order to all employees engaged in advertising or marketing. Respondents must also distribute a copy of the order to all past and future purchasers of more than twelve cans of Tephguard.

Part VI requires that respondents notify the Commission at least thirty (30) days before any proposed structural change in the corporations occurs that may affect compliance with the order.

Part VII requires that the individual respondent notify the Commission of the discontinuance of his present business and, for a five year period, of his affiliation with a new business. This notification must include the name and address of the new business as well as a statement indicating the nature of the business.

Part VIII requires that respondents file an initial compliance report with the Commission within sixty (60) days after the effective date of the order, and a supplemental compliance report one (1) year thereafter.

The proposed order should aid energy conservation efforts by the American public by discouraging attempts to raise false consumer expectations of automobile gas savings. Marketers of automobile engine oil additives should be put on notice by this order that they must make truthful fuel economy claims in their advertising.

The purpose of this analysis is to facilitate public comment of 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. 81-22997 Filed 8-5-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[File No. 812-3182]

Ball-Matic Corp., Inc., et al.; 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, an Orange, California corporation and corporate officer to cease representing that use of the "Ball-Matic" or any similar retrofit device will result in substantial fuel economy improvement. Further, representations that the use of any retrofit device or product will result in an energy savings would be prohibited, unless substantiated by competent scientific evidence. In addition, where any claim or characteristic pertaining to energy savings is made, the Order would bar endorsements without written and dated authorization and prohibit misrepresentations concerning the purpose, content or conclusion of any test or survey.

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/P, James H. Sneed, Washington, D.C. 20580. (202) 523-3727.

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 an 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 Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the Matter of Ball-Matic Corporation, Inc., a corporation; File No. 812-3182; Lonnie W. Smith, individually and as an officer of Ball-Matic Corporation, Inc.; agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Ball-Matic Corporation, Inc., a corporation, and Lonnie W. Smith, individually and as an officer of Ball-Matic Corporation, Inc., hereinafter sometimes referred to as "proposed respondents," and it now appearing that the proposed respondents are 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 Ball-Matic Corporation, Inc., by its duly authorized officer, and Lonnie W. Smith, individually and as an officer of Ball-Matic Corporation, Inc., and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Ball-Matic Corporation, 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 1336 W. Collins, in the City of Orange, State of California.

Proposed respondent Lonnie W. Smith is an officer of Ball-Matic Corporation, Inc. He formulates, directs and controls the policies acts and practices of said corporation, and his address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(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 the complaint contemplated thereby and related material pursuant to Rule 2.34, 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 respondents, 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 respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted 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 respondents, (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 United States Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they 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 respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Part I

It is ordered, That respondents Ball-Matic Corporation, Inc., a corporation, its successors and assigns, and its officers, and Lonnie W. Smith, individually and as an officer of Ball-Matic Corporation, Inc., and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of the automobile retrofit device variously known as the Ball-Matic, the Ball-Matic Gas Saver Valve and the Gas Saver Valve, or of any other automobile retrofit device having substantially similar properties, as "automobile retrofit device" is defined in section 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. 2001, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that such device will or may result in fuel economy improvement when installed in an automobile, truck, recreational vehicle, or other motor vehicle.

Part II

It is further ordered, That respondents Ball-Matic Corporation, Inc., a corporation, its successors and assigns, and its officers, and Lonnie W. Smith, individually and as an officer of Ball-Matic Corporation, Inc., and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any automobile retrofit device as "automobile retrofit device" is defined in section 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. 2011, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that such device will or may result in fuel economy improvement when installed in an automobile, truck, recreational vehicle, or other motor vehicle unless (1) such representation is true, and (2) at the time of making such representation, respondents possess and rely upon written results of dynamometer testing of such device according to the then current urban and highway driving test cycles established by the Environmental Protection Agency and these results substantiate such representation, and (3) where the representation of the fuel economy improvement from use of such device is expressed in miles per gallon, miles per tankful, or percentage, or where the representation of the benefit from use of such device is expressed as a monetary saving in dollars or percentage, all advertising and other sales promotional materials which contain the representation expressed in such a way must also clearly and conspicuously disclose the following disclaimer: "REMINDER: Your actual saving may be less. It depends on the kind of driving you do, how you drive and the condition of your car."

Part III

It is further ordered, That respondents Ball-Matic Corporation, Inc., a corporation, its successors and assigns, and its officers, and Lonnie W. Smith, individually and as an officer of Ball-Matic Corporation, Inc., and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

a. Using, publishing, or referring to any endorsement from any person or organization concerning any energy consumption or energy saving characteristic of any product unless, within the twelve (12) months immediately preceding any such use, publication, or reference, respondents have obtained from that person or organization an express written and dated authorization for such use, publication, or reference;

b. Representing, directly or by implication, any energy consumption or energy saving characteristic of any product, other than any automobile retrofit device as "automobile retrofit device" is defined in section 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. 2011, unless, at the time of making the representation, respondents possess and reasonably rely upon competent scientific evidence which substantiates such representation;

c. Misrepresenting, in any manner, the purpose, content, or conclusion of any test or survey pertaining to any energy consumption or energy saving characteristic of any product;

d. Misrepresenting, in any manner, either preference for any product or service or the results obtained through usage of any product where such preference or results pertain to any

energy consumption or energy saving characteristic of such product.

Part IV

It is further ordered, That respondents Ball-Matic Corporation, Inc., a corporation, its successors and assigns, and its officers, and Lonnie W. Smith, individually and as an officer of Ball-Matic Corporation, Inc., and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to maintain the following accurate records which may be inspected by Commission staff members upon fifteen (15) days' notice: copies of and dissemination schedules for all advertisements, sales promotional materials, and post-purchase materials; documents authorizing use, publication or reference to endorsements; documents which substantiate, contradict, or otherwise relate to any claim pertaining to any energy consumption or energy saving characteristic of any product which is a part of the advertising, sales promotional materials, or post-purchase materials disseminated by respondents directly or through any business entity. Such documentation shall be retained by respondents for a period of three (3) years from the last date any such advertising, sales promotional material, or post-purchase material was disseminated.

Part V

It is further ordered, That respondents forthwith distribute a copy of this order to all operating divisions of said corporation, and to all present and future personnel, agents, or representatives having sales, advertising or policy responsibilities with respect to the subject matter of this order and that respondents shall secure from each such person a signed statement acknowledging receipt of such order.

Part VI

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents 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 the order.

Part VII

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten years from the effective date of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

Part VIII

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Analysis of Proposed Consent Order to Aid Public Comment. The Federal Trade Commission has accepted an agreement to a proposed consent order from Ball-Matic Corporation, Inc., and from Lonnie W. Smith, the president of the company.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. 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 accompanying the consent order charges Ball-Matic Corporation and Mr. Smith (hereinafter referred to as "respondents") with the dissemination of advertisements containing several false and misleading representations regarding an automobile retrofit device known as the Ball-Matic Gas Saver. In particular, the complaint alleges that representations of substantial fuel economy improvement made in advertisements for the Ball-Matic were both false and without a reasonable basis. The complaint also charges that the Ball-Matic advertisements were deceptive because they made misrepresentations concerning scientific tests and consumer endorsements of the product.

The proposed consent order contains the following provisions designed to remedy the advertising violations charged:

Part I prohibits respondents from making advertising claims of fuel economy improvement resulting from the use of Ball-Matics or similar retrofit devices in motor vehicles.

Part II prohibits, for any automobile retrofit device, the making of any representation that the use of the device in a motor vehicle will result in a fuel economy improvement unless the representation is true and is substantiated by dynamometer testing according to the Environmental Protection Agency's test procedures. This part further requires that a disclaimer be included in advertising where savings claims are expressed numerically.

Part III(a) requires respondents to have a recently written and dated authorization from the endorser for the use of any endorsement in advertising which relates to an energy saving characteristic of any product.

Part III(b) requires respondents to have competent scientific evidence to support any energy savings claim for any product at the time they make the claim.

Part III(c) prohibits respondents from misrepresenting the purpose, content or conclusion of any test or survey which pertains to any energy savings characteristic of any product.

Part III(d) prohibits respondents from misrepresenting preference for or the results of usage of any product or service where the preference or results relate to an energy savings characteristic of the product.

Part IV requires that, when respondents advertise or promote any product, advertisement dissemination schedules and documents that substantiate or contradict any claim in the advertisements be retained for a period of three years from the last date an advertisement for the product was disseminated.

Part V requires that respondents distribute a copy of the order to all employees engaged in advertising or marketing.

Part VI requires that respondents notify the Commission at least thirty (30) days before any proposed structural change in the corporation occurs that may affect compliance with the order.

Part VII requires that the individual respondent notify the Commission of the discontinuance of his present business and, for a ten year period, of his

affiliation with a new business. This notification must include the name and address of the new business as well as a statement indicating the nature of the business.

Part VIII requires that respondents file a compliance report with the Commission within sixty (60) days after the effective date of the order.

The proposed order should aid energy conservation efforts by the American public by discouraging attempts to raise false consumer expectations of automobile gas savings. Marketers of automobile retrofit devices should be put on notice by this order that they must make truthful fuel economy claims in their advertising.

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. 81-22968 Filed 8-5-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Virginia-1)]

Virginia; High-Cost Gas Produced from Tight Formations; Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Commonwealth of Virginia, Department of Labor and Industry, Division of Mines and Quarries, that the Berea Sandstone be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on August 31, 1981.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on August 14, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

I. Background

On July 7, 1981, the Commonwealth of Virginia, Department of Labor and Industry, Division of Mines and Quarries (Virginia), submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Berea Sandstone located in the Plateau Region of southwestern Virginia, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulation, this Notice of Proposed Rulemaking is hereby issued to determine whether Virginia's recommendation that the Berea Sandstone be designated a tight formation should be adopted. Virginia's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Virginia recommends that the Berea Sandstone located in the Plateau Region of southwestern Virginia, an area of approximately 1, 603 square miles, encompassing all of Dickenson County and parts of Lee, Scott, Wise, Russell, Buchanan and Tazewell Counties, Virginia, be designated as a tight formation. The formation thickness ranges from 20 feet on the flanks of the plateau to over 125 feet in the central portion of the plateau. The Berea Sandstone lies between the underlying Devonian Shale sequence and the overlying Sunbury Shale (Coffee Shale on the driller's log).

III. Discussion of Recommendation

Virginia claims in its submission that evidence gathered and presented in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Virginia further asserts that all existing state and federal regulations will be followed to assure proper casing of fresh-water aquifer zones that are used for domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Virginia that the Berea Sandstone, as described and delineated in Virginia's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 31, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Virginia-1), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concering the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than August 14, 1981

(Natural Gas Policy Act of 1978, (15 U.S.C. 3301–3432))

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Virginia's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (59) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation. * * *

(48) through (58) [Reserved]

(59) *The Berea Sandstone in Virginia. RM79–76 (Virginia-1).*—(i) *Delineation of formation.* The Berea Sandstone is found in the Plateau Region of southwestern Virginia, an area including all of Dickenson County, and parts of Lee, Scott, Wise, Russell, Buchanan, and Tazewell Counties, Virginia.

(ii) *Depth.* The formation thickness ranges from 20 feet to 125 feet, thickening toward the central portion of the Plateau Region. The depth to the top of the Berea ranges from 3,365 feet in northern Buchanan County to 6,028 feet in eastern Buchanan County.

* * * * *

[FR Doc. 81–22901 Filed 8–5–81; 8:45 am]

BILLING CODE 6450–85–M

18 CFR Part 271

[Docket No. RM79–76 (Texas–12)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by Section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas subject to an incentive price (18 C.F.R. § 271.703). This rule establishes procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking contains the recommendation of the Railroad Commission of Texas that the Frio Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on August 31, 1981. Public Hearing: No public hearing is scheduled in this docket as yet. Written request for a public hearing are due on August 14, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Walter Lawson, (202) 357–8556.

Issued: July 30, 1981.

I. Background

On July 13, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Frio Formation located in the southeastern part of the state in Willacy County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Frio Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the LaSal Vieja (8 9680–9935) Field located in Railroad Commission District 4, in Willacy County, Texas be designated as a tight formation. The recommended area covers 7,400 acres, located approximately 2 miles west of the town of Raymondville, in the San Juan de Carricitos Grt., A–8 Survey. The formation is a Frio reservoir consisting of a number of sand stringers interbedded with shale sections. The sand stringers are believed to be in communication with each other. The reservoir is an anticlinal trap and is encountered in the Mitchell Energy Corporation's Harvey Geis No. 1 Well at a log depth of 9,730 feet with a log bottom of 9,864 feet. The formation thickness in this well is 134 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers that are, or are expected to be, used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Frio Formation, as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before August 31, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Texas–12), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's

Office of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than August 14, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301–3342.)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (60) to read as follows:

§ 271.703

Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(48) through (59) [RESERVED]

(60) *Frio Formation in Texas.* RM79-76 (Texas-12).

(i) *Delineation of Formation.* The Frio Formation is encountered in the LaSal Vieja (8 9680–9935) Field located in the central portion of Willacy County, Texas District No. 4.

(ii) *Depth.* The top of the Frio Formation is located at an approximate depth of 9,635 feet below sea level and extends to approximately a depth of 9,887 feet giving a maximum thickness of 252 feet.

* * * * *

[FR Doc. 81-22902 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 379]

The Paicines Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco 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 San Benito County, California, to be known as "Paicines." This proposal is the result of a petition from an industry member in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labelling and advertising will help consumers better identify the wines they purchase.

DATE: Written comments must be received by November 4, 1981.

ADDRESSES: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044. Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226 (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, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), 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 procedure 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 features (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 the features which can be found on the 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. Map with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area in San Benito County, California, as a viticultural area to be known as "Paicines." The proposed area is located about 17 miles north of Pinnacles National Monument and Park and consists of about 4,500 acres. On the western side are the Cienega vineyards and the Gabilan Mountain Range which separates Paicines from San Lucas and King City. The San Luis Dam and Pacheco are on the northeast side, and New Idria and the Panoche Valley are on the eastern edge. The San Benito River forms a portion of the western boundary and continues on through the vineyards.

Geographical/Viticultural Features

The petitioner claims that the proposed viticultural area is distinguished from surrounding areas by climatic variances and by differences in the soil. The petitioner bases these claims on the following:

(a) The Paicines area is in a wind tunnel of cool ocean air flowing to the San Joaquin Valley. Because of the relative lack of trees adjacent to the vineyard areas, the Paicines area is open to the direct influene of these winds. In the afternoon, Paicines takes advantage of the slight cooling breeze that comes in off the Monterey Valley. At night Paicines is more protected from the evening fog than much of the surrounding area because of its open

location. However, on a really foggy day, the Paicines area holds the fog longer than much of the nearby area, including Cienega Valley.

(b) Elevation ranges from 500 feet to 1,200 feet above sea level. The average elevation is lower than much of the surrounding area which is closer to the Gabilan Mountain Range.

(c) The rainfall pattern in the Paicines area differs greatly from the area surrounding the Gabilan Mountain Range. Due to the greater distance of the Paicines area from the Gabilan Mountains, Paicines often gets less rain than much of the area closer to the Gabilan Mountain Range. Annual rainfall in the Paicines area is between 12 and 15 inches.

(d) During winter the relative humidity in the Paicines area is more than 50 percent most of the time. In spring the relative humidity averages 60 to 75 percent at night and 40 to 50 percent during the day.

(e) Summers are quite dry; the average relative humidity in the daytime is about 20 to 25 percent. In fall, readings of 45 to 60 percent are common at night, but during the day readings generally range from 30 to 50 percent.

(f) The ten-year average temperature is around 2750 degree-days. The warm days and cool evenings of this region create an ideal climate for the growing of grapes.

(g) The Paicines area is comprised of various soil associations including Sorrento, Mocho, Clear Lake, Willows, Rincon, Antioch, Diablo, Soper, San Benito and Linne. The various soils in this area are generally well drained, of various depths, and root zones are quite deep. There are some sandy alluvial fans and terrace escarpments with rapid runoff.

Historical Background

Paicines is named after the Paicines Indian tribe who lived in the area. The Paicines grant was received in 1842 by Angel Castro and Jose Rodriguez, and the first vines were planted in the 1850's—about the same time as Cienega Valley.

The Paicines area has, for many years, provided a major supply of varietal grapes to the wineries for making Alamden's premium wines. Today, the Paicines area has been expanded by Almaden to about 4,500 acreas consisting of approximately 17 different varieties of grapes. Almaden has been using Paicines on its labels since 1959.

Proposed Boundaries

The boundaries of the proposed Paicines viticultural area may be found on three U.S.G.S 7.5 minute quadrangle maps ("Tres Pinos Quadrangle, California", "Paicines Quadrangel, California", and "Cherry Peak Quadrangle, California"). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations.

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 becuase 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 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 impct on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 the Bureau has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Paicines viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

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 or 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 the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

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

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.39. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.39 Paicines.

Par. 2. Subpart C is amended by adding § 9.39. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.39 Paicines.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Paicines viticultural area are three U.S.G.S. maps. They are titled:

(1) "Tres Pinos Quadrangle, California", 7.5 minute series;

(2) "Paicines Quadrangle, California", 7.5 minute series; and

(3) "Cherry Peak Quadrangle, California." 7.5 minute series.

(c) *Boundaries.* The Paicines viticultural area is located in San Benito County, California. The beginning point is the northwestern-most point of the proposed area at Township 14 South, Range 6 East, Section 3, northwest border, located on U.S.G.S. map "Tres Pinos Quadrangle".

(1) From the beginning point the boundary runs east to Township 14 South, Range 6 East, Section 2, north border; thence east to Township 14 South, Range 6 East, Section 1, north border;

(2) Continuing south along Township 14 South, Range 6 East, Section 1, east border; thence east along Township 14 South, Range 7 East, Section 7, north border; thence south along Township 14 South, Range 7 East, Section 7, east border;

(3) Continuing south along Township 14 South, Range 7 East, Section 18, east border; thence east along Township 14 South, Range 7 East, Section 20, north border; thence south to Township 14 South, Range 7 East, Section 20, east border; thence to Township 14 South, Range 7 East, Section 29, east border;

(4) Thence to Township 14 South, Range 7 East, Section 32, east border; thence to Township 15 South, Range 7 East, Section 5, east border; thence to Township 15 South, Range 7 East, Section 8, east border; thence to Township 15 South, Range 7 East, Section 17, east border to 36°37'30" and traveling west to Township 15 South, Range 7 East, Section 18, west border;

(5) Thence north to Township 15 South, Range 7 East, Section 7, west border; thence west to Township 15 South, Range 6 East, Section 1, south border; thence to Township 15 South, Range 6 East, Section 1, west border; thence to the 800-foot elevation contour line and traveling north northwest to Township 15 South, Range 6 East, Section 35, south border;

(6) Thence west to Township 14 South, Range 6 East, Section 35, west border; thence north on Township 14 South, Range 6 East, Section 34, east border; thence to Township 14 South, Range 6 East, Section 27, northeast border; thence to Township 14 South, Range 6 East, Section 22, northeast border;

(7) Thence to the unimproved dirt road; thence progressing along the unimproved dirt road to the intersection with the San Benito River; thence following the San Benito River and meandering north to Township 14 South, Range 6 East, Section 4, eastern border;

(8) Thence continuing north to the point of beginning.

Signed: June 9, 1981.

Approved: June 18, 1981.

G. R. Dickerson,

Director.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations.)

[FR Doc. 81-22965 Filed 8-5-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF THE INTERIOR

30 CFR Part 917

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Lands Reclamation Program

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

ACTION: Proposed rule.

SUMMARY: On May 29, 1981, the State of Kentucky submitted to OSM its proposed abandoned mine land reclamation plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State plan.

DATES: Written comments on the plan must be received on or before 5:00 p.m., September 8, 1981.

ADDRESSES: Copies of the full text of the proposed Kentucky Abandoned Mine Reclamation Plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region II, 530 Gay Street, Suite 500, Knoxville, Tennessee 37902

Kentucky Department for Natural Resources, Frankfort, Kentucky 40601

Written comments should be sent to:

Regional Director, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street—Suite 500, Knoxville, Tennessee 37902

The Administrative Record will be available for public review at the OSM Region II office above, on Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Assistant Regional Director, AML, Office of Surface Mining Reclamation and Enforcement, 509 Gay Street, Knoxville, Tennessee 37902. Telephone (615) 637-8060.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined of affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the provisions of the approved program.

On June 4, 1981, OSM received a proposed abandoned mine reclamation plan from the State of Kentucky. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's Abandoned Mine Lands (AML) Reclamation Program (30 CFR Chapter VII, Subchapter R) as published in the Federal Register (FR) on October 25, 1978, 43 FR 49932-49952.

This notice describes the proposed program and sets forth information concerning public participation in the Director's determination of whether or not the submitted plan may be approved. The public participation requirements for the consideration of a State AML Reclamation Plan are found in 30 CFR 884.13 and 884.14 (43 FR 49948 (1978)). Additional information may be found under corresponding sections of the preamble to OSM's AML Reclamation Program Final Rules (43 FR 49932-49940 (1978)).

The receipt of the Kentucky Reclamation Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Kentucky.

By submitting a proposed plan, Kentucky has indicated that it wishes to be primarily responsible for this program. If the submission as hereafter modified is approved by the director of OSM, the State will have primary responsibility for the reclamation of abandoned mine lands in Kentucky. If the program is disapproved and the State does not choose to revise the plan, a Federal AML program will be implemented and OSM will have

primary responsibility for these activities.

The Regional Director has determined that the public was provided adequate notice and opportunity to be heard on the plan and that the record does not reflect any major unresolved controveries. Therefore, a public hearing will not be held.

Pursuant to 30 CFR 884.13, OSM will continue the period of review of the proposed Kentucky Reclamation Plan at least until a final decision is made by the Secretary of the Interior on the Kentucky permanent regulatory program.

Representatives of the Regional Director's Office will be available to meet Monday through Friday excluding holidays, between 8:00 a.m. and 4:00 p.m. in the Regional Director's office at the request of members of the public to receive their advice and recommendations concerning the proposed State AML reclamation program.

Persons wishing to meet with representatives of the Regional Director's Office during this time period may place such request with William Bradford, telephone 615/971-5237 at the Regional Director's Office above.

All written comments must be mailed or hand carried to the Regional Director's Office above.

The Department intends to continue to discuss the State's plan with representatives of the State throughout the review process. All contacts between Departmental personnel and representatives of the State will be conducted in accordance with OSM's guidelines on contacts with States published September 19, 1979 at 44 FR 54444.

The Office of Surface Mining has examined this proposed rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981), and determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying the determination on the Kentucky Reclamation Plan are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government, agencies, or geographic regions;

2. Approval will not have 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.

This proposed rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs, and aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Kentucky Abandoned Mine Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the States Abandoned Mine Reclamation Plan. Therefore, under the Department of Interior Manual 5162.3(A)(1), the Office's decision on the Kentucky Plan is categorically excluded from the National Environmental Policy Act process. As a result no Environmental Assessment or Environmental Impact Statement has been prepared on this action. It should be noted that a programmative EIS was prepared by OSM in conjunction with approval of the Pub. L. 95-87 Title IV abandoned mine land regulations. Moreover, an environmental analysis or an environmental impact statement will be prepared for the approval of grants for the abandoned mine lands reclamation projects under 30 CFR Part 886.

The Kentucky Reclamation Plan for Abandoned Mine Lands can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The State has the legal authority, policies and administrative structure to carry out the plan.

4. The plan meets all the requirements of the OSM, AML Reclamation Program Provisions.

5. The State has an approved Regulatory Program, and

6. It is determined that the plan is in compliance with all applicable State and Federal laws and regulations.

The following constitutes a summary of the contents of the Kentucky Reclamation Plan submission:

The Kentucky Department of Natural Resources and Environmental Protection has been designated by the Governor of the State of Kentucky to implement and enforce the Abandoned Mine Lands Program in accordance with SMCRA (Pub. L. 95-87). The Department has developed State regulations to carry out the State mandate. Contents of the State Plan submission include:

(a) Designation of authorized State Agency to administer the program.

(b) State's Chief Legal Officer's opinion of designated Agency to operate the program.

(c) Description of the policies and procedures to be followed in conducting the program including:

(1) Goals and objectives

(2) Project ranking and selection procedures

(3) Coordination with other reclamation programs

(4) Land acquisition, management and disposal

(5) Reclamation on private land

(6) Rights of Entry

(7) Public participation in the program

(d) Description of the Administrative and Management structure to be used in the program including:

(1) Description of the organization of the designated agency and its relationship to other organizations that will participate in the program.

(2) Personnel staffing policies.

(3) Purchasing and procurement systems and policies.

(4) Description of the accounting system including specific procedures for operation of the reclamation fund.

(e) Description of the public's participation in preparation of the plan.

(f) A general description of activities to be conducted under the reclamation plan including:

(1) Known or suspected eligible lands and water requiring reclamation, including a map.

(2) General description of the problems identified and how the plan proposes to deal with them.

(3) General description of how the lands to be reclaimed and proposed reclamation relate to the surrounding lands and land uses.

(4) A table summarizing the quantities of land and water affected and an estimate of the quantities to be reclaimed during each year covered by the plan.

(5) General description of the social, economic, and environmental conditions in the different geographic areas where reclamation is planned, including:

(i) The economic base.

(ii) Sociologic and demographic characteristics.

(iii) Significant aesthetic, historic or cultural, and recreational values.

(iv) Hydrology including water quality and quantity problems associated with past mining.

(v) Flora and fauna including endangered or threatened species and their habitat.

(vi) Underlying or adjacent coal beds and other minerals and projected methods of extraction.

(vii) Anticipated benefits from reclamation.

Dated: June 17, 1981.

Andrew V. Bailey,

Director.

Dated: July 21, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

[FR Doc. 81-22921 Filed 8-5-81; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 901

Abandoned Mine Lands Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior

ACTION: Proposed rule.

SUMMARY: ON May 29, 1981, the State of Alabama submitted to OSM its proposed abandoned mine land reclamation plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State plan.

DATES: Written comments on the plan must be received on or before 5:00 p.m., September 8, 1981.

ADDRESSES: Copies of the full text of the proposed Alabama Abandoned Mine Reclamation plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region II, 530 Gay Street, Suite 500, Knoxville, Tennessee 37902

Alabama Department of Industrial Relations, Mongomery, Alabama 36101

Written comments should be sent to: Regional Director, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street, Suite 500, Knoxville, Tennessee 37902.

The Administrative Record will be available for public review at the OSM Region II office above, on Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Assistant Regional Director, AML, Office of Surface Mining Reclamation and Enforcement, Region II, 530 Gay Street, Knoxville, Tennessee 37902, Telephone (615) 637-8060.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continiuing reclamation responsibilty under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the provisions of the approved program.

On May 29, 1981, OSM received a proposed abandoned mine reclamation plan from the State of Alabama. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's Abandoned Mine Lands (AML) Reclamation Program (30 CFR Chapter VII, Subchapter R) as published in the **Federal Register** (FR) on October 25, 1978, 43 FR 49932-49952.

This notice describes the proposed program and sets forth information concerning public participation in the Director's determination of whether or not the submitted plan may be approved. The public participation requirements for the consideration of a State AML Reclamation Plan are found in 30 CFR 884.13 and 884.14 (43 FR 49948 (1978)). Additional information may be found under corresponding sections of the preamble to OSM's AML Reclamation Program Final Rules (43 FR 49932-49940 (1978)).

The receipt of the Alabama Reclamation Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Alabama.

By submitting a proposed plan, Alabama has indicated that it wishes to be primarily responsible for this program. If the submission as hereafter modified is approved by the Director of OSM, the State will have primary responsibility for the reclamation of abandoned mine lands in Alabama. If the program is disapproved and the State does not choose to revise the plan, a Federal AML program will be implemented and OSM will have primary responsibility for these activities.

The Regional Director has determined that the public was provided adequate notice and opportunity to be heard on the plan and that the record does not reflect any major unresolved controversies. Therefore, a public hearing will not be held.

Pursuant to 30 CFR 884.13, OSM will continue the period of review of the proposed Alabama Reclamation Plan at least until a final decision is made by the Secretary of the Interior on the Alabama permanent regulatory program.

Representatives of the Regional Director's Office will be available to meet Monday through Friday excluding holidays, between 8:00 a.m. and 4:00 p.m. in the Regional Director's office at the request of members of the public to receive their advice and recommendations concerning the proposed State AML reclamation program.

Persons wishing to meet with representatives of the Regional Director's Office during this time period may place such request with William Bradford, telephone 615/971-5237 at the Regional Director's Office above.

All written comments must be mailed or hand carried to the Regional Director's Office above.

The Department intends to continue to discuss the State's plan with representatives of the State throughout the review process. All contacts between Departmental personnel and representatives of the State will be conducted in accordance with OSM's guidelines on contacts with States published September 19, 1979 FR 54444.

The Office of Surface Mining has examined this proposed rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981), and determined that, based on available qunatitative data, it does not constitute a major rule. The reasons underlying the determination on the Alabama Reclamation Plan are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government, agencies, or geographic regions;

2. approval will not have 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.

This proposed rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs, and aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Alabama Abandoned Mine Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Reclamation Plan. Therefore, under the Department of Interior Manual 5162.3(A)(1), the Office's decision on the Alabama Plan is categorically excluded from the National Environmental Policy Act process. As a result no Environmental Assessment or Environemental Impact Statement has been prepared on this action. It should be noted that a programmative EIS was prepard by OSM in conjunction with approval of the Pub.L. 95–87 Title IV abandoned mine land regulations. Moreover, an environmental analysis or an environmental impact statement will be prepared for the approval of grants for the abandoned mine lands reclamation projects under 30 CFR Part 886.

The Alabama Reclamation Plan for Abandoned Mine Lands can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The state has the legal authority, policies and administrative structure to carry out the plan.

4. The plan meets all the requirements of the OSM, AML Reclamation Program Provisions.

5. The State has an approved Regulatory Program, and

6. It is determined that the plan is in compliance with all applicable State and Federal laws and regulations.

The following constitutes a summary of the contents of the Alabama Reclamation Plan submission:

The Alabama Department of Industrial Relations and Environmental Protection has been designated by the Governor of the State of Alabama to implement and enforce the Abandoned Mine Lands Program in accordance with SMCRA (Pub.L. 95–87). The Department has developed State regulations to carry out the State mandate. Contents of the State Plan submission include:

(a) Designation of authorized State Agency to administer the program.

(b) State's Chief Legal Officer's opinion of designated Agency to operate the program.

(c) Description of the policies and procedures to be followed in conducting the program including:

(1) Goals and objectives

(2) Project ranking and selection procedures

(3) Coördination with other reclamation programs

(4) Land acquisition, management and disposal

(5) Reclamation on private land

(6) Rights of Entry

(7) Public participation in the program

(d) Description of the Administrative and Management structure to be used in the program including:

(1) Description of the organization of the designated agency and its relationship to other organizations that will participate in the program.

(2) Personnel staffing policies.

(3) Purchasing and procurement systems and policies.

(4) Description of the accounting system including specific procedures for operation of the reclamation fund.

(e) Description of the public's participation in preparation of the plan.

(f) A general description of activities to be conducted under the reclamation plan including:

(1) Known or suspected eligible lands and water requiring reclamation, including a map.

(2) General description of the problems identified and how the plan proposes to deal with them.

(3) General description of how the lands to be reclaimed and proposed reclamation relate to the surrounding lands and land uses.

(4) A table summarizing the quantities of land and water affected and an estimate of the quantities to be reclaimed during each year covered by the plan.

(5) General description of the social, economic, and environemental conditions in the different geographic areas where reclamation is planned, including:

(i) The economic base.

(ii) Sociologic and demographic characteristics.

(iii) Significant aesthetic, historic or cultural, and recreational values.

(iv) Hydrology including water quality and quantity problems associated with past mining.

(v) Flora and fauna including endangered or threatened species and their habitat.

(vi) Underlying or adjacent coal beds and other minerals and projected methods of extraction.

(vii) Anticipated benefits from reclamation.

Dated: June 17, 1981.

Andrew V. Bailey,

Director.

Dated: July 21, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

[FR Doc. 81-22922 Filed 8-5-81; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 931

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

AGENCY: Office of the 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 commerce rulemaking to enter into a cooperative agreement with the State of New Mexico. The cooperative agreement will authorize the State to regulate surface coal mining and reclamation operations on Federal lands in New Mexico under the State's permanent regulatory program. This agreement will replace the existing cooperative agreement found at 30 CFR 211.77(c) and 45 FR 53128 (August 11, 1980), between the Department and the State of New Mexico which provides for the State regulation of surface coal mining operations on Federal lands under OSM's interim regulatory program.

DATES: 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 6, 1981 and October 5, 1981. A supplemental notice will announce the date and location for a public hearing on the proposed permanent program cooperative agreement.

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, N.W., 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 recored 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 Energy and Minerals Department, Division of Mining and Minerals, First Northern Plaza-East, Room 200, Santa Fe, New Mexico 87501; Office of Surface Mining, U.S. Department of the Interior, Room 153, South Building, 1951 Consititution Avenue, N.W., Washington, D.C. 20240; Office of Surface Mining, U.S. Department of the 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. VeVito, Division of Federal Programs, Office of Surface Mining, 1951 Constitution Avenue, N.W., Wahington, 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 February 5, 1981, New Mexico submitted a proposed permanent program cooperative agreements, appear at 30 CFR Part 745. By letter of February 5, 1981, New Mexico submitted a proposed 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 "Address".

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 commenf period within which representatives of the public may submit written comments on the propsed permanent program cooperative agreement with the State of New Mexico will be 60 days. Representatives from OSM and the State of New Mexico 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 14.5(b)(3).

Background

Consistent with Congress' intent that implementation of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 (the Act) be accomplished in two phases, Section 523(c) of the 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). Six States had cooperative agreements with the Department of the Interior prior to August 3, 1977 (Wyoming, Utah, New Mexico, North Dakota, Montana and Colorado). On August 11, 1980, New Mexico's pre-August 3, 1977, cooperative agreement was modified to fully comply with the initial regulatory program promulgated pursuant to Section 502 of the Act. 30 U.S.C. 1252. It was published in the **Federal Register** on August 11, 1980 (45 FR 53128) and codified at 30 CFR 211.77(c).

Permanent program cooperatives 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 28, 1980, the Governor of the State of New Mexico submitted the New Mexico State program for approval pursuant to Section 503 of the Surface Mining 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 86459).

By letter of February 5, 1981, the Governor of New Mexico submitted a request for a permanent program cooperative agreement along with the information required by the regulations including the proposed terms for the cooperative agreement. Revisions to these terms were submitted on June 16, 1981. This notice begins the process of review and comment. The full text of the permanent program cooperative agreement as proposed by the State appears at the end of this notice. The proposed agreement will be the basis for future negotiations between representatives from OSM and the State of New Mexico aimed at reaching agreement on final terms for the permanent program cooperative agreement.

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 guideline should also be applied in the development of State-Federal permanent program cooperative agreements. The need to reserve 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 meeting 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 necessasry 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 New Mexico's proposed permanent program cooperative agreement:

1. Does the proposal meet the requirements of 30 CFR 745.12 relating to the content of a permament 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 New Mexico proposal treats in a different manner than the cooperative agreements 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 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 proposd 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 12291 and whether the rule will have a "significant economic effect on a substantial number of small entities" under the Regulatory Flexibility Act, 5 U.S.C. 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 Act from the requirement to prepare a detailed statement pursuant to Section 102(2)(C) of the National Environment Policy Act of 1969, 42 U.S.C. 4332(2)(C).

Dated: July 30, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

Cooperative Agreement

The State of New Mexico (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 (Federal Act) 30 U.S.C. 1273 which allows a State with a Permanent Regulatory Program (Program) approved under 30 U.S.C. 1253 to elect to enter into the an Agreement for the regulation and control of coal mining of Federal lands and by Section 69-25A-27 NMSA 1978 of the Surface Mining Act (State Act).

The Agreement provides for State Regulation consistent with the State and Federal Acts and the Federal lands program for surface coal mining and reclamation operations on leased Federal lands.

2. The purpose of this Agreement is to (a) foster State-Federal cooperation in the regulation of surface coal mining and reclamation operation; (b) eliminate inter-governmental overlap and duplication; and (c) provide uniform and effective application of the State and Federal lands programs in New Mexico.

Article II: Effective Date

3. This Cooperative Agreement is effective following signing by the Secretary and the Governor, and upon final publication as rulemaking in the **Federal Register**. This Agreement shall remain in effect until terminated as provided in Article XI.

Article III: Scope

4. This Agreement makes the laws, regulations, terms and conditions of the New Mexico Program applicable to Federal lands within the State except as otherwise stated in this Agreement.

Article IV: Responsibilities

5. Responsible Administrative Agency. The Mining and Minerals Division (Mining and Minerals) of the New Mexico Energy and Minerals Department is and shall continue to be, the sole agency responsible for administering this Agreement on behalf of the Governor of 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.

6. To eliminate duplication and overlap, the State will assume the primary responsibility for the review and analysis of mining and reclamation plans subject to legal, budgetary and personnel restrictions. Legal constraints include those limitations in 30 U.S.C. 1272(b) and 1273 and in 42 U.S.C. 4321-4335. Personnel and budget contraints means that the State of New Mexico is not obligated to assume responsibility for any item covered by this Agreement for which it does not have sufficient money or personnel.

Article V: Funding

7. As provided in Section 705(c) of the Act, the Secretary shall provide the State with funds for its efforts

associated with carrying out responsibilities under the Agreement. Reimbursement shall be in the form of annual grants, and applications for said grants shall be processed and awarded in a timely and prompt manner. The Department shall advise the State of New Mexico within a reasonable period of time after the effective date of this Agreement and periodically thereafter, of the amount the Department would have expended if the State had not entered into this Agreement.

Article VI: Reports, Records and Fees

8. Mining and Minerals shall make annual reports to the Department containing information respecting its compliance with the terms of this Agreement pursuant to 30 CFR 745.12(c). The State and the Department shall exchange, upon request, information developed under this Agreement. The Secretary shall provide Mining and Minerals with a copy of any evaluation report prepared concerning State Administration and enforcement of Agreement.

9. The amount of the fee accompanying an application for a permit shall be determined in accordance with this Agreement. All permit fees shall be retained by the State and deposited with the State Treasurer in the Oil and Gas Conservation Fund. The Financial Status Report submitted pursuant to 30 CFR 735.26 shall include a report of the amount of fees collected during the prior State fiscal year. This amount shall be assigned to further the objective of the Cooperative Agreement.

Article VII: Mining and Reclamation Plans

10. The Governor and the Secretary agree and hereby require that an operator on Federal lands shall submit a mining and reclamation plan and permit application in an appropriate number of copies to Mining and Minerals.

The plan and permit application shall be in the form required by Mining and Minerals, shall satisfy the requirements of 30 CFR 741.12(b) and 30 CFR 741.13, and shall include the information required by, or necessary for, Mining and Minerals and the Secretary to make a determination of compliance with:

(a) Section 69–25A–1, *et seq.*, NMSA 1978;

(b) New Mexico Coal Surface Mining Commission Rule 80–1;

(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".

11. Mining and Minerals 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 Mining and Minerals 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 Mining and Minerals analysis and conclusions as conducted pursuant to the proposed program as necessary to independently concur in Mining and Minerals' 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.

12. 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 Mining and Minerals. Any correspondence with the applicant pursuant to these responsibilities shall emanate from Mining and Minerals.

13. Mining and Minerals 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, Mining and Minerals shall make available the Mining and Minerals files and send copies of such correspondence and information when requested to do so.

14. To the fullest extent allowed by State and Federal law, the Secretary and Mining and Minerals shall cooperate so that duplication will be eliminated in conducting the review and analysis of the permit application or application for permit revision.

15. Each applicant shall include a minimum fee of $1000.00 plus $15.00 for each acre to be disturbed in the first year of mining.

16. Compliance with Sections 11–11 through 11–29 of the State of New Mexico Surface coal Mining Regulations, Rule 80–1, replace requirements of 30 CFR 741.18 and 741.21.

Article VIII: Policies and Procedures: Review of Coal Exploration Operations on Federal Lands

17. Mining and Minerals and the Secretary shall cooperate to eliminate intergovernment overlap in the administration of coal exploration activity on Federal lands as governed by the New Mexico Surface Mining Act and the Federal Coal Leasing Amendments Act of 1976. The Secretary and Mining and Minerals shall develop uniform procedures for the submission and the processing of a notice of intent to conduct coal exploration on Federal lands.

Article IX: Inspections

18. Mining and Minerals shall conduct inspections on Federal lands and prepare and file inspection reports in accordance with its Program.

19. Mining and Minerals shall, subsequent to conducting any inspection on Federal lands, file with the Secretary an inspection report adequately describing (1) the general conditions of the lands under the lease, 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.

20. Mining and Minerals will be the point of contact and sole inspection authority in dealing with the operator concering 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.

21. The Department may conduct any inspections necessary to comply with 30 CFR Parts 842 and 743, as Part 743 relates to obligations under laws other than the Act.

22. The Secretary shall give Mining and Minerals reasonable notice of his intent to conduct an inspection in order to provide State inspectors an opportunity to join in the inspection.

Article X: Enforcement

23. Mining and Minerals shall be the primary enforcement authority concerning compliance with the

requirements of this Agreement and its Program.

24. During any joint inspection by the Department and Mining and Minerals, Mining and Minerals shall have primary responsibility for enforcement procedures, including issuance of orders of cessation, notices of violation and assessment of penalties. The Department and Mining and Minerals shall consult prior to issuance of any decision to suspend or revoke a permit.

25. Mining and Minerals and the Department shall promptly notify each other of all violations of applicable laws, regulations, orders, approved mining and reclamation plans and permits subject to this Agreement and of all actions taken with respect to such violations.

26. 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 XI: Bonds

27. For all exploration and for all surface coal mines on Federal lands, Mining and Minerals and the Secretary shall require all operators to submit a single bond to cover the operator's responsibilities under the Act and the Program, payable to the State. The bond shall be of sufficient amount to comply with the requirements of both State and Federal law and release of the bond shall be conditioned upon compliance with all applicable State and Federal requirements.

28. Prior to releasing the operator form an obligation required under the State Program under the bond for any Federal lands, Mining and Minerals shall obtain the consent of the Secretary. Mining and Minerals shall also advise the Secretary of adjustments to the bond.

29. 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 XII: Designating Land Areas Unsuitable for all or Certain Types of Surface Coal Mining

30. 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 the Department and Mining and Minerals. The Department and the State will consult and reach a mutually agreeable decision. Should the Department and the State fail to agree, the Secretary 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 include information as required by:

(a) Section 69–25A–26 NMSA 1978;
(b) Part 4 of CSMC Rule 80–1;
(c) Section 522 of P.L. 95–87; and
(d) 30 CFR 769.

31. 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 the Department and Mining and Minerals to allow for consistent, effective and efficient review within the time-frame detailed in 30 CFR 769.14 and Part 4 of Coal Surface Mining Commission Rule 80–1.

32. All correspondence and any information received from the petitioner or interested parties shall be filed with both the Department and Mining and Minerals and shall be available during office hours for public inspection. The Department is responsible for ensuring that any information the Department received regarding the petition is sent to Mining and Minerals. Mining and Minerals is responsible for ensuring any information Mining and Minerals received regarding the petition is sent to the Department. Any correspondence with the petitioner or intervenors shall emanate jointly from Mining and Minerals and the Department and shall be signed by both regulatory authorities.

33. Both the Department and Mining and Minerals shall identify a petition review contact person to be the agency's contact throughout the process. Upon receipt of a petition to designate (or terminate) land areas as unsuitable for surface coal mining, Department and Mining and Minerals shall jointly review the petition for completeness. Upon the determination of completeness, the agencies 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.

34. Within one month of petition completeness Mining and Minerals and the Department 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; and estimated budget; and an outline of each agency's responsibilities. Throughout the review process, the Department and Mining and Minerals shall work under similar and agreed upon time schedules allowing for flexibility within the statutory and regulatory authority.

35. 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.

36. The Department shall be responsible for obtaining the views, comments and relevant data from all Federal agencies with jurisdiction, responsibility or interest over the petitioned area. Mining and Minerals shall be responsible for obtaining the views, comments and data from all State and local agencies with jurisidiction, responsibility or interest over the petitioned area. All appropriate steps should be taken to facilitate discussions between Mining and Minerals, the Department and the concerned agencies to resolve issues identified during review.

37. 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. If changes are requested by one party which are not agreeable to the other party, the disagreement may be referred to the Governor and the Secretary for resolution. Where an EIS is required, the Department shall develop the necessary planning documents to ensure that the necessary administrative requirements are met and complete the statement.

38. When either agency receives a petition which could impact adjacent Federal or non-Federal lands, respectively the agency shall (1) notify the other of its receipt and of the anticipated schedule for reaching a decision; and (2) request and fully consider data, information and views of the other.

39. Nothing in this article shall affect the authority granted the Secretary under 30 CFR 760 or the authority granted the State under Section 69–25A–26 NMSA 1978.

Article XIII: Termination of Cooperative Agreement

40. This agreement may be terminated by the State or the Secretary under the provisions of 30 CFR 745.15.

Article XIV: Reinstatement of Cooperative Agreement

41. If this agreement has been terminated in whole or in part it may be

reinstated under the provision of 30 CFR 745.16.

Article XV: Amendments of Cooperative Agreement

42. This agreement may be amended by mutual agreement of the State and Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The amendment shall be adopted after Federal rulemaking in accordance with 30 CFR 745.11. The party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection.

Article XVI: Changes in State or Federal Standards

43. 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 six 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.

44. The State 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 XVII: Changes in Personnel and Organization

45. The State and the Department shall, consistent with 30 CFR 745, advise each other of changes in the organization, structure, functions, duties and funds 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 State 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 XVIII: Reservation of Rights

46. 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 the Mineral Leasing Act, as amended, the Mineral Leasing Act for Acquired Lands, the Stockraising Homestead Act, the Surface Mining Control and Reclamation Act of 1977, the Federal Land Policy and Management Act, and the Constitution of the United States, the Constitution of the State or State laws.

Governor of New Mexico

Date

Secretary of the Interior

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 30 CFR 800.
6. The Clean Air Act, 42 USC 7401, *et seq.*, and 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 regulations.
9. The Reservoir Salvage Act of 1960, as amended by the Preservation of Historical and Archaeological Data Act of 1974, 16 USC 469, *et seq.*
10. Executive Order 11593, Cultural Resource Inventories on Federal Lands.
11. Executive Order 11988 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 New Mexico

I: Point of Contact and Coordination During the Review of Permit Applications and Applications for Permit Revisions

A. The New Mexico Mining and Minerals Divison (MMD) will:

1. Be the point of contact and coordinate communications 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. Communicate 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. Communicate with the applicant on issues of concern to the United States Geological Survey (GS) and shall immediately advise GS of such issues and communications as it pertains to the application.
5. Communicate with the applicant on issues of concern to other agencies within the Department of the Interior, 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 MMD with copies of pertinent correspondence.

C. OSM will:

1. Be responsible for ensuring that any information OSM receives which has a bearing on decisons regarding the permit application or application for a permit revision is sent promptly to MMD.

II: Receipt and Distribution of Permit Applications and Applications and Applications for Permit Revisions

A. MMD 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 a review schedule 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 MMD of the identity of the application manager.

III: Determination of Completeness

A. MMD will:

1. Determine the completeness of a permit application or application for a permit revision.

2. Issue notice of a complete application.

IV: Determination of Preliminary Findings of Substantive Adequacy

A. MMD will:

1. Consult with GS, BLM, OSM, and other Federal agencies specified by the Secretary to review the filed application for preliminary 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 MMD, review the permit application or application for a permit revision for preliminary findings and provide technical assistance to the MMD.

2. Furnish MMD with preliminary findings as specified by the MMD within 45 calendar days of receipt of the permit application or application for a permit revision with specified 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 Part II of CSMC Rule 80–1.

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 postmining land use and the adequacy of measures to protect Federal resources not covered by the rights granted by the Federal coal lease.

2. Furnish MMD 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 MMD 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 MMD with preliminary findings within 45 calendar days of receipt of the application with specific requirements for additional data.

V: Findings of Technical Adequacy

A. MMD will:

1. Develop and coordinate the technical review of permit applications or applications for a permit revision. The review will include representatives of MMD, 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 postmining 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 developed by MMD 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, MMD 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 assitance of MMD, 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 MMD findings on the technical adequacy in a timely manner as set forth by a schedule developed by MMD 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 postmining land use the adequacy of measures to protect Federal resources not covered by the rights granted by the Federal Coal Lease.

2. Furnish MMD findings on the technical adequacy in a timely manner as set forth by a schedule developed by MMD 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 MMD findings on the technical adequacy in a timely manner as set forth by a schedule developed in cooperation with MMD.

3. Participate, as arranged, in meetings and field examinations.

VI: Preparation of the Decision Document and Transmital

A. MMD 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 69–25A–14 NMSA 1978;

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 of the Interior for 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 of the Interior for Energy and Minerals, the final decision document.

B. OSM will:

1. Coordinate with MMD to incorporate the NEPA findings of compliance into the decision document.

2. Evaluate the draft decision document and promptly inform MMD of suggested changes that should be made.

3. Provide written concurrence of the final decision document to MMD.

C. BLM will:

1. Coordinate with MMD to incorporate findings regarding postmining 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 MMD of suggested

changes that should be made pertinent to BLM's area of responsiblity.

3. Provide written concurrence of the final decision document to MMD with regard to postmining 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 MMD with their findings regarding their responsibilities under the MLA.

2. Evaluate the draft decision document and promptly inform MMD of suggested changes that should be made pertinent to GS responsibilities.

3. Provide written concurrence of the final decision document to MMD 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 MMD immediately in writing upon concurrence in the decision approval of the mine plan.

3. Inform the MMD 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. MMD will:

1. Issue the permit for surface coal mining and reclamation operations.

VIII: Cooperative Agreement Administration and Resolution of Conflict. A. The Special Assistant to the Secretary, Denver Region, 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 MMD.

B. Areas of disagreement between the State and the Department shall be referred to the Governor and the Secretary for resolution.

[FR Doc. 81-22019 Filed 8-6-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100, 110, and 117

[CGD 5-81-07R]

Marine Event; Yorktown Bicentennial Celebration, York River, Yorktown and Gloucester Point, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed rules are designed to (1) manage vessel traffic from near the mouth of the York River to the Coleman Memorial Bridge (U.S. Hwy 17), (2) establish anchorage grounds for participating and spectator vessels and, (3) restrict the opening to marine traffic of the Coleman Memorial Bridge during the Yorktown Bicentennial Celebration. Due to the confined nature of the waterway, the presence of six or more large U.S. and foreign naval vessels, numerous spectator craft, several waterborne activities, and expected high volume vehicle traffic, it is necessary to manage vessel traffic in this portion of the York River, establish temporary anchorage grounds, and restrict openings of the Coleman Memorial Bridge to marine traffic for reasons of safety and public interest during the celebration.

DATE: September 21, 1981.

ADDRESSES: Comments should be mailed to Commander (b), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705. The comments and other material referenced in this notice will be available for inspection or copying at the office of Chief, Boating Affairs Branch, Fifth Coast Guard District, Central Fidelity Bank Building, Portsmouth, Virginia. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Ronald T. Via, Chief, Boating Affairs Branch, Fifth Coast Guard District, Portsmouth, Virginia, (804-398-6202).

SUPPLEMENTARY INFORMATION: Interested persons are invited in this rulemaking to submit written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice, (CGD 5-81-07R), and the specific section of the proposed rules to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if a written request for a hearing is received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this notice are Lieutenant Commander Ronald T. Via, Asst. Project Officer, Fifth Coast Guard District, Boating Affairs Branch, and Lieutenant Commander David J. Kantor, Project Attorney, Assistant Legal Officer, Fifth Coast Guard District.

Discussion of Proposed Rule

The Yorktown Bicentennial Celebration marks the 200th anniversary of the defeat of Lord Cornwallis at Yorktown and the end of the American Revolution. The celebration, which is scheduled to run for four (4) days, is expected to be attended by numerous U.S. and foreign dignitaries and is also expected to attract hundreds of thousands of spectators. Among the waterborne events that are scheduled to take place during this celebration are: open house aboard several U.S. and foreign naval vessels, a sailing regatta, a visit by several large sailing vessels, a U.S. Navy hydrofoil demonstration, and several other marine events. Due to the number and variety of waterborne activities, the presence of large naval vessels and spectator craft, and the anticipated large crowds, it will be necessary to (1) designate a portion of the York River as a "regulated area" to promote the safety of life during this event, (2) establish anchorage grounds for participating and spectator vessels to enhance the safety of both categories of vessels, and (3) restrict the opening of the Coleman Memorial Bridge (U.S. Hwy 17) to marine traffic to facilitate the public interest. While restrictions on the Coleman Memorial Bridge will help alleviate vehicle congestion in and around the celebration area, no adverse economic impacts are expected as the U.S. Navy historically has been the only entity regularly requiring a bridge opening. Discussion with the U.S. Navy reveals their concurrence to the bridge restrictions. In addition, the regulated area will not create adverse economic impacts as there is minimal commercial vessel traffic in this area.

Evaluation

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

economic impact on a substantial number of small entities.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Parts 100, 110, and 117 of Title 33 Code of Federal Regulations, by adding the following sections:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

§ 100.35-05.02 Yorktown Bicentennial Celebration; special local regulations.

(a) The following area is designated a "regulated area" during the celebration: Those waters of the York River from shore to shore and bounded by the Coleman Memorial Bridge, between Yorktown, Virginia and Gloucester Point, Virginia, on the west and by a line bearing 000° T from the Amoco Oil Company pier on Goodwin Neck completely across the York River to its intersection with the Gloucester County shoreline between Gaines Point and Cuba Island on the east.

(b) Regulation:

(1) No person or vessel may enter or navigate within the regulated area except:

(i) Participating vessels of the Yorktown Bicentennial Celebration,

(ii) Those persons or vessels so authorized by the Coast Guard Patrol Commander, or his designee

(iii) Vessels proceeding directly to a spectator anchorage ground from outside the regulated area and vessels leaving the regulated area directly from an anchorage, unless the Coast Guard Patrol Commander or his designee instructs otherwise.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop his vessel immediately upon being directed to do so by any Coast Guard Officer or petty officer on board a vessel displaying a Coast Guard ensign; and

(ii) Proceed as directed by any Coast Guard Officer or petty officer.

(iii) Operate at such speed so that minimum wake is created.

(iv) Under no circumstances operate in a demonstration area consisting of an enclosed area beginning at latitude 37°14'25"N, longtitude 76° 30'21"W; thence to latitude 37°14'17"N, longitude 76°30'00"W; thence to latitude 37°14'00"N, longitude 76°30'10"W; thence along the shoreline to latitude 37°14'17"N, longitude 76°30'29"W; thence to the point of beginning, unless authorized by the Coast Guard Patrol Commander.

(3) The Coast Guard Patrol Commander is a commissioned officer of the Coast Guard designated by Commander, Fifth Coast Guard District. The Patrol Commander will be stationed at a command post on the Yorktown beach or on board a Coast Guard patrol vessel on patrol in the areas specified in paragraph (a) of this section.

(4) These regulations and other applicable laws and regulations shall be enforced by Coast Guard officers and petty officers on board Coast Guard and private vessels displaying the Coast Guard ensign.

(5) These regulations shall be effective from 9:00 AM EDST, on October 15, 1981 until 3:00 PM EDST on October 20, 1981.

(Sec. 1, Pub. L. 60-102, 35 Stat. 69, (46 U.S.C. 454); Sec. 6(b)(1), Pub. L. 89-670, 80 Stat. 937, (49 U.S.C. 1655(b)(1); 33 CFR 100.35, 49 CFR 1.46(b))

PART 110—ANCHORAGE REGULATIONS

§ 110.166-05 York River, Virginia.

(a) Anchorage grounds. For the purpose of the Yorktown Bicentennial Celebration, the following anchorage areas are established in the York River immediately below the Coleman Memorial Bridge and within a regulated area as set forth in 33 CFR 100.35-05.02:

(1) For U.S. and foreign naval vessels, ten circular anchorages (Nos. 1-10) having a diameter of 400 yards and the following center points:

(i) 37°14'09"N; 76°29'54"W
(ii) 37°14'04"N; 76°29'41"W
(iii) 37°13'56"N; 76°29'28"W
(iv) 37°13'51"N; 76°29'15"W
(v) 37°13'53"N; 76°29'01"W
(vi) 37°14'12"N; 76°28'43"W
(vii) 37°14'12.5"N; 76°28'58"W
(viii) 37°14'13"N; 76°29'13"W
(ix) 37°14'19"N; 76°29'27.5"W
(x) 37°14'23.5"N; 76°29'42"W

(2) For special character vessels participating in the Bicentennial Celebration

(i) Anchorage A. Beginning at latitude 37°14'40"N, longitude 76°30'17"W; thence to latitude 37°14'41"N; longitude 76°29'47"W; thence to latitude 37°14'26"N; longitude 76°29'59"W; thence to latitude 37°14'35"N; longitude 76°30'21"W; thence to the point of beginnning.

(3) For spectator vessels

(i) Anchorage B. Beginning at latitude 37°14'42"N, longitude 76°29'39"W; thence to latitude 37°14'36"N; longitude 76°28'30"W; thence to latitude 37°14'18"N; longitude 76°28'35"W; thence to latitude 37°14'20"N; longitude 76°29'13"W; thence to latitude 37°14'33"N; longitude 79°29'45"W; thence to the point of beginnning.

(ii) Anchorage C. Beginning at latitude 37°14'02"N, longitude 76°29'58"W; thence to latitude 37°13'50"N; longitude 76°29'35"W; thence to latitude 37°13'40"N; longitude 76°29'05"W; thence to latitude 37°13'33"N; longitude 76°29'46"W; thence to latitude 37°14'00"N; longitude 76°30'00"W; thence to the point of beginnning.

(b) Anchorages 1-10 are reserved for the exclusive use of naval vessels and no other vessel shall anchor or operate therein without the permission of the Patrol Commander.

(c) Spectator vessels may anchor only in anchorages B and C and shall not anchor in any other location within the regulated area established by 33 CFR 100.35-05.02.

(d) These regulations shall be effective from 9:00 A.M. EDST on October 15, 1981 until 3:00 P.M. EDST on October 20, 1981.

(Sec. 7, 38 Stat. 1053 (33 U.S.C. 471); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(a); 33 CFR 1.05-1(g))

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.345 Yorktown, VA: Coleman Memorial Bridge, York River.

(a) From 9:00 A.M. EDST on October 15, 1981 until 3:00 P.M. EDST on October 20, 1981, the bridgetender shall not open the draw except as provided in paragraph (b) of this section.

(b) Upon approach of a public vessel of the United States the bridgetender shall open the draw on signal as provided in § 117.240.

(Sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); sec. 6(g)(2), Pub. L. 89-670, 80 Stat. 937, as amended (49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: July 15, 1981.

John D. Costello,

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

[FR Doc. 81-22996 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH-FRL-1903-2]

Hazardous Waste and Hazardous Waste Management; Extension of Comment Period on Report

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period on report.

SUMMARY: This notice extends for forty-five (45) days the deadline for

commenting on EPA's report entitled "Sampling and Analysis of Wastes Generated by Gray Iron Foundries" (EPA–600/4–81–028).

Due to the large demand for copies of this report and the limited number of copies the Agency was able to print, many persons found it difficult to obtain copies in a timely manner. In order that such persons may have time to review and comment on the contents of the report, the Agency is extending the comment period for an additional 45 days.

DATE: Comments on this report are now due no later than September 3, 1981.

ADDRESS: Copies of this document are available from National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161.

FOR FURTHER INFORMATION CONTACT: Mr. David Friedman, Manager, Waste Analysis Program, Office of Solid Waste (WH–565), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755–9187.

SUPPLEMENTARY INFORMATION: On May 19, 1981 (46 FR 27363), EPA noticed for public comment a report prepared by its Office of Research and Development detailing the results of a waste characterization study of the emission control dusts from gray and ductile iron foundries. The purpose of this study was to determine if these wastes should be listed as hazardous wastes under the Resource Conservation and Recovery Act of 1976, as amended.

Dated: July 29, 1981.

Christopher J. Capper,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 81-22995 Filed 8-5-81; 8:45 am]

BILLING CODE 6560-38-M

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47 CFR Part 73

[BC Docket No. 80–563; RM–3622 and RM–3809]

FM Broadcast Station in Hays, Junction City,[1] and Abilene,[1] Kans.; Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C FM Channel 258 to Hays, Kansas, channel 253 to Abilene, Kansas, and to delete Channel 252A at Junction City, Kansas, in response to requests from Central Radio, Inc. and KABI, Inc. The allocations would provide a second local FM assignment to Hays and a first FM and second nighttime aural service to Abilene.

DATE: Comments date September 28, 1981 and reply date October 19, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: July 20, 1981.

Released: July 31, 1981.

By the Chief, Policy and Rules Division.

1. In the *Notice of Proposed Rule Making* herein, 45 FR 64985, issued in response to a petition filed by Central Radio, Inc. ("petitioner"), we proposed to assign Class C FM Channel 253 to Hays, Kansas, as that community's second FM assignment. A counterproposal was filed by KABI, Inc. ("KABI"), licensee of commonly-owned Stations KABI (AM) and KABI–FM (Channel 252A), Abilene, Kansas,[2] seeking (1) assignment of Channel 253 to Abilene; (2) deletion of Channel 252A at Junction City; and (3) assignment of Channel 258 to Hays in lieu of Channel 253. The petitioner responded favorably to the revised proposal and reaffirmed its intention to apply for the Hays assignment.

2. Hays (population 15, 396),[3] seat of Ellis County (population 24,730) is located approximately 312 kilometers (195 miles) west of Topeka, Kansas. It is currently served by full-time AM Station KAYS and FM Station KJLS (Channel 277).

3. Abilene (population 6,661), seat of Dickinson County (population 19,993), is located approximately 128 kilometers (80 miles) west of Topeka, Kansas. it is currently served by co-owned Stations KABI (daytime only) and KABI–FM.

4. Petitioner's *Roanoke Rapids/Anamosa* study shows that the proposed Hays assignment will provide a first FM and nighttime aural service to 686 persons in a 220 square kilometer (85 square mile) area, and a second FM service to 33,826 persons in a 5,537 square kilometer (2,138 square mile) area with a second nighttime aural service to 15,621 persons in a 4,690 square kilometer (1,811 square mile) area.

5. We believe that based on the first aural and FM services to be provided, a sufficient showing to warrant proposing a second Class C channel to Hays has been made. The assignment of Channel 258 to Hays will have a preclusionary effect on 30 communities, for which alternate channels are available in each instance.

6. In justification of its request for an Abilene Class C assignment, KABI cites the need to improve the technical quality of local service to Abilene. Its present Class A assignment is limited to 3.0 kW ERP, and its daytime-only facility is a 250 watt operation. No other local service is authorized to serve Abilene.

7. Additionally, KABI states that the proposed assignment of Channel 253 to Abilene would provide a first FM service and a second nighttime aural service to 55 persons residing in an area of 123 square kilometers (48 square miles). It further asserts that such assignment will permit it to increase its primary 1.0 mV/m service from 15,391 persons residing in an area of 1,663.8 square kilometers (642.4 square miles), to 135,477 persons in an area of 10,545 square kilometers (4,071.5 square miles). It indicates that assignment of Channel 253 to Abilene will cause preclusion to 24 communities but that alternate channels are available to all but two communities (Sterling and Nickerson).

8. KABI states that Abilene is a regional center of tourism. Also, it is the location of the County Civil Defense Facility for Dickinson County. It asserts that Dickinson County is in an active tornado belt, and this, it claims, has sparked renewed interest in the possibility of wider coverage of its signal to provide the area with needed weather information. It adds that this is presently impossible due to the poor coverage afforded by its present low power signal. Additionally, it states that it is a primary source of information for Milford Lake State Recreation Area, the state's largest blue water lake, regarding such matters as information on irrigation levels of water and storm warnings for small craft safety.

9. Ordinarily, we would have no hesitation in assigning Channel 253 to Abilene at this stage. However, it appears that KABI, Inc. is unaware that in order to assign Channel 253 to Abilene it would be necessary to impose an 8.3 kilometer (5.2 mile) south site restriction to KABI's present FM site (Channel 252A) to comply with the spacing requirements to the site for Station KQKQ (Channel 253) in Council Bluff. Since we would not ordinarily adopt an assignment which requires an existing station to change its site without an expressed willingness to do

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[1] These communities have been added to the caption.

[2] Channel 252A is presently allocated to Junction City, Kansas, but, according to KABI, it has been in use by it at Abilene since 1968, pursuant to § 73.203(b) which, at that time, permitted the licensing of a channel as far as 25 miles from the city of assignment.

[3] Population figures are extracted from the 1970 U.S. Census.

so, we shall solicit further comments on this proposal. We have searched for another Class C channel for Abilene and have found none that can be dropped in without a substitution elsewhere.

10. Accordingly, it is further proposed to amend § 73.202(b) of the Commission's Rules, the FM Table of Assignments, with respect to the communities listed below, as follows:

City	Channel No.	
	Present	Proposed
Abilene, Kans.		253
Hays, Kans.	277	258,277
Junction City, Kans.	252A	

11. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

12. Interested parties may file comments on or before September 28, 1981, and reply comments on or before October 19, 1981.

13. The commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

14. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte*, contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 81-22935 Filed 8-5-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1201, 1240, and 1241

[No. 38559]

Railroad Classification Index

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Commission's method of classifying railroads for accounting and reporting purposes (Class I, Class II and Class III). We will continue to classify railroads based on operating revenues. However, we propose to use a price deflator formula to reclassify railroads so that classification changes will result from real expansion in business rather than inflation.

DATES: Comments are due on or before September 21, 1981.

ADDRESSES: An original and 15 copies of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275–7448.

SUPPLEMENTARY INFORMATION: The Commission currently classifies railroads based on operating revenues for accounting and reporting purposes. The general inflation level of the economy has caused increases in operating revenues without increases in operations. The Commission has in the past updated the revenue levels to reflect changes due to inflation. In order to avoid the need to increase the classification levels every few years, we

propose the use of a price deflator formula to determine a railroad's class.

We propose to use the Railroad Freight Price Index developed by the Bureau of Labor Statistics to calculate the price deflator. The proposed formula to apply the index is as follows:

Current Year's Revenues X
1978 average index
current year's average index

The 1978 index will be used as the base year because the universe of Class I railroads at that time was sufficient for the Commission's regulatory purposes.

The current railroad classification levels will not change by the adoption of this rule. The Commission will apply the deflator to carrier operating revenues as reported on the Schedule of Results of Operations in the carrier's annual report. Railroads that do not file an annual report to the Commission will be required to file the Classification Index Survey Form each year (See Appendix A). Carriers will be notified if their classification changes and if the change facilities the need for accounting or additional reporting in subsequent years.

This proposed rule affects line-haul railroads only and does not include switching and terminal companies or lessor to railroads.

This decision does not significantly affect the quality of the human environment, the conservation of energy resources or small entities.

Accordingly, we propose to adopt the changes to Title 49 of the Code of Federal Regulations as set forth in Appendix B.

This proposed rule is issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: July 30, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

For Calendar Year
Ended December 31, 19

Appendix A—Classification Index Survey Form For Line-Haul Railroad Companies That Do Not File An Annual Report With the Interstate Commerce Commission

Attach Address Label Here—

Carrier Name and Address, If Different than Shown—

Carrier Operating Revenues include the following revenues: Freight, passenger, passenger-related, switching, water transfers, demurrage, incidental, joint facility (debit and credit), transfers from government authorities for current operations and amortization of deferred transfers from government authorities.

Carrier Operating Revenues do not include the following: Income from property used in other than carrier operations, miscellaneous rent income, profit from separately operated properties, dividend income, interest income, income from sinking and other funds, release of premiums of funded debt, contributions from other companies, income from affiliates and miscellaneous nonoperating income.

Using the guidelines listed above, carriers should report their carrier operating revenues for the current calendar year ending December 31.

Carrier Operating Revenues =
$
(in thousands)

Carrier operating revenues will be adjusted by the Commission using the deflator derived from the average 1978 and average current year Railroad Freight Price Index. Carriers will then be advised by the Commission if their class changes.

Questions concerning this form should be addressed to the Bureau of Accounts, Interstate Commerce Commission, Washington, DC 20423.

Certification

I hereby certify that this form was prepared by me or under my supervision, that I have examined it, and that the carrier operating revenues reported are correctly shown on the basis of my knowledge and belief.

Name and Title _____
Address (Street Address, City, State & Zip Code _____
Date _____
Telephone Number (Including Area Code) —

Appendix B

We propose to amend Title 49 CFR as follows:

PART 1201—RAILROAD COMPANIES

1. In General Instruction 1–1 revise paragraph (a) and subparagraphs (1) and (2) of paragraph (b) to read as follows:

§ 1–1 Classification of Carriers.

(a) For purposes of accounting and reporting carriers are grouped into the following three classes:

Class I: Carriers having annual carrier operating revenues of $50 million or more after applying the railroad revenue deflator formula shown in Note A.

Class II: Carriers having annual carrier operating revenues of $50 million but in excess of $10 million after applying the railroad revenue deflator formula shown in Note A.

Class III: Carriers having annual carrier operating revenues of $10 million or less after applying the railroad revenue deflator formula shown in Note A.

(b)(1) The class to which any carrier belongs shall be determined by annual carrier operating revenues after classification index adjustment. If at the end of any calendar year, the adjusted carrier operating revenues is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls as of January 1 of the following year.

(2) If at the end of any calendar year a carrier's annual operating revenues after classification index adjustment is less than the minimum revenue for that class, and has been for 3 consecutive years, the carrier shall adopt the reporting requirement for the next lowest class as of January 1 of the following year.

* * * * *

2. In General Instruction 1–1 add the following Notes to follow paragraph (d):

(d) * * *

Note A.—The classification of railroads is based on the Railroad Freight Price Index developed by the Bureau of Labor Statistics. The formula is as follows:

Current Year's Revenues
× 1978 average index
current year's average index

Note B.—See related Regulations 49 CFR 1240.1, "Classification of rail carriers" and 49 CFR 1241.14, "Railroad classification index survey form".

PART 1240—CLASSES OF CARRIERS

Subpart A—Railroads

3. In § 1240.1 paragraph (a) and subparagraphs (1) and (2) of paragraph (b) are revised to read as follows:

§ 1240.1 Classification of rail carriers.

(a) For the purpose of annual, other periodical and special reports railroads subject to the provisions of part I of the Interstate Commerce Act shall be grouped into the following three classes:

Class I: Carriers having annual carrier operating revenues of $50 million or more after applying the railroad revenue deflator formula shown in Note A.

Class II: Carriers having annual carrier operating revenues of less than $50 million but in excess of $10 million after applying the railroad revenue deflator formula shown in Note A.

Class III: Carriers having annual carrier operating revenues of $10 million or less after applying the railroad revenue deflator formula shown in Note A.

(b)(1) The class to which any carrier belongs shall be determined by annual carrier operating revenues after classification index adjustment. If at the end of any calendar year, the adjusted carrier operating revenues is greater than the maximum for the class in which the carrier is classified, the carrier shall

adopt the accounting and reporting requirements of the higher class in which it falls as of January 1 of the following year.

(2) If at the end of any calendar year a carrier's annual operating revenues after classification index adjustment is less than the minimum revenue for that class, and has been for three consecutive years, the carrier shall adopt the reporting requirement for the next lowest class as of January 1 of the following year.

* * * * *

4. In § 1240.1 add the following Notes to follow paragraph (d):

(d) * * *

Note A.—The classification of railroads is based on the Railroad Freight Price Index developed by the Bureau of Labor Statistics. The formula is as follows:

Current Year's Revenues ×
1978 average index
current year's average index

Note B.—See related regulations 49 CFR Part 1201, Instruction 1–1, "Classification of carriers" and 49 CFR 1241.14, "Railroad classification index survey form."

PART 1241—ANNUAL, SPECIAL OR PERIODIC REPORTS—CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

5. Add § 1241.14 to read as follows:

§ 1241.14 Railroad classification survey form.

Commencing with the survey forms for the year ending December 31, 1981, and thereafter, until further order, all line-haul railroad companies not required to file an Annual Report (Form R–1 or R–2) shall file the Annual Classification Index Survey Form. Such survey form shall be filed in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, DC 20423, on or before March 31 of the year following the year which is being reported.

[FR Doc. 81-22988 Filed 8-5-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 654

Stone Crab Fishery

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

ACTION: Proposed rule and request for comments.

SUMMARY: This proposed regulatory amendment was requested by the Gulf of Mexico Fishery Management Council. The amendment changes the size of the biodegradable panel opening on stone crab traps and provides the Regional Director with authority to allow research activities otherwise prohibited in the management area.

DATE: Comments must be received in writing on or before September 21, 1981.

ADDRESS: All comments should be mailed to Mr. Harold B. Allen, Acting Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Peterburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Mr. Harold B. Allen, 813–893–3141.

SUPPLEMENTARY INFORMATION: The fishery management plan for the Stone Crab Fishery (FMP) was approved by the Assistant Administrator for Fisheries, NOAA, on March 19, 1979. Final regulations, published at 44 FR 53519, became effective September 30, 1979. The Gulf of Mexico Fishery Managment Council (Council) has requested the changes proposed below to the regulations.

Existing regulations require non-wooden stone crab traps set in the fishery conservation zone to have a 4" x 6½" biodegradable panel in the upper half. The proposed amendment reduces the size of the panel opening to 2½" x 5", but still allows escapement of crabs from traps that become severed from trot and buoy lines (ghost traps) This smaller opening will minimize alterations by fishermen and dealers of commercial traps. Commercially constructed traps may be adapted more easily to meet the proposed opening by removing only one slat instead of the two as now required. Consequently, the cost to fishermen in complying with regulations will be reduced.

A new section would allow the Regional Director to authorize certain otherwise prohibited activities for the purpose of scientific research. For example, between January 1 and May 20, the area described in 50 CFR 658.24 is closed to trawl gear, to resolve a gear conflict between the shrimp and stone crab fisheries. The Council has requested permission to contract for research trawls by commercial shrimpers shoreward of the separation line. The research activities will gather data which the Council will use to evaluate whether the effects of the line, in its present location, are equitable to both shrimp and stone crab fishermen.

The Assistant Administrator for Fisheries, NOAA, has determined that this amendment to the regulations complies with the national standards, other provisions of the Magnuson Act, and other applicable law.

The Acting Administrator, NOAA, has determined that his amendment is not a major rule requiring the preparation of a regulatory impact analysis under Executive Order 12291 because it (1) will not result in an annual effect on the economy of $100 million or more; (2) 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) 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.

The Acting Administrator has determined under 5 U.S.C. 601 *et seq.* that this amendment will not have a significant economic impact on a substantial number of small entities and, therefore, does not require a regulatory flexibility analysis.

Finally, this amendment does not call for additional information and thus does not increase the Federal paperwork burden for individuals, small businesses, or other persons as defined by 44 U.S.C. 3501 *et seq.*

Dated: July 31, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR Part 654 is amended as follows:

PART 654—STONE CRAB FISHERY

1. The authority citation for Part 654 reads as follows:

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

2. In Part 654, § 654.2 is proposed to be amended by revising the definition of Biodegradable Panel to read as follows:

§ 654.2 Definitions.

* * * * *

Biodegradeable Panel means a panel constructed of wood or cotton material and located on the trap, at least two slats above the bottom, or on the top of the trap, which, when removed, will leave an opening in the trap measuring at least 2½" x 5".

* * * * *

3. In Part 654, a new § 654.24 is proposed to be added to read as follows:

§ 654.24 Specifically authorized activities.

The Regional Director may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

[FR Doc. 81-22984 Filed 8-5-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 151
Thursday, August 6, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given pursuant to Section 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on August 26, 1981, at 8:00 p.m., a public information meeting will be held at the Eureka Senior High School, 1915 "J" Street, Eureka, California.

The meeting is being called by the Executive Director of the Council in accordance with Section 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concering the proposed construction of the Chimney Rock Section, Gasquet-Orleans Road, Humboldt, Del Norte, and Siskiyou Counties, California, an undertaking of the Forest Service, Six Rivers National Forest, that will adversely affect cultural and historic properties included in and that are eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the properties by the Forest Service.

III. A statement by the California State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the properties.

V. A general question period.

Speakers should limit their statements to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, Suite 616, 44 Union Blvd., Lakewood, Colorado 80228, telephone number (303) 234-4946.

Dated: July 31, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81-22853 Filed 8-5-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Recommended Renewable Resources Program (RPA)—1985 Update; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare an environmental impact statement for the Recommended Renewable Resources Program (RPA)—1985 update.

The RPA—1985 update will be the third Program prepared in response to the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. It will respond to the projected renewable resource situation documented in "An Assessment of the Forest and Rangeland Situation in the United States," prepared in 1979. The Act calls for a Program every 5 years and an Assessment every 10 years.

A range of alternative programs will be considered. One will be the "no action" alternative which continues current management direction. Others include various high, low, and intermediate production levels of goods and services in response to National goals.

Federal, State, and local Agencies, and individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process including identification of the goals to be addressed. John R. Block, Secretary of Agriculture, is the responsible official.

The analysis is expected to take about 36 months. The draft environmental impact statement should be available for public review by November 1983. The final environmental impact statement is scheduled to be completed in November 1984.

For further information contact: Thomas E. Hamilton, Director, Resources Program and Assessment; USDA, Forest Service; P.O. Box 2417; Washington, D.C. 20013; (202) 447-5440.

Dated: July 31, 1981.

J. LaMar Beasley,

Deputy Chief.

[FR Doc. 81-22904 Filed 8-5-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Brazos Electric Power Cooperative, Inc.; Finding of no Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) which concludes that there is no need for REA to prepare an environmental impact statement in connection with proposed financing assistance by REA for Brazos Electric Power Cooperative, Inc., (Brazos) of Waco, Texas. The financing assistance will enable Brazos to construct approximately 32 km (20 miles) of 138 kV transmission line and a 138/69 kV distribution substation.

The 138 kV transmission line will be built between Texas Power and Light Company's switching station near Brownwood, Texas, and a proposed 138/69 kV distribution substation located near the existing Holder Substation. Brazos has prepared a Borrower's Environmental Report (BER) concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, cultural resources, wetlands, floodplains, and other potential impacts of the project were adequately considered in Brazos' BER and REA's Environmental Assessment.

Various alternatives to the proposed transmission line and substation were reviewed by REA. The alternatives include no action and alternate connection points. Alternative connection points include the proposed Brownwood Substation in Brown

County, the Hasse Substation in Comanche County, and the Leon Substation in Taylor County. The proposed project is the most viable alternative to deliver power to all existing and projected loads of Brazos in Brown County.

REA's independent evaluation of the proposed project leads to the conclusion that its proposed financing assistance for the project does not represent a major Federal action that will significantly affect the quality of the human environment. Based on this independent evaluation, the REA Environmental Assessment and a review of Brazos' BER, a FONSI was made in accordance with REA Bulletin 20–21:320–21, Part 1.

Copies of REA's FONSI and supporting documents may be reviewed at or obtained from the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, and at the office of Brazos Electric Power Cooperative, Inc., 2404 LaSalle Avenue, Waco, Texas 76706.

This program is located in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

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

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-22950 Filed 8-5-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL RIGHTS COMMISSION

Maine Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 7:00 pm and will end at 9:00 pm, on September 10, 1981, at the Maine Teachers Association, 35 Community Drive, Augusta, Maine. The purpose of this meeting is to plan for the forum on the spouse assault law and to discuss the status of bilingual education in Maine.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Lois Reckitt, 38 Myrtle Ave., South Portland, Maine 04106, (207) 799–8744, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 31, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-22927 Filed 8-5-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Large Power Transformers From the United Kingdom; Final Results of Administrative Review and Revocation of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Final Results of Administrative Review and Revocation of Antidumping Finding.

SUMMARY: On June 5, 1981, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on large power transformers from the United Kingdom. The review covered the one remaining exporter covered by the finding, GEC Power Transformers, Ltd., and the period April 30, 1970 through June 30, 1980. Interested parties were provided the opportunity to submit written comments or request disclosure and/or a hearing. We received no comments. Accordingly, we are revoking the finding.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Sid Briggs or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5346/ 5289).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 14, 1972, a dumping finding with respect to large power transformers from the United Kingdom was published in the **Federal Register** as Treasury Decision 72–164 (37FR 11773). On June 5, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review and its tentative determination to revoke the finding (46 FR 30168–69).

The Department has now completed its administrative review of the finding.

Scope of the Review

Imports covered by this review are shipments of large power transformers, that is, all types of transformers rated 10,000 KVA (kilovolt-amperes) or above, used in the generation, transmission, distribution, and utilization of electric power. Such transformers are currently classifiable under items 682.0765 and 682.0775 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only one U.K. exporter of large power transformers to the United States still covered by the finding. This firm is GEC Power Transformers, Ltd., and the review covered the period April 30, 1970 through June 30, 1980.

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Final Results of Review

Since we have received no comments, the final results of our review are the same as those presented in the preliminary results of review. We therefore determine that for the period April 30, 1970 through April 9, 1975, there were no sales at less than fair value. There have been no sales to the United States from April 9, 1975 through June 30, 1980.

Determination

As a result of this review the Department revokes the antidumping finding on large power transformers from the United Kingdom.

This revocation applies to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 5, 1981. The Department will issue appraisement instructions separately directly to the Customs Service.

This administrative review, revocation, and notice are in accordance with sections 751 (a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675 (a)(1), (c)) and section 353.54 of the Commerce Regulations (19 CFR 353.54).

Leonard M. Shambon,

Director, Office of Compliance.

[FR Doc. 81-22952 Filed 8-5-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), will meet to discuss

nominations and election of officers; status of the groundfish fishery and of lobster fishery management plan development; report of the groundfish and herring oversight committees; Executive Director and environmental affairs committee reports; approval of minutes, as well as other business.

DATES: The public meetings will convene on Tuesday, August 25, 1981, at approximately 10 a.m., and will adjourn on Wednesday, August 26, 1981, at approximately 5 p.m. The meetings may be lengthened or shortened, or agenda items rearranged depending upon progress on the agenda.

ADDRESS: The meetings will take place at King's Grant Inn, Route 128 at Trask Lane, Danvers Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway, Route One, Saugus, Massachusetts 01906.

Dated: August 3, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-22976 Filed 8-5-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Additional Import Controls on Certain Apparel Products From Taiwan

August 3, 1981

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling man-made fiber textile products in Category 645/646, at the level of 3,785,919 dozen, and down and feather-filled apparel in Categories 353/354/653/654 at a level of 212,969 dozen during the period beginning on January 1, 1981 and extending through December 31, 1981.

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

SUMMARY: In accordance with consultations held on April 27–30, 1981 between the American Institute in Taiwan and the Coordination Council for North American Affairs concerning the cotton, wool and man-made fiber textile agreement of June 8, 1978, as amended, it has been agreed that a level of 3,785,919 dozen shall apply to exports of man-made fiber sweaters in Category 645/646, produced or manufactured in Taiwan and exported during the agreement year which began on January 1, 1981. That level may be increased by the application of flexibility later in the year. It was further agreed during the April 1981 consultations that exports of down and feather-filled apparel in Categories 353/354/653/654, produced or manufactured in Taiwan and exported during 1981, shall not exceed a level of 212,969 dozen.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85497) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Taiwan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption or withdrawal from warehouse for consumption of man-made fiber textile products in 645/646 and of down and feather-filled apparel in Categories 353/354/653/654 produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1981, in excess of the designated levels of restraint.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

August 3, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury
Washington, D.C. 20229.

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

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products from Taiwan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977; you are directed to prohibit, effective on August 1, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Taiwan and exported on and after January 1, 1981, in excess of the indicated levels of restraint:

Twelve-Month Level of Restraint [1]

Category	(Dozens)
645/646	3,785,919
353/354/653/654	212,969

[1] The levels of restraint have not been adjusted to account for any imports after December 31, 1980.

Textile products in Categories 645/646 and 353/354/653/654 which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

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

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

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

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-23052 Filed 8-5-81; 8:45 am]

BILLING CODE 3510-25-M

Additional Import Controls on Certain Man-Made Fiber Textile Products From Taiwan

August 3, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling other man-made fiber yarn, wholly of non-cellulosic fiber, in Category 604, produced or manufactured in Taiwan, at a level of 447,805 pounds during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981.

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

SUMMARY: Following discussions beween the American Institute in Taiwan and the Coordination Council for North American Affairs concerning imports of cotton, wool and man-made fiber textile products from Taiwan, the United States has decided to control imports of man-made fiber yarn in category 604 at the agreed level under the Export Certification System of 447,805 pounds.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT:
Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20203 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85497) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Taiwan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below the Commissioner of Customs is futher directed to prohibit entry for consumption, or withdrawal from warehouse for consumption, of man-made fiber textile products in Category 604 in excess of 447,805 pounds.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

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

Effective on August 10, 1981, paragraph 1 of the directive of December 19, 1980 is further amended to include a twelve-month level for man-made fiber textile products in Category 604 of 447,805 pounds.[1]

Man-made fiber textile products in Category 604 which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Man-made fiber textile products in Category 604 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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

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

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-23053 Filed 8-5-81; 8:45 am]
BILLING CODE 3511-25-M

Adjusting Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From Thailand

July 24, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Increasing the levels of restraint for Categories 341 (women's, girls' and infants' woven cotton blouses), 639 (women's, girls' and infants' knit skirts and blouses of man-made fibers), 641 (woven blouses of man-made fibers) and 645/646 (man-made fiber sweaters) by the application for carryover from 1980.

(2) Increasing the levels of restraint for Categories 334/335 (other cotton coats), 347/348 (cotton trousers) and 454/446 (wool sweaters) by the application of carryforward.

(3) Charging 1980 overshipments amounting to 5,116 dozen to the adjusted level for Category 445/446.

All of the foregoing adjustments apply to the current agreement year which began on January 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 31372), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).)

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand provides, among other things, for the borrowing of designated percentages of yardage from the succeeding year's levels (carryforward) and for deducting those amounts, to the extent that they are used, during the succeeding year. The agreement also provides for the carryover of shortfalls in certain categories from the previous agreement years. Increases for carryover and carryforward in Categories 334/335, 341, 347/348, 445/446, 639, 641 and 645/646 are being applied at the request of the Government of Thailand. In addition, 1980 overshipments amounting to 5,116 dozen are being deducted from the adjusted level of restraint for Category 445/446.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT:
Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Departnent of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 24, 1980, there was published in the **Federal Register** (45 FR 85141) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1981. In the letter published below, and in accordance with the terms of the

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the levels of restraint for Categories 334/334, 341, 347/348, 445/446, 639, 641 and 645/646, to the designated amounts.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: On December 19, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint. The Chariman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on July 31, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, to amend the twelve-month levels of restraint established for cotton, wool and man-made fiber textile products in Categories 334/335, 341, 347/348, 445/446, 639, 641 and 645/646 to the following:

Amended Twelve-Month Level of Restraint [1]

Category	(Dozens)
334/335	53,451
341	112,886
347/348	182,379
445/446	10,202
639	1,331,697
641	166,503
645/646	76,953

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

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

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-13054 Filed 8-5-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand, which provide, in part, that: (1) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit with the amount of carryforward used being deducted from the succeeding year's level; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

COMMUNITY SERVICES ADMINISTRATION

Decision to Fund Seven (7) Conduit Migrant and Seasonal Farmworker Community Food and Nutrition Programs

AGENCY: Community Services Administration.

ACTION: Notice to all Boards of Directors of CAA(s) and SEOO(s).

SUMMARY: The Community Services Administration is notifying all Boards of Directors of Community Action Agencies (CAAs) and State Economic Opportunity Offices (SEOOs), in accordance with Section 222(a) of the Economic Opportunity Act of 1964, as amended, that a decision has been made to fund seven (7) conduit migrant and seasonal farmworker Community Food and Nutrition Programs operating in every state except in Hawaii, Alaska and Florida.

Grants are being awarded to the following organizations for operation in the following states: Rural New York Farmworker Opportunities, Inc. (serving: New York, New Jersey, Vermont, Rhode Island, Maine, Massachusetts, Connecticut, and New Hampshire); Delmarva Rural Ministries (serving: Maryland, Pennsylvania, Delaware, Virginia, and West Virginia); Migrant and Seasonal Farmworkers Association (serving: North Carolina, South Carolina, Alabama, Mississippi, Georgia, Kentucky, Tennessee and Louisiana); Minnesota Migrant Council Inc. (serving: Illinois, Minnesota, Indiana, Michigan, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Iowa, and Ohio); Colonias del Valle, Inc. (serving: Texas, Arkansas, Oklahoma, and New Mexico); Idaho Migrant Council (serving: Idaho, Oregon, Washington, Utah, Colorado, Montana, and Wyoming); and Campesinos Unidos, Inc. (serving: California, Arizona and Nevada). These organizations will directly engage in Community Food and Nutrition activities and delegate activities in those areas where the conduit has no direct delivery system.

DATE: This notice becomes effective July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Eduardo Gutierrez or 1200 19th Street NW., Washington, D.C. 20506, Telephone: (202) 254-5400, Teletypewriter (202) 254-6218.

(Sec. 602, 78 Stat. 530, 42 U.S.C. 2942)

Dwight A. Ink,

Director.

[FR Doc. 81-22855 Filed 8-5-81; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

Board of Visitors to the United States Naval Academy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet on September 17 and 18, 1981, at the Naval Academy. The session on September 17, 1981, will commence at 1:00 p.m. and end at 4:15 p.m. On September 18, 1981, the session will commence at 8:30 a.m. and end at 11:45 a.m. Both sessions will be held in Room 2220, Nimitz Library, and be open to the public.

The purpose of the meeting is to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy.

The contact officer will be Rear Admiral Robert W. McNitt, USN (Ret.), Secretary to the Board of Visitors, Dean of Admissions, U.S. Naval Academy, Annapolis, Maryland 21402, telephone (301) 267-4361.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

July 31, 1981.

[FR Doc. 81-22937 Filed 8-5-81; 8:45 am]

BILLING CODE 3810-AE-M

Privacy Act of 1974; Deletion of Four Systems of Records

AGENCY: Department of the Navy (DON).

ACTION: Deletion of four systems of records.

SUMMARY: The Department of the Navy proposes to delete four systems of

records in its inventory of sytems of records subject to the Privacy Act of 1974, Title 5 U.S. Code 552a (Pub. L. 93–579).

DATE: The proposed actions will be effective without further notice on September 8, 1981, unless comments are received which would result in a contrary determination.

ADDRESS: Any comments, to include written data, views or arguments concerning the actions proposed should be addressed to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTRACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP–09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350. Telephone: 202/694–2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act have been published in the Federal Register at:

FR Doc. 81–897 (46 FR 6696) January 21, 1981
FR Doc. 81–3277 (46 FR 9693) January 29, 1981
FR Doc. 81–10892 (46 FR 21226) April 9, 1981
FR Doc. 81–13603 (46 FR 25337) May 6, 1981
FR Doc. 81–14976 (46 FR 27370) May 19, 1981
FR Doc. 81–16065 (46 FR 28893) May 29, 1981
FR Doc. 81–17204 (46 FR 30680) June 10, 1981
FR Doc. 81–19041 (46 FR 33070) June 26, 1981
FR Doc. 81–20655 (46 FR 36730) July 15, 1981

M. S. Healy,

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

August 3, 1981.

Deletions

N96021–21

System Name: Navy Civilian Career Management Inventory and Referral System (46 FR 6802) January 21, 1981.

Reason: System has been discontinued.

N96021–54

System Name: Travel Allowance Claims Record System (46 FR 6810) January 21, 1981.

Reason: This system is covered under existing system No. N0003411, "Travel Pay System."

N96021–62

System Name: Personnel Automated Data System (46 FR 6810) January 21, 1981.

Reason: This system is covered under existing sytem No. N96021–06, "Navy Automated Civilian Manpower Information System (NACMIS)."

N96021–63

System Name: Local Automated Personnel Information System (LAPIS) (46 FR 6810) January 21, 1981.

Reason: This system is covered under existing system No. N96021–06, "Navy Automated Civilian Manpower Information System (NACMIS)."

[FR Doc. 81–22977 Filed 8–5–81; 8:45 am]

BILLING CODE 3810–71–M

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L 92–463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) is scheduled to be held from 1:30 p.m. to 5:00 p.m., 3 September 1981 in Room 1E801, The Pentagon, and from 9:30 a.m. to approximately 1:00 p.m., 4 September 1981 in Room 3D318, The Pentagon. Meeting sessions will be open to the public.

The purpose of the meeting is to review responses to recommendation/requests for information made at the 1981 Spring Meeting, discuss current issues relevant to women in the Services, and plan the itinerary/program for the next Semiannual Meeting scheduled for 8–12 November 1981 in New London, Connecticut.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee Meeting must contact Captain Mary J. Mayer, Executive Secretary, DACOWITS, OASD (Manpower, Reserve Affairs, and Logistics), Rm 3D322, The Pentagon, Washington, D.C. 20301, telephone 202–697–5655 no later than 24 August 1981.

M. S. Healy

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

July 31, 1981.

[FR Doc. 81–22905 Filed 8–5–81; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Follow Through Program; Closing Date for Transmittal of Continuation Applications

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of continuation applications (by invitation only) for additional fiscal year 1981 funds.

Applicants will be invited to apply for funds to conduct expanded demonstration activities (referred to as resource centers) by letter of invitation from the Secretary of Education or his authorized representative. Letters of invitation are expected to be mailed on the date of the publication of this notice.

Authority for this activity is contained in Sections 551–554 of the Economic Opportunity Act of 1964, as amended by Pub. L. 95–568. (42 U.S.C. 2929 et seq.)

Because of the reduced level of funding available for the Follow Through program for Fiscal Year 1981, the Department is not soliciting any applications for new resource centers. Letters of invitation will be sent only to those local Follow Through projects that operated resource centers in the immediate prior year. Moreover, because the level of funding for Follow Through is significantly lower than in previous years, the Department may not be able to fund all resource centers that were funded last year. Therefore, from among those current resource centers whose local projects are satisfactory with respect to the funding criteria listed in 34 CFR 215.15(f)–(p), (r), and (s) (formerly 45 CFR 158.15(a)–(k), (m), and (n), respectively) and outstanding with respect to the funding criteria listed in 34 CFR 215.15 (q) and (t) (formerly 45 CFR 158.15(l) and (o), respectively), the Department will select resource center applicants for continued funding according o the criterion in 34 CFR 215.15a. (formerly 45 CFR 158.15a). This criterion is "the extent to which the applicant has the capability of demonstrating educational practices to large numbers of interested persons." Factors the Department will use to determine this capability include: geographic location; ease of accessibility; availability of transportation and lodging facilities for large numbers of persons; and personnel resources.

In judging the applicant's capability of demonstrating educational practices to large numbers of interested persons, the Department also will consider information submitted by the applicant describing its accomplishments to date in this area.

Closing Date for Transmittal of Applications to U.S. Department of Education

To be assured of consideration for funding, an application for a continuation award should be mailed or hand delivered by September 4, 1981. If the application is late, the Department

of Education may lack sufficient time to review it with other continuation applications and may decline to accept it.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.014D, Washington, D.C. 20202–3561.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registrered or at least first class mail.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th & D Streets, SW, Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays. An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

In formulating applications for resource center grants, applicants should give special attention to 34 CFR 215.15a of the Follow Through regulations which provides an explanation of the procedures and criteria to be used in evaluating these applications.

Available Funds

In FY 1980, approximately $2,700,000 was available for resource center grants to 21 resource centers. The funding for these resource centers ranged from approximately $59,500 to $180,700. It is estimated that $1.3 million will be available for the resource center grants in FY 1981.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms

Application forms and program information packages with the letters of invitation are expected to be mailed on the date of the publication of this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that applicants not submit information that is not requested.

Special Procedures

Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the application used the procedures of Part I of OMB Circular A–95 but did not receive any clearinghouse comments.

Applicable Regulations

Regulations applicable to this program include the following:

(a) Regulations governing the Follow Through program, published in the **Federal Register** on June 29, 1977, as 45 CFR Part 158, now redesignated, 34 CFR Part 215; and

(b) Education Department General Administration Regulations (EDGAR) 34 CFR Parts 75 and 77.

Further Information

For further information contact Mrs. Rosemary C. Wilson, Director, Division of Follow Through, U.S. Department of Education, 400 Maryland Avenue, SW, (Room 3624, Regional Office Building 3), Washington, D.C. 20202–3304. Telephone (202) 245–9846. (42 U.S.C. 2929 et seq.)

Dated: August 3, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.014, Follow Through Program)

[FR Doc. 81-23145 Filed 8-5-81; 8:45 am]

BILLING CODE 4000-01-M

Office of the Secretary

Establishment; National Commission on Excellence in Education

The Secretary of Education has determined that the establishment of the National Commission on Excellence in Education is in the public interest and necessary to provide assistance and make recommendations to the Secretary. The Commission is established and governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90–247 as amended; 20 U.S.C. 1233 et seq.) and the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees.

(1) *Title*—National Commission on Excellence in Education.

(2) *Establishment date and date of termination*—The official date of establishment is 15 days from publication of this notice and the Commission will terminate two years from that date. However, the Commission is expected to complete its report in about eighteen months.

(3) *Purpose*—

(a) To review and synthesize the data and scholarly literature on the quality of learning and teaching in the nation's schools, colleges, and universities, both public and private, with special concern for the educational experience of teen-age youth;

(b) To examine and to compare and contrast the curricula, standards, and expectations of the educational systems of several advanced countries with those of the United States.

(c) To study a representative sampling of university and college admission standards and lower division course requirements with particular reference to the impact upon the enhancement of quality and the promotion of excellence such standards may have on high school curricula and on expected levels of high school academic achievement;

(d) To review and to describe educational programs that are recognized as preparing students who consistently attain higher than average scores in college entrance examinations and who meet with uncommon success the demands placed on them by the nation's colleges and universities;

(e) To review the major changes that have occurred in American education as well as events in society during the past quarter century that have significantly affected educational achievement;

(f) To hold hearings and to receive testimony and expert advice on efforts that could and should be taken to foster higher levels of quality and academic excellence in the nation's schools, colleges, and universities;

(g) To do all other things needed to define the problems of and the barriers to attaining greater levels of excellence in American education; and

(h) To report and to make practical recommendations for action to be taken by educators, public officials, governing boards, parents, and others having a vital interest in American education and a capacity to influence it for the better.

(4) *Membership*—The Commission consists of at least 12, but not more than 19, public members appointed by the Secretary. The Secretary will designate the chairperson from among the members, who will be persons knowledgeable about educational programs at various levels and are familiary with views of the public, of employers, of educators, and of leaders of a range of professions regarding the status of education today, requirements for the future, and ways the quality of education for all Americans can be improved.

(5) *Meetings*—Notice of meetings will be given to the public in accordance with the Federal Advisory Committee Act.

Dated: August 5, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-23166 Filed 8-5-81; 12:04 pm]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Energy Research

Biomass Panel of the Energy Research Advisory Board; Open Meeting

Notice is hereby given of the following meeting:

Name: Biomass Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770).

Date and time: September 9, 1981, 9 am to pm.

Place: Department of Energy, Forrestal Building, Room 4A-110, 1000 Independence Avenue SW., Washington, D.C. 20585.

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-43, 1000 Independence Avenue SW., Washingotn, D.C. 20585, Telephone: 202/252-8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda: This meeting is being held to receive and discuss additional comments on the draft Biomass Report prior to transmittal to the Energy Research Advisory Board for final approval.

Public Participation: This meeting is open to the public. Notice is hereby given of the availability of the draft report which will be provided upon request to the contact given above. Written statements may be filed with the Panel either before or at the meeting. Members of the public who wish to make oral statements pertaining to the draft report should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairman of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying in the Freedom of Information Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8 am and 4 pm, Monday through Friday, except Federal Holidays.

Issued at Washington, D.C., on July 31, 1981.

Antionette Grayson Joseph,

Associate Director for Field Operations Management, Office of Energy Research.

[FR Doc. 81-22924 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. GP81-39 [1]]

Belco Petroleum Corp.; Petition for Declaratory Order

August 3, 1981.

Take notice that on June 26, 1981, Belco Petroleum Corporation (Belco), One Dag Hammarskjold Plaza, New York, New York 10017, filed a petition for a declaratory order pursuant to section 1.7(c) of the Commission's Rules of Practice and Procedure. Belco requests that the Commission issue a declaratory order stating that sales from certain wells continue to qualify as sales of stripper well gas under section 108 of the Natural Gas Policy Act of 1978, despite storage injections into those wells which will increase the rate of production to a level which exceeds the 60 Mcfd stripper well limit.

[1] Filed under Docket No. G-19589 but redocketed for purposes of this proceeding.

Belco states that the gas in question is produced from two previously-qualifying stripper wells located in Sublette County, Wyoming. Production from each of these wells, Belco notes, is very low, because the reservoir is close to depletion. Belco states that under these circumstances it entered into a letter agreement with FMC Corporation (FMC) on November 6, 1980. Under this agreement, Belco would sell its rights in the reservoir to FMC for gas storage purposes, provided that the estimated remaining Belco reserves in the reservoir would continue to be sold to Northwest Pipeline Corporation (Northwest). Belco states that as a result of FMC's gas injections into the reservoir, the two wells in question would be expected to produce at an average rate greater than 60 Mcfd for the period during which the remaining reserves are produced and delivered to Northwest. Belco seeks a Commission finding that gas produced from these wells will nevertheless continue to qualify for the stripper well rate.

Any person desiring to be heard or to protest this petition must file a petition to intervene or a protest in accordance with § 1.8 or 1.10 of the Commission Rules of Practice and Procedure. All petitions or protest shall be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to this proceeding. Any person desiring to become a party must file a petition to intervene. Copies of the filing in this docket are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22872 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4742-000]

City of Bedford, Virginia, et al.; Application for Preliminary Permit

July 31, 1981.

Take notice that the Virginia Municipalities of Bedford, Blackstone, Culpeper, Danville, Elkton, Franklin, Front Royal, Harrisburg, Manassas, Martinsville, Radford, Richlands, Salem and Wakefield, Virginia (Applicant) filed on May 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Sections 791(a)—825(r)] for Project No. 4742

known as the Bloomington Dam Project located on the North Branch of the Potomac River in Garrett County, Maryland and Mineral County, West Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. R. Michael Amyx; Executive Secretary/Treasurer; Municipal Electric Power Association of Virginia; Post Office Box 753; Richmond, Virginia 23206.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' Bloomington Dam and consist of: (1) a steel tunnel liner in the existing outlet works; (2) a wye branch; connected to (3) a penstock; leading to (4) a powerhouse containing new generators with a rated capacity of 25,000 kW; (5) a tailrace; (6) a switchyard; (7) ½ mile of 138-kV transmission line; (8) a butterfly control valve located at the entrance to the existing stilling basin; and (9) appurtenant works. The Applicant estimates that the average annual energy generated by the proposed project would be 60,600,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $230,000.

Competing Applications—This application was filed as a competing application to Project No. 4011 filed on January 11, 1981 by Allegheny Electric Cooperative, Inc. under 18 CFR § 4.33 (1980). Public notice of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4742. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representatives of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22860 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-183-001]

Consolidated Edison Co. of New York, Inc.; Filing

August 3, 1981

The filing Company submits the following:

Take notice that on July 24, 1981, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing proposed changes in its rate schedule for transmission and distribution service to the Power Authority of the State of New York (PASNY), Con Edison Electric Rate Schedule FPC No. 42. The proposed Supplement No. 8 would increase revenues from jurisdictional service to PASNY by $3,638,100 annually. Con Edison has requested an effective date of July 19, 1981 and accordingly seeks waiver of the notice requirement of § 35.3(a) of the Commission's Rules.

The proposed increase represents PASNY's proportionate share or rate increase, for increased costs of taxes and labor, granted to Con Edison by New York Public Service Commission (PSC).

Copies of the filing have been served upon PASNY and the PSC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22867 Filed 8-5-81; 8:45]

BILLING CODE 6450-85-M

[Project No. 4830-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 3, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)-825(r)] for Project No. 4830 to be known as the Dark Canyon and Henderson Canyon Project located on tributaries to Thomas Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The project would consist of: (1) a 5-foot high 22-foot long diversion structure; (2) a 10,000-foot long diversion conduit; (3) a 3,200-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 4,200 kW; and (5) a five-mile long, 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company transmission line. The average

annual energy generation is estimated to be 19.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Dark Canyon and Henderson Canyon Power Project No. 4190 filed on February 12, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22873 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4966-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 3, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)-825(r)] for Project No. 4966 to be known as the Grindstone and Board Creeks, Tehama Project located on Grindstone and Board Creeks in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The project would consist of: (1) a 78-foot long, 5-foot high diversion structure; (2) a 14,000-foot long diversion conduit; (3) a 1,500-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 4,600 kW; and (5) a 20-mile long transmission line to connect to an existing Pacific Gas and Electric Company line. The average annual energy generation is estimated to be 16.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Grindstone & Board Creeks, Tehama Power Project No. 4387 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22874 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4755-000]

City of Winona, Minnesota; Application for Preliminary Permit

August 4, 1981.

Take notice that the City of Winona, Minnesota (Applicant) filed on June 1, 1981, an application for preliminary permit [pursuant to the Federal Power

Act, 16 U.S.C. sections 791(a)—825(r)] for Project No. 4755 known as the Mississippi River Lock and Dam No. 5 located on the Mississippi River in Winona County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David R. Sollenberger, City Manager, City Hall, 4th and Lafayette Street, Winona, Minnesota 55987.

Project Description—The proposed project would consist of: (1) a proposed powerhouse which would replace 4 taintor gates adjacent to the existing auxiliary dam and which would contain generating units having a total installed capacity of 14.4 MW; (2) a proposed 69 kV transmission line; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands.

The Applicant estimates that the average annual energy output would be 81,100,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to perform the following studies: (1) hydraulic analysis; (2) cost estimates; (3) power market; (4) economic analysis; and (5) environmental impact analysis. Also, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project.

Applicant estimates that the cost of the studies would be $25,000.

Competing Applications—This application was filed as a competing application the Mississippi River Lock and Dam No. 5 Project No. 3652, filed on November 3, 1980, by Michell Energy Company, Inc., under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 3, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22875 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4868-000]

Daniel B. and Norma E. Townsend; Application for Prelimminary Permit

August 4, 1981.

Take notice that Daniel B. and Norma E. Townsend (Applicant) filed on June 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a) 825(r)] for Project No. 4868 known as the Little Shasta River Hydroelectric Project located on Little Shasta River in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Daniel B. and Norma E. Townsend, Rt. 1 Box 87-B, Montagne, California 96064.

Project Description—The proposed project would consist of: (1) a rock and concrete diversion structure; (2) a 10,600-foot long, 36-inch diameter penstock; (3) a powerhouse with total installed capacity of 2,400 kW; and (4) a 4-mile long, 12.5V transmission line interconnecting with an existing Pacific Power and Light Company transmission line. The Applicant estimates that the average annual energy output would be 6.935 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, hydrological, environmental, and economic studies; negotiate with Pacific Power and Light Company; apply for state water rights permit; and prepare an FERC license application. No new roads are required for conducting these studies. The Applicant estimates that these studies would cost $10,000 to $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 8, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interrested person to file an acceptable competing application no later than the time specified in § 4/33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 8, 1981.

Filing and Service of Responsive Documents—Any comments, must bear in all capital letters the title "COMMENTS","NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street,

NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22870 Filed 8-5-81; 8:45 a.m.]

BILLING CODE 6450-85-M

[Project No. 4850-000]

Deseret Generation & Transmission Co-operative; Application for Preliminary Permit

July 31, 1981.

Take notice that Deseret Generation & Transmission Co-operative (Applicant) filed on June 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Project No. 4850–000 known as the Stateline Dam Project located on East Fork of Smiths Fork River in Summit County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Merrill J. Millett, P.O. Box 5004 8722 South 300 West Sandy, Utah 84091.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Stateline Dam and would consist of: (1) A powerhouse containing one generating unit having a rated capacity of .8 MW. (2) a spillway; (3) an existing transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1.95 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $40,000.

Competing Applications—This application was filed as s competing application to the Stateline Dam No. 3847 filed on December 9, 1980, by Continental Hydro Corporation, under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22802 Filed 8-5-81; 8:45 a.m.]

BILLING CODE 6450-85-M

[Project No. 4697-000]

Eastern States Energy & Resources, Inc.; Application for Preliminary Permit

July 31, 1981.

Take notice that Eastern States Energy & Resources, Inc. (Applicant) filed on May 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Project No. 4697 known as the Green River Lock and Dam No. 4 located on the Green River in Butler County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jeffrey M. Kossak, Eastern States Energy & Resources, Inc., Suite 1900, 14 Wall Street, New York, New York 10005.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Green River Lock and Dam No. 4. Project No. 4697 would consist of: (1) a proposed penstock; (2) a proposed powerhouse to be located on the eastern bank of the river with an estimated installed capacity of 5 MW; (3) a proposed short tailrace channel; (4) proposed transmission lines; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 22.5 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The Applicant's estimated total cost of performing a feasibility study is $57,500.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 2, 1981, either the competing application itself [See 18 CFR § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will

consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," COMPETING APPLICATION," "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22963 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-224-002]

El Paso Natural Gas Co.; Petition To Amend

August 3, 1981.

Take notice that on July 10, 1981, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP79-224-002 a petition to amend the order issued March 26, 1981, in the instant docket pursuant to Section 7 of the Natural Gas Act so as to authorize changes in the facilities which Petitioner plans to utilize in implementing its Washington Ranch Storage Project and otherwise to reflect a realignment of the certificated storage project and provide for the rendering of gas service on a direct sale basis to a local property owner, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner submits that by order issued March 26, 1981, in Docket No. RP72-6, *et al.*, its Washington Ranch Storage Project was authorized which authorization provided for the construction and operation of certain new facilities, the use of the new and certain existing facilities, and the abandonment of certain other existing facilities which would not be required in the operation of the storage project.

Petitioner proposes to revise the original facilities configuration of the storage project as follows:

Facilities to be Abandoned—(1) *Trunk "A" Field Transmission Pipeline.* Approximately 12.5 mile of 10¾-inch O.D. and 0.15 mile of 8⅝-inch O.D. Washington Ranch Trunk "A" Field Transmission pipeline with appurtenances commencing at a point of interconnection with Petitioner's 26-inch O.D. and 30-inch O.D. and 30-inch O.D. loop California mainlines in Culberson County, Texas, and terminating at a point in Eddy County, New Mexico.

(2) *Black River Corporation-Cities Federal No. 1 Well-Tie Pipeline.* Approximately 0.28 mile of 6⅝-inch O.D. pipeline with appurtenances including a 6⅝-inch O.D. standard orifice meter run commencing at the wellhead of the Black River Corporation-Cities Federal No. 1 well in Section 34 and terminating at a point of interconnection with the 8⅝-inch O.D. Trunk "A" Field Transmission pipeline previously described in Eddy County, New Mexico.

(3) *Black River Corporation-Cities Federal No. 2 Well-Tie Pipeline.* Approximately 0.02 mile of 4½-inch O.D. pipeline with appurtenances including a 4½-inch O.D. standard orifice meter run commencing at the wellhead of the Black River Corporation-Cities Federal No. 2 well and terminating at a point of interconnection with the 8⅝-inch O.D. Trunk "A" Field Transmission pipeline all located in Eddy County, New Mexico.

(4) *Later A-5 Pipeline.* Approximately 0.85 mile of 8⅝-inch O.D. Washington Ranch Lateral A-5 pipeline with appurtenances commencing in Section 11 and terminating at a point of interconnenction with the 10¾-inch O.D. Trunk "A" Field Transmission pipeline in Eddy County, New Mexico.

(5) *Black River CorporationMiller No. 1 Well Connection.* Approximately 0.38 mile of 4½-inch O.D. pipeline with appurtenances including a 4½-inch O.D. standard orifice meter run commencing at the wellhead of the Black River Corporation-Miller No. 1 well and terminating at a point of interconnenction with the 8⅝-inch O.D. Washington Ranch Lateral A-5 pipeline all located in Eddy County, New Mexico.

(6) *Nonjurisdictional Gathering Pipeline.* Approximately 2.95 miles of existing gathering pipeline consisting of 2.12 miles of 8⅝-inch O.D. pipeline, 0.15 mile of 6⅝-inch O.D. pipeline and 0.68 mile of 4½-inch O.D. pipeline with appurtenances located in Eddy County, New Mexico.

(7) *Wellhead Metering Facilities.* Seven 4½-inch O.D. standard orifice meter runs with appurtenances located at the wellhead on four existing wells that are to be converted to injection and withdrawal service and three existing wells that are to be utilized as observation wells located in Eddy County, New Mexico.

(8) *Gas Conditioning Facilities.* Seven wellhead heaters, seven wellhead separators and one stack pack with appurtenances located on existing wells in Eddy County, New Mexico.

Petitioner estimates that the total cost of the abandonment of such facilities herein proposed to be $143,100.

Petitioner asserts that it no longer intends to abandon 0.47 mile of the 10¾-inch O.D. Washington Lateral A-1 pipeline.

Facilities to be Constructed as Necessary and Operated—1. *Washington Ranch Storage Compressor Station.* Two 4,500 horsepower gas engine-driven reciprocating compressor units located in Eddy County, New Mexico.

2. *Observation Well.* One observation well located in Eddy County, New Mexico. It is anticipated that this well the drilling of which by a third party has or shortly will commence may be acquired for use as an observation well prior to the commencement of storage operations.

3. *Pipeline and Tap for Direct Sale to J. W. Miller.* A 2½-inch O.D. tap and valve assembly and 0.28 mile of 2½-inch O.D. pipeline with appurtenances all located in Eddy County, New Mexico.

Petitioner states that it still intends to construct and operate approximately 12.1 miles of 24-inch O.D. storage trunk pipeline as proposed in Petitioner's original application.

Petitioner further proposes a realignment of the surface boundaries of the storage project which conform with the boundaries shown on the revised net isopach and revised structure maps.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act

(18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-22877 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4709-000]

Energenics Systems, Inc., Application for Preliminary Permit

July 31, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on May 22, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)—825(r)] for Project No. 4709 known as the Lake Como Hydroelectric Project located on Rock Creek in Ravalli County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, NW., Washington, D.C. 20009.

Project Description—The project would consist of: (1) a 40-inch diameter, 100-foot long penstock to be connected to the existing outlet of the U.S. Bureau of Reclamation's Lake Como Dam; (2) a powerplant which would house one generating unit with a rated capacity of 570 kW; and (3) appurtenant facilities. The estimated average annual energy output would be 2.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a preliminary permit for a period of 36 months, during which time the Applicant shall conduct engineering, environmental and economic feasibility studies and prepare an application for a license. No new roads would be required to conduct these studies. The total cost of conducting these studies and preparing an application for a license is estimated to be $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 2, 1981, either the competing application itself [See 18 CFR § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22864 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4761-000]

Energenics Systems, Inc.; Application for Preliminary Permit

August 3, 1981

Take notice that Energenics Systems, Inc. (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4761 known as the EL 85-Station 676+50 Hydroelectric Project located on the East Low Canal in Franklin County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, NW, Washington, D.C. 20009.

Project Description—The proposed project would consist of: (1) a gated intake structure with trashracks; (2) a surface penstock; (3) a short tailrace; (4) a check structure; and (5) a power plant to contain one generating unit with a rated capacity of 310 kW. The average annual energy output is 1.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental and economic feasibility studies and consult with Federal, State and local agencies to prepare an application for a FERC license. No new roads will be needed to conduct these studies. The estimated cost of the proposed feasibility studies and preparing an application for a FERC license is $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 14, 1981, either the competing application itself [See 18 CFR § 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must

be received on or before October 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22878 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-637-000]

Florida Power & Light Co.; Filing

August 3, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FP&L) on July 27, 1981, tendered for filing four documents entitled Exhibits I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Eeconomy Interchange Service) and D (Firm Service) of Contracts for Interchange Service.

FP&L states that under the Exhibits FP&L will transmit power and energy for the Fort Pierce Utilities Authority (Ft. Pierce) as is required by Ft. Pierce in the implementation of its interchange agreements with the City of Homestead, Lake Worth Utilities Authority, Tampa Electric Company, and City of Kissimmee.

FP&L requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibits be made effective immediately. FP&L states that copies of the filing were served on the Director of the Fort Pierce Utilities Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22888 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-636-000]

Florida Power & Light Co.; Filing

August 3, 1981.

The filing Company submits the following:

Take notice that Forida Power & Light Company (FP&L) on July 27, 1981, tendered for filing documents entitled "Exhibit I Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FP&L states that under the Exhibit, FP&L will transmit power and energy for the City of Homestead (Homestead) as is required by Homestead in the implementation of its interchange agreement with Fort Pierce Utilities Authority.

FP&L requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FP&L states that copies of the filing were served on the Director of Utilities of Homestead.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22889 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-631-000]

Florida Power & Light Co.; Filing

July 31, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on July 23, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibit I FPL will transmit power and energy for the City of St. Cloud (St. Cloud) as is required by St. Cloud in the implementation of its interchange agreement with the Fort Pierce Utilities Authority.

Due to a request from the City of St. Cloud for Transmission Service under emergency conditions, FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit I be made effective July 14, 1981. FPL states that copies of the filing were served on the Director of Utilities of St. Cloud.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR § 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22890 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4667-000]

Hollingsworth and Vose Co.; Application for Preliminary Permit

August 3, 1981.

Take notice that the Hollingsworth and Vose Company (Applicant) filed on May 15, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4667 known as the Clarks Mills Dam Project located on Batten Kill River in Washington County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Roland Kuehn; Hollingsworth and Vose Company; 112 Washington Street; East Walpole, Massachusetts 02032.

Project Description—The proposed project comprises two developments as follows:

1. The Lower Development is owned by the Applicant. This development would consist of: (1) the existing Lower Dam, an Ambursen dam made of reinforced concrete approximately 250 feet long and 20 feet high; (2) the Lower Dam Reservoir with a storage capacity of 1,000 acre-feet at a mean surface elevation of 109.0 feet (USGS datum); (3) an existing concrete flume; leading to (4) a powerhouse containing new generators with a rated capacity of 2,500 kW; discharging into (5) an existing tailrace; (6) new switchyard equipment; (7) a new transmission line; and (8) appurtenant works. The Applicant estimates the average annual energy generated at the Lower Development to be 8,000,000 kWh.

2. The Upper Development is owned by the Applicant. This development would consist of: (1) the existing Upper Dam, a reinforced concrete structure approximately 240 feet long and 21 feet high; (2) the Upper Dam Reservoir with a storage capacity of 875 acre-feet at a mean surface elevation of 134.0 feet (USGS datum); (3) existing sluice gates; (4) five existing penstocks; leading to (5) an existing powerhouse containing new generators with a rate capacity of 2,000 kW; discharging into (6) an existing tailrace; (7) new switchyard equipment; (8) a new transmission line; and (9) appurtenant works. The Applicant estimates the average annual energy generated at the Upper Development to be 8,500,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for an FERC license. Applicant estimates the cost of studies under the permit to be $70,000.

Competing Applications—This application was filed as a competing application to the Long Lake Energy Corporation's Project No. 4333 filed on March 13, 1981, under 18 CFR § 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before August 12, 1981, either the competing application itself [See 18 CFR § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22865 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4668-000]

Hollingsworth & Vose Co.; Application for Preliminary Permit

August 4, 1981.

Take notice that the Hollingsworth & Vose Company (Applicant) filed on May 15, 1981 an application for preliminary permit [pursuant to the federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Project No. 4668 known as the Center Falls Dam Project located on the Batten Kill River in Washington County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Roland Kuehn; Hollingsworth & Vose Company; 112 Washington Street; East Walpole, Massachusetts 02082.

Project Description—The proposed project would consist of: (1) an existing reinforced concrete dam, 14.6 feet high with a crest length of 340 feet; (2) an existing reservoir with negligible storage capacity; (3) four existing sluice gates; leading to (4) four existing penstocks; (5) an existing powerhouse with new generators having a rated capacity of 2,000 kW; (6) an existing tailrace; (7) new switchyard equipment; (8) a new transmission line; and (9) appurtenant works. The Applicant estimates that the average annual energy output would be 8,820,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the

studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit to be $70,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 8, 1981, either the competing application itself [See 18 CFR § 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR § 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 8, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22879 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4949-000]

Larry S. Walker; Application From Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

August 4, 1981.

Take notice that Larry S. Walker filed with the Federal Energy Regulatory Commission on June 24, 1981, an application for exemption for the Mill Creek Project No. 4949 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part Section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Mill Creek in Lewis County, Washington. Correspondence with the Applicant should be directed to: Mr. Larry S. Walker, 154-A Kirkland Road, Chehalis, Washington 98532.

Project Description—The proposed project would consist of: (1) a 5-foot high concrete gravity diversion structure; (2) a 1,500-foot long and 42-inch diameter steel penstock; (3) a powerhouse containing two generating units, each rated at 250 kW; (4) a tailrace; (5) a 3,500-foot long transmission line; and (6) appurtenant facilities. The proposed project would be operated on a run-of-the-river basis.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. If an agency does not file comments with the Commission within the time set below, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license Applicant desiring to file a competing application must submit to the Commission, on or before September 17, 1981 either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than January 15, 1982. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rule of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 4949. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission,

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. sections 2705 and 2706).

Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22880 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4557-000]

Long Lake Energy Corp.; Application for Preliminary Permit

August 3, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on April 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. section 791(a)-825(r)] for Project No. 4557 known as the Champlain Canal Lock 6 Project located on the Hudson River in Washington County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017.

Project Description—The proposed project would consist of: (1) an existing two section concrete gravity dam 4 feet high at Thompson Island, the crest lengths are 410 feet at the eastern section and 300 feet at the western section; (2) an existing reservoir having a surface area of 36 acres at a mean surface elevation of 119.0 feet (USGS datum); (3) existing control gates; (4) an existing canal; (5) the existing Lock 6; (6) a new intake structure; (7) 700 feet of new penstock; leading to (8) a new powerhouse containing new generators with a rated capacity of 4,000 kW; (9) a new tailrace; (10) approximately 4,000 feet of new transmission line; (11) new switchyard equipment; and (12) appurtenant works. The existing structures are owned and operated by the New York State Department of Transportation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $165,000.

Competing Applications—This application was filed as a competing application to the Fort Miller Pulp and Paper, Inc.'s Project No. 4226 filed on April 14, 1981 under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22881 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER76-827 and ER77-427]

Minnesota Power & Light Co.; Filing

July 31, 1981.

Take notice that on July 27, 1981, the Minnesota Power & Light Company (MP&L) submitted to the Commission a revised volume II of the Company's compliance filing in response to ordering paragraph C of Opinion No. 86 issued June 24, 1980 in Docket No. ER76-827 as modified by Opinion No. 86-A issued September 15, 1980. MP&L also submitted a revised volume II of the Company's compliance filing in response to ordering paragraph C of Opinion No. 87, issued on June 24, 1980 in Docket No. ER77-427, as modified by Opinion No. 87-A issued September 15, 1980.

Any person desiring to comment upon MP&L's submittal should on or before August 21, 1981, submit them to the Commission. All comments submitted to the Commission will be considered by it in determining the appropriate action to be taken. MP&L's submittal is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22891 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-628-000]

Montana Power Co.; Filing

July 31, 1981.

The filing Company submits the following:

Take notice that on July 22, 1981, the Montana Power Company (Montana) tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 71 and all its supplements, and agreement for the sale of firm energy between Montana and Puget Sound Power & Light Company (Puget). Montana states that this agreement has expired as of its own terms and has not been renewed.

Montana proposes an effective date of June 30, 1980.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22892 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-627-000]

Montana Power Co.; Filing

July 31, 1981.

The filing Company submits the following:

Take notice that on July 22, 1981, the Montana Power Company (Montana) tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 70 and all its supplements, and agreement for the sale of firm energy between Montana and Portland General Electric Company (Portland). Montana states that this agreement has expired of its own terms and has not been renewed.

Montana proposes an effective date of June 30, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to be come a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22893 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-626-000]

Montana Power Co.; Filing

July 31, 1981.

The filing Company submits the following:

Take notice that on July 22, 1981, the Montana Power Company (Montana) tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 59 and all its supplements, and agreement for the sale of firm energy between Montana and Tri-State Generation & Transmission Association, Inc. (Tri-State). Montana states that this agreement has expired as of its own terms and has not been renewed.

Montana proposed an effective date of August 31, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22894 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-639-000]

Niagara Mohawk Power Corp.; Filing

August 3, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on July 27, 1981, tendered for filing as a rate schedule, an agreement between Niagara and the Rochester Gas and Electric Corporation (RG&E) dated April 1, 1979.

The agreement provides for the delivery of diversity power and energy from the Power Authority of the State of New York (PASNY) and RG&E. The diversity power and energy is in turn exchanged by PASNY with Hydro Quebec. Niagara is requesting an effective date of April 1, 1979.

The agreement requires revision of the transmission rates on April 1 of each year. Concurrently with this submittal, Niagara is submitting a supplement to the agreement dated April 1, 1980 and a supplement to the agreement dated April 1, 1981 which revise the transmission rates. Niagara charged RG&E based on the previous year end data and cost of capital as determined by the New York Public Service Commission in Niagara's most recent electric rate proceeding.

Copies of the filing were served upon the Rochester Gas and Electric Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said application should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions shall be filed on or before August 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22895 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-642-000]

Northern States Power Co.; Filing

August 3, 1981.

The filing Company submits the following:

Take notice that Northern States Power Company, on July 29, 1981, tendered for filing the Interconnection contract for the Split Rock 345 kV interconnection with the Western Area Power Administration.

Additional capacity is required in the Sioux Falls, South Dakota, area; and, in order to effect a long-range solution, Northern States Power Company will construct a 345 kV transmission line of the United States in the vicinity of the Split Rock Substation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests

should be filed on or before August 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22896 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-413-000]

Northwest Pipeline Corp.; Application

August 3, 1981.

Take notice that on July 14, 1981, Northwest Pipeline Corporation (Applicant), 315 East 200 South Street, Salt Lake City, Utah 84111, filed in Docket No. CP81-413-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional delivery point for Washington Natural Gas Company (Washington Natural) and the reallocation of natural gas service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Washington Natural has requested that Applicant provide facilities and reallocate service so as to enable Washington Natural to sell and deliver natural gas to a new customer, Puget Sound Power and Light Company (Puget). Applicant further submits that Washington Natural has indicated that its maximum daily delivery requirements to Puget would be 9,506 Mcf (100,000 therms) for a twenty-year term commencing November 1, 1981.

In order to comply with Washington Natural's request, Applicant proposes to construct and operate one mainline tap and meter station with appurtenant facilities, the Frederickson meter station, located in Pierce County, Washington.

The total cost of such facilities is estimated to be $186,400 for which cost Applicant would be reimbursed by Washington Natural pursuant to a letter agreement dated May 26, 1981.

Applicant further proposes to reallocate the natural gas service presently being sold and delivered under Applicant's ODL-1 service agreement so as to provide for the natural gas sales at the proposed delivery point. It is stated that such reallocation would be effectuated by transferring 100,000 therms equivalent of ODL-1 service from the North Seattle-Everett meter station to the Frederickson meter station. Applicant asserts that no increase in the daily contract quantity of natural gas which Applicant is authorized to sell and deliver to Washington Natural would result from the reallocation herein proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petiton to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22882 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-63-000]

Pacific Power & Light Co.; Application

August 3, 1981.

Take notice that on July 27, 1981, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to negotiate privately with respect to the guaranty of securities (Eurobonds) to be issued to overseas holders.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22897 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3185-001]

Pembroke Hydro Corp.; Application for Exemption for Small Hydroelectric Power Project Under 5 Megawatts Capacity

August 4, 1981.

Take notice that on April 20, 1981, Pembroke Hydro Corporation (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 [1] (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 3185) would be located at the Towns of Pembroke and Allentown on the Suncook River, in Merrimack County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Robert L. Winship, Pembroke Hydro Corporation, 77 Franklin Street, Ninth Floor, Boston, Massachusetts 02110.

Project Description—The proposed run-of-river project would consist of existing project works including: (1) Webster Dam, owned by the Applicant, a concrete gravity structure 250 feet long and 18 feet high; (2) a reservoir with a surface area of 34 acres and 165 acre-

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

feet of storage at surface elevation 280.2 feet m.s.l. (top of dam); (3) a headgate structure; (4) a canal, 500 feet long, 15 feet deep, and 24 feet wide; (5) a powerhouse (at the Pembroke Dam Site, about 900 feet downstream from the Webster Dam); (6) a short discharge channel; and new project works to include: (7) a penstock 8 feet in diameter and 460 feet long; (8) a new turbine-generator unit installed in the powerhouse and rated at 2,050 kW; (9) a transmission line approximately 2,500 feet long; and (10) other appurtenances. The Applicant estimates that the average annual energy output would be 8,200,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of New Hampshire.

Competing Applications—This application was filed as a competing application to the Webster-Pembroke Project No. 3179 filed on July 9, 1980, by Suncook Power Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—The U.S. Fish and Wildlife Service and the New Hampshire Fish and Game Department are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3185. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to:

Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22883 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-630-000]

Pennsylvania Electric Co.; Filing

July 31, 1981.

The filing Company submits the following:

Take notice that on July 23, 1981, Pennsylvania Electric Company (Penelec) tendered for filing revisions to its contract for wheeling and supplemental service to Allegheny Electric Cooperative, Inc. Penelec requests an effective date of August 20, 1981, and states that the changes are for the purpose of replacing the present uniform pricing for transmission voltage and primary voltage service with a schedule that provides voltage level differentials.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petition or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22880 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1893-003]

Public Service Co. of New Hampshire; Application for Approval of Amendment to Exhibit R

August 3, 1981.

Take notice that an application was filed on May 14, 1981, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by the Public Service Company of New Hampshire, Licensee of the Merrimack River Project No. 1893, for approval of an amendment to its recreation use plan, Exhibit R. The project is located on the Merrimack River in Hillsborough and Merrimack Counties, New Hampshire. This filing was made in response to Article 41 of the FERC Order Issuing License (Major) For Constructed Project of May 8, 1980. Correspondence with the Licensee should be directed to: Mr. Henry J. Ellis, Vice President, Public Service Company of New Hampshire, 1000 Elm Street, P.O. Box 330, Manchester, New Hampshire 03105.

The Licensee has made arrangements for the relocation of a boat ramp to the City of Concord's Everett Arena Facility, adjacent to Route 4 (Bridge Street) on the east side of the river, after consultation with appropriate state and municipal agencies, as required by Article 41.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the

Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before September 16, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22899 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-102]

Southern Natural Gas Co.; Settlement Conference

August 3, 1981.

Take notice that on August 12, 1981, a settlement conference will be held in Docket No. RP80-102 in regard to the issue of the transportation of liquids and liquefiable hydrocarbons.

The conference will be held at the Federal Energy Regulatory Commission, 825 North Capitol St., N.E. Washington, D.C. 20426 at 10:00, in a room to be posted. Participation will be limited to the parties.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22900 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4492-000]

Steinberger Bros., Inc./Montgomery Worsted Mills; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

July 23, 1981.

Take notice that Steinberger Bros., Inc./Montgomery Worsted Mills filed with the Federal Energy Regulatory Commission on April 7, 1981, an application for exemption for its Montgomery Worsted Mills Project No. 4492 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Wallkill River in Orange County, New York. Correspondence with the Applicant should be directed to: Mr. Franklin Steinberger Bros., Inc., 23 Factory Street, Montgomery, New York 12549.

Project Description—The run-of-river project would consist of: (1) an existing concrete Ambursen dam, 12.5 feet high and 300 feet long, with 3-foot flashboards; (2) a pond with negligible storage covering about 20 acres and extending ¼ mile upstream; (3) three concrete penstocks 10.5 feet wide and 12 feet long with 6-foot discharge opendings; (4) a small powerhouse containing two old turbines with new generator units having a total rated capacity of 190 kW at 12.5 feet of head; and (5) appurtenant facilities.

The annual average generation of 1,132,000 kWh would be used by the Applicant for plant purposes. Any excess would be sold to Central Hudson Gas & Electric Company.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. If any agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before September 4, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than January 4, 1982. Applications for a preliminary permit will be not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protest. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before September 4, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4492. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426.A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22884 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-402-000]

Texas Eastern Transmission Corp.; Application

August 3, 1981.

Take notice that on July 2, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston,

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

Texas 77001, filed in Docket No. CP81-402-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Long Island Lighting Company (Long Island), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Long Island has purchased a quantity of natural gas from Equitable Gas Company (Equitable). Applicant proposes to receive from Equitable by displacement up to 50,000 dekatherms (dt) equivalent of natural gas per day for the account of Long Island at the existing point of interconnection between Applicant and Equitable located at Applicant's meter station 355 in Westmoreland County, Pennsylvania, or at other mutually agreeable existing points of delivery in Applicant's Zone C and to transport and redeliver equal quantities, less quantities retained for applicable shrinkage, to Long Island at the existing point of interconnection between Applicant and Long Island located at meter station 058 in Richmond County, New York. Applicant proposes to transport the subject gas pursuant to a gas transportation agreement dated July 1, 1981.

Applicant states that Long Island would pay Applicant under Applicant's presently effective Rate Schedule TS-1 a rate of 13.98 cents per dt equivalent delivered by Applicant to Long Island. Applicant further states that Long Island would pay Applicant under Applicant's presently applicable effective Rate Schedule TS-1 an excess rate of 16.02 cents per dt equivalent for quantities transported and delivered which when added to quantities delivered by Applicant to Long Island under its Rate Schedules TS-1 and SS-II and other transportation agreements exceed the combined total curtailment of natural gas sales to Long Island under Applicant's firm sales rate schedules. It is stated that Applicant would retain for shrinkage an amount of gas equal to 3 percent of the quantities transported for the period from April 16 through November 15 of each year and 6 percent for the period from November 16 through April 15 of each year.

Applicant states that the proposed service would not adversely affect or displace capacity for services or sales to high priority users as the proposed service is subject to interruption when Applicant lacks sufficient capacity.

Applicant further proposes to perform the subject transportation service for a term terminating on and including October 31, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22885 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-614]

Union Electric Co.; Refund Report

July 31, 1981.

Take notice that on July 1, 1981, Union Electric Company filed a refund report pursuant to the Commission's Opinion and Order dated September 2, 1980. According to Union Electric Company, the refund report reflects: (1) billing determinants, (2) revenues for each customer under the proposed and compliance rates and the revenue refund for each month of the refund period, and (3) the calculation of interest.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, on or before August 21, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22886 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4798-000]

The Village of Waynesville, Ohio; Application for Preliminary Permit

August 4, 1981.

Take notice that The Village of Waynesville (Applicant) filed on June 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a), 825(r)] for Project No. 4798 known as the Ceasar Creek Dam Project located on Ceasar Creek in Warren County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor M. Sue Anderson, Village of Waynesville, 434 S. Main Street, Waynesville, Ohio 45068, and Graham A. Richard, 2523 Merivale Street, Fort Wayne, Indiana 46805.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam. The project would consist of: (1) a proposed powerhouse containing an estimated installed generating capacity of 1.5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates the average annual energy generation to be 8.5 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Village of Waynesville proposes to investigate all relevant aspects of the Ceasar Creek Dam Power Project in a detailed feasibility study. This study, to be prepared as part of the licensing process, will include: data acquisition and analysis, technical studies, potential energy production and capacity evaluations, project layout and design, construction options, and financial and economic examinations. Careful investigation of environmental, recreational, and historic aspects will be conducted to further determine the feasibility of the proposed project. Should the project prove to be unattractive at any time, the study will be terminated and resources conserved.

Notice will be provided immediately to the Commission in such an event.

Consultation will be carried out with Federal, State and local agencies and groups to determine jurisdiction and to obtain information, comments, and recommendations relevant to the licensing process.

Presentation of conclusions will be made in the form of a license application if the project proves feasible. All work will be completed well within the specific permit period. The Applicant estimates the cost of the proposed study to be up to $50,000.

Competing Applications—This application was filed as a competing application to the Ceasar Creek Dam Project No. 3804 filed on December 1, 1980, by Mitchell Energy Company, Inc. Under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commisison will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 3, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. . Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22886 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-634-000]

Virginia Electric and Power Co.; Filing

August 3, 1981.

The filing Company submits the following:

Take notice that Virginia Electric and Power Company (VEPCO) on July 24, 1981, tendered for filing a Notice of Cancellation of service to its Patton Delivery Point with Rappahannock Electric Cooperative (FERC Rate Schedule No. 101–B24 dated February 22, 1980).

VEPCO requests an effective date of June 26, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before August 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22887 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. ER81-633-000]

The Washington Water Power Co.; Filing

August 3, 1981.

The filing Company submits the following:

Take notice that on July 27, 1981, The Washington Water Power Company (Washington) tendered for filing copies of a service scheduled dated June 1, 1980, between Washington and Southern California Edison Company (Edison), which applies to the exchange of capacity between the two companies. Washington shall provide summer capacity to Edison and receive from Edison an equal amount of winter capacity. Any energy associated with the capacity deliveries remaining as of March 1 of any year shall be delivered by the owing party within three months.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to June 1, 1980, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before August 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22888 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4770-000]

Wells River Hydro Associates, Inc.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

July 31, 1981.

Take notice that the Wells River Hydro Associates, Inc. filed with the Federal Energy Regulatory Commission on June 1, 1981, an application for exemption for its Wells River Project No. 4770 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Wells River in Orange County, Vermont. Correspondence with the Applicant

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. Sections 2705 and 2708).

should be directed to: Mr. Richard A. Norman, Essex Development Associates, Inc., Six Essex Street, Lawrence, Massachusetts 01840.

Project Description—The proposed run-of-river project would consist of: 1) an existing concrete gravity dam eight feet high and 150 feet long with 12-inch flashboards; 2) an impoundment with a surface area of two acres and negligible storage; 3) a new penstock, five feet in diameter and 500 feet long; 4) a new concrete powerhouse, 20 by 30 feet, located 500 feet downstream from the dam and containing a new one meter tube turbine/generator unit rated at 1040 kW under a rated net head of 75 feet; 5) a new 12.5-kV and 200-foot long transmission line; 6) a new 200-foot long excavated tailrace; and 7) appurtenant facilities. The average annual generation of 3.3 million kWh would be sold to Green Mountain Power Corporation.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be make. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before September 11, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than January 11, 1982. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR Sections 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR Sections 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR Section 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before September 11, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 4770. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22869 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed; Week of July 17 Through July 24, 1981

During the week of July 17 through July 24, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date or receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 31, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of July 17 through July 24, 1981]

Date	Name and location of applicant	Case No.	Type of submission
July 17, 1981	Robert L. Dumont, Washington, D.C.	BFA-0707	Appeal of an Information Request Denial. If granted: The June 18, 1981 Information Request Denial issued by the Enforcement Information Division, Economic Regulatory Administration, would be rescinded, and Robert L. Dumont would receive access to certain DOE information.
July 20, 1981	Ashland Oil, Inc., Ashland, Ky.	BEA-0710	Appeal. If granted: The Economic Regulatory Administration Order regarding an inventory adjustment made by Ashland Oil, Inc. in its reported "crude oil receipts" for entitlements purposes would be rescinded.
Do	do	BEE-1676	Request for Exception. If granted: Ashland Oil, Inc. would receive an exception from the provisions of 10 CFR § 211.67 to eliminate the firm's entitlements purchase obligations on the Entitlements Notice for January 1981.
Do	Charter Oil Co., Jacksonville, Fla.	BEE-1674 and BEL-1674	Exception and Temporary Exception. If granted: Charter Oil Company would receive an exception and temporary exception from the provisions of 10 CFR 212.131 and 10 CFR 212.183

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of July 17 through July 24, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Do	Belcher Oil Co., Cincinnati, Ohio	BEE-1673	Exception from the Reporting Requirements. If granted: Belcher Oil Company would not be required to file Form EIA-9A ("No. 2 Distillate Price Monitoring Report").
July 21, 1981	J. M. Reeves Chevron, Decator, Ga	BRW-0100	Proposed Remedial Order Finalization. If granted: The Office of Enforcement has requested that a Proposed Remedial Order issued to J. M. Reeves Chevron on May 29, 1981 be issued as a final Remedial Order.
Do	Little America Refining Co., Washington, D.C.	BED-0127	Motion for Discovery. If granted: Discovery would be granted to Little America Refining Company in connection with the Statement of Objections submitted by the firm in response to the June 2, 1981 Proposed Decision and Order (Case No. DEX-0116) issued by the Office of Hearings and Appeals.
Do	OE/Armstrong Enterprise & Pioneer Refining, San Antonio, Tex.	BEF-0069	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the July 18, 1979 Consent Order issued to Armstrong Enterprise & Pioneer Refining.
Do	OE/Ethyl Corp., Washington, D.C.	BEF-0070	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the July 30, 1979 Consent Order issued to Ethyl Corporation.
Do	OE/Rocky Petroleum Corp., Washington, D.C.	BEF-0071	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with October 10, 1979 Consent Order issued to Rocky Petroleum Corporation.
Do	Pacific Valley Center, Inc., Monterey, Calif	BRD-1449 and BRH-1449	Motion for Discovery and Request for Evidentiary Hearing. If granted: An Evidentiary Hearing would be convened and discovery would be granted to Pacific Valley Center, Inc. in connection with the Proposed Remedial Order (Case No. BEO-1449) issued to the firm.
Do	St. Louis Fuel and Supply Co., St. Louis, Mo.	BRD-0113	Motion for Discovery. If granted: Discovery would be granted to St. Louis Fuel and Supply Company in connection with the Proposed Remedial Order (Case No. DRO-0159) issued to the firm.
Do	Transcontinental Oil Corp., Shreveport, La	BEE-1675	Price Exception. If granted: Transcontinental Oil Corp. would be permitted to sell the crude oil produced from the Knoxo Field Unit located in Marion and Walthall Counties, Mississippi at upper tier ceiling prices.
Do	Volpe, Boskey & Lyons (Huddleson), Washington, D.C.	BFA-0708	Appeal of an Information Request Denial. If granted: The July 16, 1981 Information Request Denial issued by the Office of Program Support would be rescinded, and Volpe, Boskey & Lyons would receive access to the Source Evaluation Board report.
July 22, 1981	San Joaquin Refining Co., Newport Beach, Calif	BYR-0150	Request for Modification/Rescission. If granted: The April 20, 1981 Decision and Order (Case No. DEX-0201) and the May 18, 1981 Decision and Order (Case No. BYR-0125) issued by the Office of Hearings and Appeals to San Joaquin Refining Company would be modified regarding entitlements expenses.
Do	Summers, Hendrick, Spanos, Phillips, & Grant	BFA-0709	Appeal of an Information Request Denial. If granted: The June 17 and July 1, 1981 Information Request Denial issued by the District Manager, Region IV would be rescinded, and Summers, Hendrick, Spanos, Phillips & Grant would receive access to certain DOE information.
July 23, 1981	Industrial Fuel & Asphalt of Indiana, Inc., Washington, D.C.	BER-0151	Request for Modification and/or Rescission. If granted: The July 14, 1981 Decision and Order (Case No. BEG-0054) issued to Industrial Fuel & Asphalt of Indiana, Inc. by the Office of Hearings and Appeals would be rescinded.

[FR Doc. 81-22928 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of June 15 Through June 19, 1981

During the week of June 15 through June 19, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George Breznay,

Director, Office of Hearings and Appeals.

July 31, 1981.

Appeals

Arent, Fox, Kintner, Plotkin & Kahn, 6/17/81, BFA-0674

Arent, Fox, Kintner, Plotkin & Kahn filed an Appeal from a partial denial by the ERA's Acting Deputy Administrator of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE determined that the Acting Deputy Administrator had correctly withheld pursuant to Exemption 5 the information he did not release. However, the DOE expanded upon the Acting Deputy Administrator's descriptions of the withheld documents and the justifications for their being withheld.

Billy Boles, 6/17/81, BFA-0682

Billy Boles filed an Appeal from a partial denial by the Manager of the DOE Chicago Operations and Regional Office of a Request for Information which the appellant has submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that a portion of the document which was initially withheld under Exemption 5 should be released to the public. The Decision and Order determined that the evaluative aspects of an appraisal of bid proposals is predecisional and deliberative and, therefore, within Exemption 5; but that those portions of an evaluation document which are factual and segregable from non-factual portions, such as the names of proposers and the selection criteria listed, do not come within Exemption 5 and must be released.

Elk Trading Company, Inc., 6/19/81, BFA-0677

Elk Trading Company, Inc. filed an Appeal from a partial denial by the ERA's Assistant Administrator for Enforcement of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the Office of Regulations and Emergency Planning of the ERA (REP) had conducted an inadequate search for documents responsive to Elk's request.

Therefore, the case was remanded to that office for a further search for responsive documents.

Fawndell Energy Systems, 6/18/81, BFA-0676

Fawndell Energy Systems filed an Appeal from a denial by the Office of Business Liaison, Procurement and Assistance Management of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the Authorizing Official's determination had failed adequately to describe the documents responsive to Fawndell's Request, or to justify their nondisclosure under one of the exemptions to the FOIA. Further, it was determined that the Authorizing Official had neglected to state in his denial whether any segregable factual information was included in the documents sought by Fawndell. Accordingly, the case was remanded to the Office of Business Liaison with instructions to provide an index of the reponsive documents, a more reasoned explanation for withholding any materials not disclosed, and a determination concerning whether any segregable factual information could be released to Fawndell.

Miller & Chevalier, 6/18/81, BFA-0673

Miller & Chevalier filed an Appeal from a determination issued by a Deputy Director of the Office of Hearings and Appeals which denied in part a request for information filed by the firm pursuant to the Freedom of Information Act (FOIA), 5 U.S.C 552, as implemented by the DOE in 10 CFR Part 1004. In considering the Appeal, the DOE determined that one entire document and several portions of other documents at issue were not exempt from mandatory disclosure under Exemption 5 of the FOIA. In addition, the DOE determined that a further search for responsive documents was necessary. Accordingly, the firm's Appeal was granted in part.

Natural Resources Defense Council, 6/18/81, BFA-0588

The Natural Resources Defense Council (NRDC) filed an Appeal from a determination that the Acting Chief of the Arms Control Branch of International Security Affairs issued to it on December 10, 1980 pursuant to the Freedom of Information Act (FOIA). In that determination, the Acting Chief withheld from public disclosure a document entitled "A Study of Government Control of ICF Research." In considering the NRDC Appeal, the DOE found that Exemption 5 of the FOIA was improperly invoked as a basis to withhold certain non-analytical portions of the document. Accordingly, the NRDC Appeal was granted in part and the Acting Chief was directed to release portions of the document to the organization.

Remedial Order

A's Auto Safety Service, 6/17/81, BRO-1086

A's Auto Safety Service objected to a Proposed Remedial Order which the Western District of the ERA's Office of Enforcement issued to the firm on January 25, 1980. In the Proposed Remedial Order, ERA found that during the audit period, A's sold motor gasoline to its retail customers at prices in excess of its maximum lawful selling prices in violation of 10 CFR 212.93. The ERA further found that A's failed to make records available for inspection upon request in violation of 10 CFR 210.92(b). After considering the firm's objections, the DOE upheld the ERA's findings that A's violated §§ 212.93 and 210.92. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. The important issues discussed in the Decision and Order include (i) whether § 212.93 of the DOE regulations is superseded by Section 324 of the Clean Air Act, and (ii) whether the Administrative Procedure Act permits A's to require a subpeona before producing records.

Motions for Modification and/or Rescission

Edgington Oil Company, Inc., 6/15/81, BYR-0131, BES-0153

Edington Oil Company, Inc. filed a Motion for Reconsideration of a Supplemental Order issued to the firm on April 20, 1981. *Edgington Oil Company, Inc.*, 8 DOE ¶—, No. BEX-0042 (April 20, 1981). In the Supplemental Order, the DOE found that Edgington had received excessive entitlements relief in its 1979 fiscal year and ordered the firm to refund the excessive amount on the next Entitlements Notice. In its Motion for Reconsideration, Edgington contended that the DOE erroneously failed to grant the firm relief for the last quarter of its 1979 fiscal year. The DOE determined that Edgington failed to demonstrate that it was entitled to exception relief for that period. Accordingly, the Motion for Reconsideration was denied.

In addition, Edgington filed an Application for Stay of its obligation to purchase entitlements required by the April 20, 1981 Supplemental Order. Since Edgington's Motion for Reconsideration was denied and the obligation to purchase entitlements required by the Supplemental Order was affirmed, the Application for Stay was denied.

Westland Oil Development Corporation, 6/17/81, BRR-0107

On April 27, 1981, Westland Oil Development Corporation filed an Application for Rescission in which it sought the rescission of a Consent Order entered into by the firm with the DOE on June 23, 1980. In considering the request, the DOE determined that Westland had failed to make the threshold showing of "significantly changed circumstances" as required under the DOE procedural regulations. Accordingly, Westland's Application for Rescission was dismissed.

Request for Stay

Hobart Corporation, 6/18/81 BES-0163, BET-0163

Hobart Corporation filed Applications for Temporary Stay and Stay of the provisions of a Decision and Order that the Office of Hearings and Appeals issued to the firm on April 28, 1981. *See Hobart Corporation*, 8 DOE ¶ 81,015 (1981). In considering the Hobart requests the DOE found that (1) the Federal Energy Regulatory Commission had already granted temporary stay relief to Hobart; and (2) the firm's Applications were not incident to any submissions to be filed with the Office of Hearings and Appeals and therefore did not satisfy the procedural requirement set forth at 10 CFR 205.120(b). Accordingly, the DOE determined that Hobart's Applications should be dismissed.

Motions for Discovery

Conoco Inc.; Office of Special Counsel, 6/19/81, BRD-1153 & BRD-0074

Conoco, Inc. and the Office of Special Counsel filed Motions for Discovery in connection with Conoco's objections to a Proposed Order of Disallowance which was issued to Conoco on February 20, 1979. The Office of Hearings and Appeals issued a Decision and Order setting forth the rulings on each party's discovery requests that had been made by the Presiding Officer at a May 12, 1981 hearing held in connection with the Motions.

Gulf Oil Corporation, 6/17/81, BRD-0085

Gulf Oil Corporation filed a Second Motion for Discovery in connection with its objections to a Proposed Remedial Order which the Office of Special Counsel issued to the firm. In considering Gulf's Motion, the DOE set forth standards for granting multiple "wave" discovery and ruled in a general manner on the validity of the OSC's 10 objections to the discovery sought by Gulf. Gulf and the OSC were ordered to apply the DOE's rulings to Gulf's specific discovery requests and to file a stipulation within 20 days.

Interlocutory Order

Mitchell Energy Corporation, 6/16/81, BRZ-0093, BRR-0101

Mitchell Energy Corporation filed a Motion to Compel Discovery granted to it in a Decision and Order issued on January 23, 1981. *Mitchell Energy Corp.*, 7 DOE ¶ 82,547 (1981). In its Motion to Compel Discovery, Mitchell contended that ERA did not comply with a portion of the discovery order which directed ERA to supply Mitchell with a "list of all leases constituting the sample utilized for the audit ERA undertook of Mitchell and an explanation of the manner in which they were selected and analyzed." The DOE determined that ERA, in its discovery response, had not provided Mitchell with a list of the properties it had audited. The Motion to Compel Discovery was thus granted with respect to this material. The DOE denied the motion in all other respects.

In addition, Mitchell filed a Motion for Modification of the January 23, 1981 Decision. In its Motion for Modification, Mitchell requested that DOE reconsider those portions of the January 23 determination which denied its requests for all documents concerning the meaning of and basis for three interpretive rulings and two rulemaking proceedings concerning the definition of the term "property" in the DOE crude oil price regulations. The DOE determined that the Motion for Modification should be granted in part. It denied those portions of the motion seeking reconsideration of the determinations reached with respect to Mitchell's requests for discovery of the administrative records of the interpretive rulings and the rulemaking proceedings on the grounds that the January

23 determination correctly resolved these matters. The DOE concluded, however, that the January 23 determination did not properly characterize the purpose of Mitchell's requests for discovery of contemporaneous constructions of the property definition. Because Mitchell was arguing that the property definition was ambiguous and that it had consequently been confused about its proper application, the DOE determined that the Motion for Reconsideration should be granted to permit Mitchell some contemporaneous construction discovery concerning the extent to which the property definition was affected by state regulatory actions.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Named and Case No.

Little America Refining, Co./Texaco, Inc., BE]-0203

[FR Doc. 81-22925 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 81-467 and 81-468; File Nos. BPCT-801126KH and BPCT-810302KF]

Family Stations, Inc. and High Country Broadcasting, Inc.; Hearing Designation Order

Adopted: July 22, 1981.

Released: July 30, 1981.

By the Chief, Broadcast Bureau.

In re Applications of Family Stations, Inc., Reno, Nevada and High Country Broadcasting, Inc., Reno, Nevada for Construction Permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 27, Reno, Nevada.

Family Stations, Inc.

2. Applicant estimates that it will cost $281,451 to construct the proposed station and operate it for three months.[1]

3. To finance its proposal, applicant relies upon: (1) existing capital of $369,435; (2) anticipated donations of $100,000; and (3) net deferred credit from equipment supplier of $197,730. With respect to existing capital, the applicant's current liabilities exceed its liquid assets by $1,050,845, so that there is no existing capital available for construction or operation costs. With respect to (2), there is no showing that funds from specific donors will, in fact be forthcoming. Finally with respect to (3), no deferred credit letter has been furnished to disclose the identity of the equipment supplier or the terms of the deferred credit. Consequently, the applicant does not appear to have any funds available to meet its estimated costs and an appropriate issue will be specified.

Conclusion and Order

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Family Stations, Inc.:

(a) The source and availability of $281,451 to construct and operate as proposed:

(b) Whether, in light of the evidence adduced pursuant to (a) above, applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-22960 Filed 8-5-81; 8:45 am]

BILLING CODE 6712-01-M

[1] The $281,451 figure includes the entire equipment package estimate of $223,500.

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meetings

July 30, 1981.

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on August 6, 1981 at 9:30 a.m. in Room A-110, of the Federal Communications Commission, 1225 20th Street NW., Washington, D.C. This Study Group will deal with U.S. Government aspects of international telegram and telephone operations and tariffs.

The U.S. Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT meetings. This meeting of Study Group A will examine the questions and contributions relating primarily to the upcoming September meeting of CCITT Study Group III at the 9:30 a.m.-12:30 p.m. morning session, and issues concerning CCITT Study Group I (scheduled for January 1982) at the 1:30 p.m.-4:30 p.m. afternoon session. There will be a meeting of the ad hoc groups—public data networks and leased circuit studies—on August 5, 1981 commencing at 1:00 p.m. in Room A-106, same address.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Earl S. Barbely, Federal Communications Commission, Washington, D.C. 20554, telephone (202) 632-3214.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-22957 Filed 8-5-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons or Voyages pursuant to the provisions of Section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540): Commodore Cruise Line, Limited and Hanseatic Caribbean Shipping Co., Inc., c/o Commodore Cruise Line, Limited, 1015 North America Way, Miami, Florida 33132.

Dated: August 3, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-22928 Filed 8-5-81; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Commodore Cruise Line, Limited and Hanseatic Caribbean Shipping Co., Inc., c/o Commodore Cruise Line, Limited, 1015 North America Way, Miami, Florida 33132.

Dated: August 3, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-22931 Filed 8-5-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Continental National Bancshares, Inc.; Formation of Bank Holding Company

Continental National Bancshares, Inc., El Paso, 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 per cent or more of the voting shares, less directors' qualifying shares, of Continental National Bank, El Paso, 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. 1843(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 that August 30, 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 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-22940 Filed 8-5-81; 8:45 am]

BILLING CODE 6210-01-M

Wheatland Bancorporation; Formation of Bank Holding Company

Wheatland Bancorporation, Lowden, Iowa, 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 per cent or more of the voting shares of First Trust and Savings Bank, Wheatland, Iowa. Wheatland Bancorporation also has applied for the Board's approval under section 4(c)(8)) of the BHC Act (12 U.S.C. 1843(c)(8) to engage in general insurance activities in a community with a population of less than 5,000 through the acquisition of 100 per cent of the voting shares of First T and S Agency, Inc., Wheatland, Iowa. The factors that are considered in acting on the application are set forth in sections 3(c) and 4(c)(8) Act (12 U.S.C. 1842(c) and 1843(c)(8)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later that 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. 81-22941 Filed 8-5-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, 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 29, 1981.

Federal Reserve Bank of Cleveland (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101: Pittsburgh National Corporation, Pittsburgh, Pennsylvania (insurance activities; Virginia, Kentucky, Indiana, and Washington D.C.): to engage through its subsidiary, the Kessel Company, in acting as agent for nonaffiliated insurance companies in the sale or solicitation of orders for accident and health insurance and mortgage

redemption life insurance on debtors, in connection with mortgages made or serviced by the Kessel Company. These activities would be conducted from offices in the following locations: (1) Lexington, Kentucky and serving the counties of Woodford, Scott, Madison, Jessamine, Bourbon, Clark, Powell, Franklin, Harrod, Boyle and Lincoln, all located in Kentucky; (2) Louisville, Kentucky and serving the counties of Jefferson, Spencer, Boyle, Taylor, Oldham, Shelby and Bullett, all located in Kentucky, and the counties of Floyd, Clark and Harrison, all located in Indiana; (3) Annandale, Virginia and serving the counties of Fairfax and Loudoun, all located in Virgina; (4) Reston, Virginia, serving Fairfax, Prince William, and Loudoun counties, all located in Virginia and Washington D.C.; (5) Richmond, Virginia and serving the counties of Henrico, Chesterfield, Hanover, Dinwiddie, Prince Georges, Greensville, King William, Powhattan, Lawrenceville and Goochland and the cities of Richmond, Petersburg, Colonial Heights and Hopewell, all located in Virginia; (6) Virginia Beach and serving the counties of Sussex, Surry, Isle of Wright, South Hampton, Greensville, York and James City and the metropolitan areas of Virginia Beach, all located in Virginia.

Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690: Goldfield State Bancshares, Inc., Goldfield, Iowa (leasing activities; Iowa): to engage, through a subsidiary known as Eagleson Leasing Company, Eagle Grove, Iowa, as an agent, broker or advisor in leasing personal property and equipment. The types of property or equipment to be leased will be for agricultural purposes. The leasing transactions will compensate the lessor for not less than the lessor's full investment in the property, plus the estimated total cost of financing the property over the term of the lease and where the lease otherwise conforms with 12 CFR Section 225.4(a)(6)(a)(i)–(vi). Such activities will be conducted at offices located at 100 West Broadway, Eagle Grove, Iowa 50533, serving Wright County, the northeast corner of Webster County, the eastern half of Humboldt County, the southeast corner of Kossuth County, the southern edge of Hancock County, the southwest corner of Cerro Gordo County, and the western edge of Franklin County, Iowa.

Federal Reserve Bank of Dallas (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222: Consolidated Bancshares, Inc., Abilene, Texas (mortgage banking, management consulting, personal property leasing, and data processing activities; Texas): to engage, through its *de novo* subsidiary, Consolidated Bankers' Mortgage Company, in making and acquiring for its own account, loans and other extensions of credit such as would be made by a mortgage company, including, as examples, origination, purchase, sale and servicing of all types of mortgage loans, both long-term and short-term; construction and development loans; issuance of standby and firm take-out commitments for residential, commercial, construction and development loans; operation of a management consultant department for the purpose of assisting nonaffiliated banks in the running of a mortgage loan operation; buying, selling, and dealing in GNMA mortgage-backed securities, GNMA options, conventional mortgage-backed securities, loan participation, and other types of secondary market activities related to the mortgage banking industry. These activities would be conducted from an office of the subsidiary located in Abilene, Texas, serving the cities of Abilene, Austin, Dallas, Fort Worth, Houston, Lubbock, Midland/Odessa, San Antonio and Wichita Falls, Texas, and the counties in which such cities are located.

Applicant also proposes to engage, through its *de novo* subsidiary, Consolidated Leasing, Inc., in the leasing of personal property including, as examples, oil field equipment, banking and check-processing equipment, and commercial trucks and trailers, and in the activities of an agent, broker and adviser in the leasing of personal property. These activities would be conducted from an office in Abilene, Texas, serving the western counties of Texas.

Applicants also proposes to engage, through its *de novo* subsidiary, Consolidated Data Processing, Inc., in bookkeeping and data processing activities for the internal operations of Applicant and its banking and nonbanking subsidiaries, including check processing, record storage and loans portfolio administration; and in storing and processing of other banking, financial and related economic data, including payroll, accounts receivable and payable, and billing services. These activities would be conducted from an office in Abilene, Texas, serving the State of Texas.

American State Financial Corporation, Lubbock, Texas (insurance underwriting activities; Texas): to engage through a subsidiary, Liberty American Life Insurance Company, Lubbock, Texas, in the activities of underwriting credit life, accident and health insurance directly related to extensions of credit by Applicant's banking subsidiaries. These activities would be performed from offices of Applicant's subsidiary in Lubbock, Texas, serving the City and County of Lubbock, Texas.

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. 81-22942 Filed 8-5-81; 8:45 am]

BILLING CODE 6210-01-M

Caterpillar Tractor Co.; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Caterpillar Tractor Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of International Harvester Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-22854 Filed 8-5-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organizations: Determination of Noncompliance.

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: Determination of noncompliance.

SUMMARY: On March 4, 1980, the Office of Health Maintenance Organizations determined that Health Service Plan of Pennsylvania (HSP), 1401 Arch Street, Philadelphia, Pennsylvania 19102, a federally qualified health maintenance organization (HMO), was not in compliance with the assurance it had provided to the Secretary that it would maintain a fiscally sound operation. The determination of noncompliance does not itself affect the status of HSP as a federally qualified HMO. Rather, HSP has been given the opportunity to and has, in fact, initiated corrective action to bring itself into compliance with the assurances it gave the Secretary.

FOR FURTHER INFORMATION CONTACT:

Frank H. Seubold, Ph.D., Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)) (the Act), if the Secretary makes a determination under section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination in the **Federal Register.**

On March 4, 1980, OHMO notified HSP that it was not in compliance with the assurance that it had given the Secretary that it would maintain a fiscally sound operation. On July 13, 1981, OHMO approved a plan for HSP to restore compliance with these requirements.

Dated: July 30, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-22857 Filed 8-5-81; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations; Determination of Noncompliance

AGENCY: Public Health Service, HHS.

ACTION: Notice, Continued Regulation of Health Maintenance Organizations: Determination of Noncompliance.

SUMMARY: On October 30, 1980, the Office of Health Maintenance Organizations determined that Protective Health Providers (PHP), 150 West Washington Street, San Diego, California 92103, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, and (3) establish a satisfactory system of fixing rates of payments for health services. The determination of noncompliance does not itself affect the status of PHP as a federally qualified HMO. Rather, PHP has, in fact, initiated corrective action to bring itself into compliance with the assurances it gave the Secretary.

FOR FURTHER INFORMATION CONTACT:

Frank H. Seubold, Ph.D., Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)) (the Act), if the Secretary make a determination under Section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring in into compliance with the assurances, and (3) publish the determination in the **Federal Register.**

On October 30, 1980, OHMO notified PHP that it was not in compliance with the assurances that it has given the Secretary that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, and (3) establish a satisfactory system of fixing rates of payments for health services. On June 19, 1981, OHMO approved a plan for PHP to restore compliance with these requirements.

Dated: July 30, 1981.

Frank H. Seubold, Ph. D.,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-22858 Filed 8-5-81; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations; Determination of Noncompliance

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: Determination of noncompliance.

SUMMARY: On October 31, 1980, the Office of Health Maintenance Organizations determined Health Central, 17th & N Streets, Lincoln, Nebraska 68508, a federally qualified health maintenance organization (HMO), was not in compliance with the assurance it had provided to the Secretary that it would maintain a fiscally sound operation. The determination of noncompliance does not itself affect the status of Health Central as a federally qualified HMO. Rather, Health Central has been given the opportunity to and has, in fact, initiated corrective action to bring itself into compliance with the assurances it gave the Secretary.

FOR FURTHER INFORMATION CONTACT:

Frank H. Seubold, Ph.D., Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)) (the Act), if the Secretary makes a determination under section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the NMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination in the **Federal Register.**

On October 31, 1980, OHMO notified Health Center that it was not in compliance with the assurance that it had given the Secretary that it would maintain a fiscally sound operation. On July 14, 1981, OHMO approved a plan for Health Central to restore compliance with these requirements.

Dated: July 30, 1981.

Frank H. Seubold, Ph. D.,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-22859 Filed 8-5-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6701-C]

Alaska Native Claims Selection

On February 24, 1981, a Decision to Issue Conveyance (DIC) approving 138.64 acres of land was issued to Seldovia Native Association, Inc. The DIC reserved an easement (EIN 1 D9) for an existing road affecting lot 3 of U.S. Survey 4750. The easement was described as follow:

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

(EIN 1 D9) An easement sixty (60) feet in width for an existing road from a point on the south boundary of U.S. Survey 4750, through lot 5, in Sec. 19, T. 8 S., R. 13 W., Seward Meridian, and continuing to and through U.S. Survey 4750, lot 3, in Sec. 20, T. 8 S., R. 13 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

Subsequent findings identify easement EIN 1 D9 as the Seldovia-Red Mountain Road. The right-of-way interest in this road was transferred to the State of Alaska by quitclaim deed dated June 30, 1959, under the Alaska Omnibus Act, Pub. L. 86-70 (73 Stat. 141).

In view of this, the decision is hereby amended to remove the above easement and to include the following paragraph for the lands within lot 3 of U.S. Suvery 4750 under the statement which reads, "The grant of the above-described lands shall be subject to:"

That right-of-way interest in the Seldovia-Red Mountain Road (FAS Route No. 4040), transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141), across the following described real property:

U.S. Survey 4750, lot 3 (within unsurveyed Section 20, T. 8 S., R. 13 W., Seward Meridian) Seldovia Recording District, Third Judicial District, State of Alaska.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Anchorage Times.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until September 8, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501
Seldovia Native Association, Inc., P.O. Drawer L, Seldovia, Alaska 99663
Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509

Except as amended by this decision, the decision of February 24, 1981, stands as written.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-22938 Filed 8-5-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-6666-A, AA-6666-B]

Alaska Native Claims Selections

On July 24 and December 4, 1974, Gakona Corporation filed selection applications AA-6666-A, and AA-6666-B, as amended, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act for lands within the vicinity of Gakona.

On September 30, 1980, in accordance with Title 10, Chapter 05, Secs. 396 and 399 of the Alaska Business Corporation Act, and as authorized by 43 U.S.C. 1627 (89 Stat. 1148), AHTNA, Incorporated, a domestic corporation, merged with Cantwell Yedatene Na Corporation; Cheesh-Na, Incorporated; Gakona Corporation; Kluti-Kaah Corporation; Mentasta, Incorporated; Sta-keh Corporation; and Tazlina Corporation, domestic corporations which consolidated individual village interests into one single constituent corporation. The surviving corporation, AHTNA, Incorporated, is entitled to all rights, privileges, and benefits of the Alaska Native Claims Settlement Act.

As to the lands described below, the applications submitted by Gakona Corporation, as amended, are properly filed, and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 61,305 acres, is considered proper for acquisition by AHTNA, Incorporated (for the village of Gakona) and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

U.S. Survey No. 5559, lots 1A and 2, situated on the easterly and westerly sides of the Glenn Highway about 8 miles northerly of the Junction with the Richardson Highway, Alaska.

Containing 10 acres.

U.S. Survey No. 5560 lots 1 and 4, situated about four miles northerly of Gakona, Alaska.

Containing 99.55 acres.

Copper River Meridian, Alaska

T. 6 N., R. 1 E. (Surveyed)

Sec. 18 N½NE¼SW¼NW¼; and

Those portions of Tract A more particularly described as (protracted):

Sec. 1, all;

Secs. 2 and 3, excluding U.S. Survey 5560 and the Copper River;

Secs. 4 to 7, inclusive, all;

Sec. 8, excluding U.S. Survey 5562;

Sec. 9, excluding U.S. Survey 5560, U.S. Survey 5561, and Native allotment AA-6495 Parcel B;

Sec. 10, excluding U.S. Survey 4843, U.S. Survey 5560, and the Copper River;

Secs. 11 to 14, inclusive, all;

Sec. 15, excluding Copper River;

Sec. 16, excluding U.S. Survey 5561 and the Copper River;

Secs. 17, 18 and 19, excluding the Copper River;

Secs. 20 to 36, inclusive, all.

Containing approximately 21,015 acres.

T. 7 N., R. 1 E. (Surveyed)

Those portions of Tract A more particularly described as (protracted):
Secs. 4 to 9, inclusive, all;
Secs. 13 to 23, inclusive, all;
Sec. 24, excluding the Copper River;
Sec. 25, excluding U.S. Survey 5559 and the Copper River;
Sec. 26, excluding U.S. Survey 5559;
Secs. 27 to 34, inclusive, all;
Secs. 35 and 36, excluding U.S. Survey 5559 and the Copper River.
Containing approximately 18,260 acres.
T. 7 N., R. 2 E. (Unsurveyed)
Sec. 1, excluding the Copper River;
Sec. 2, excluding Native allotment AA-7576 and the Copper River;
Sec. 3, excluding Native allotments AA-6495 Parcel A and AA-7576;
Sec. 4, excluding Native allotment AA-6495 Parcel A;
Secs. 5 and 6, excluding Native allotment AA-6713;
Sec. 7, excluding Native allotments AA-6713, AA-7336, and ANCSA Sec. 3(e) application AA-38334 Parcels 1 and 3;
Sec. 8, excluding U.S. Survey 5277, Native allotments AA-2627 Parcel B, AA-6713, AA-7488 Parcel A, and the Copper River;
Sec. 9, excluding U.S. Survey 5277, Native allotments AA-6495 Parcel A, AA-6714, and the Copper River;
Sec. 10, excluding Native allotments AA-6495 Parcel A, AA-6714, and the Copper River;
Secs. 11 and 12, excluding the Copper River;
Sec. 13, all;
Secs. 14 to 17, inclusive, excluding the Copper River;
Sec. 18, excluding Native allotment AA-7336 and the Copper River;
Sec. 19, excluding the Copper River;
Secs. 21 and 22, all.
Containing approximately 11,098 acres.
T. 8 N., R. 2 E. (Unsurveyed)
Sec. 36, excluding U.S. Survey 3573, U.S. Survey 5119, Native allotments AA-2627 Parcel A, and A-062755 Tract I.
Containing approximately 548 acres.
T. 8 N., R. 3 E. (Unsurveyed)
Secs. 4 to 9, inclusive, all;
Secs. 10 and 15, excluding the Copper River;
Secs. 16, excluding Native allotment AA-6059;
Secs. 17, 18, and 19, all;
Sec. 20, excluding Native allotment AA-6059;
Sec. 21, excluding Native allotment AA-6059 and the Copper River;
Secs. 28 and 29, excluding the Copper River;
Sec. 30, excluding Native allotment A-062349;
Sec. 31, excluding Native allotment A-062349, A-062755 Tracts I and II and the Copper River;
Sec. 32, excluding the Copper River.
Containing approximately 10,274 acres.
Aggregating approximately 61,305 acres.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are underlying water bodies determined to be navigable and/or tidally influenced; lands are pending a determination under Section 3(e) of ANCSA; or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-6666-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: Travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles and trucks.

One Acre Road—The uses allowed for a site easement are: Vehicle parking (e.g., aircraft, boats, ATV's snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 1a C5, D9) An easement for an existing access trail twenty-five (25) feet in width from the Tok Cutoff, in Sec. 35, T. 7 N., R. 1 E., Copper River Meridian, southerly to site EIN 1c C5 on the left bank of the Copper River and continuing southerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 1c C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 35, T. 7 N., R. 1 E., Copper River Meridian, on the left bank of the Copper River. The uses allowed are those listed above for a one (1) acre site.

c. (EIN 11a C5, L) An easement sixty (60) feet in width for an existing road from Mile 4 Tok Cutoff, Sec. 9, T. 6 N., R. 1 E., Cooper River Meridain, easterly to site EIN 11b C5, L on the right bank of the Copper River. The uses allowed are those listed above for a sixty (60) foot wide road easement.

d. (EIN 11b C5, L) A one (1) acre site easement upland of the ordinary high water mark in Sec. 10, T. 6 N., R. 1 E., Copper River Meridian, on the right bank of the Copper River. The uses allowed are those listed above for a one (1) acre site.

e. (EIN 15a C5) An easement for an existing access trail fifty (50) feet in width from site EIN 15b C5 at Mile 9, Tok Cutoff in Sec. 26, T. 7 N., R. 1 E., Copper River Meridian, northerly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

f. (EIN 15b C5) A one (1) acre site easement in Sec. 26, T. 7 N., R. 1 E., Copper River Meridian, at Mile 9 of the Tok Cutoff adjacent to and north of the road. The uses allowed are those listed above for a one (1) acre site easement.

g. (EIN 21 D1) An easement for a proposed access trail twenty-five (25) feet in width from the Tok Cutoff in Sec. 21, T. 8 N., R. 3 E., Copper River Meridian, southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

h. (EIN 23 C5) An easement sixty (60) feet in width for an existing road from the centerline of the Glenn Highway in Sec. 7, T. 7 N., R. 2 E., Copper River Meridian, northerly (including a one-hundred and fifty (150) foot spur to the east) to the Air Force Aurora Radio Relay Sites. The uses allowed are those listed above for a sixty (60) foot road easement. The uses are limited to the U.S. Government, its agents, or assignees.

i. (EIN 31a C5, L) An easement fifty (50) feet in width, twenty-five (25) feet each side of the centerline, for existing powerlines and telephone lines roughly paralleling the Tok Highway from Sec. 13, T. 6 N., R. 1 W., Copper River Meridian, northeasterly through the selection. The uses allowed are those associated with operation and maintenance of power and telephone line facilities.

j. (EIN 31b C5, L) An easement fifty (50) feet in width, twenty-five (25) feet each side of the centerline, for existing powerlines and telephone lines from Sec. 13, T. 6 N., R. 1 W., Copper River Meridian, southeasterly to junction with EIN 31a C5, L in Sec 18, T. 6 N., R. 1 E., Copper River Meridian. The uses allowed are those activities associated with operation and maintenance of power and telephone line facilities.

k. (EIN 31c C5, L) An easement fifty (50) feet in width, twenty-five (25) feet each side of the centerline, for existing powerlines from EIN 31a C5, L in Sec. 7, T. 7 N., R. 2 E., Copper River Meridian, northeasterly to a microwave site in Sec. 7, T. 7 N., R. 2 E., Copper River Meridian. The uses allowed are those

activities associated with the operation and maintenance of the powerline facilities.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section;

4. Rights-of-way for material sites granted under the Federal Aid Highway Act of August 27, 1958, as amended 23 U.S.C. 317:

a. A-062221, located in U.S. Survery 5560 lot 4, and Tract A protracted Secs. 9 and 10, T. 6 N., R. 1 E., Copper River Meridian, Alaska;

b. A-067674, located in Sec. 10, T. 7 N., R. 2 E., Copper River Meridian, Alaska;

c. A-067454, located in Tract A protracted Secs. 25, 26, 35, and 36, T. 7 N., R. 1 E., Copper River Meridian, Alaska;

d. A-058841, located in Sec. 10, T. 6 N., R. 3 E., Copper River Meridian, Alaska;

e. A-067627, located in Sec. 15, T. 8 N., R. 3 E., Copper River Meridian, Alaska;

f. A-058842, located in Sec. 15, T. 8 N., R. 3 E., Copper River Meridian, Alaska.

5. Rights-of-way for Federal Aid Highways, Act of August 27, 1958, as amended, 23 U.S.C. 317:

a. A-059161, located in Sec. 10, T. 8 N., R. 3 E., Copper River Meridian, Alaska.

b. A-067583, located in U.S. Survey 5560, lot 4, and Tract A protracted Secs. 3, 9, 10, and 16, T. 6 N., R. 1 E., and Tract A protracted Secs. 24, 25, 26, 34, and 35, T. 7 N., R. 1 E., Copper River Meridian, Alaska;

c. A-067753, located in Secs. 10, 15, 20, 21, 29, 30, and 31, T. 8 N., R. 3 E., Copper River Meridian, Alaska;

d. A-067759, located in Tract A protracted Secs. 13 and 24, T. 7 N., R. 1 E.; Secs. 2 to 5, inclusive, Secs. 7 to 10, inclusive, and Sec. 18, T. 7 N., R. 2 E.; Sec. 36, T. 8 N., R. 2 E.; and Sec. 31, T. 8 N., R. 3 E., Copper River Meridian, Alaska.

e. AA-527, located in Sec. 10, T. 8 N., R. 3 E., Copper River Meridian, Alaska, channel change.

6. An easement and right-of-way to operate, maintain, repair and patrol an overhead open wire and underground communication line or lines, and appurtenances thereto, in, on, over, and across a strip of land fifty (50) feet in width, lying twenty-five (25) feet on each side of the centerline of the Alaska Communication System's open wire or pole line and/or buried communication cableline, conveyed to RCA Alaska Communications, Inc. by Easement Deed dated January 10, 1971, AA-6188, pursuant to the Alaska Communications Disposal Act (81 Stat. 441; 40 U.S.C. 771, et seq.), located in Tract A protracted Secs. 3, 9, 10, 16, and 18, T. 6 N., R. 1 E.; Tract A protracted Secs. 13, 23, 24, 25, 26, 34, and 35, T. 7 N., R. 1 E.; Secs. 2, 3, 4, 5, 7, 8, 9, 10, and 18, T. 7 N., R. 2 E.; Sec. 36, T. 8 N., R. 2 E.; and Secs. 10, 15, 16, 20, 21, 29, 30, and 31, T. 8 N., R. 3 E., Copper River Meridian, Alaska; and

7. An easement for highway purposes, including appurtenant protective, scenic and service areas, extending 150 feet on either side of the centerline of the Glenn Highway (Tok Cutoff), as established by Public Land Order 1613 (23 FR 2376), pursuant to the Act of August 1, 1956 (70 Stat. 898) and transferred to the State of Alaska pursuant to the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) located in U.S. Survey 5560 lot 4; Tract A protracted Secs. 3, 9, 10, and 16, T. 6 N., R. 1 E.; and Tract A protracted Secs. 13, 24, 25, 26, 34, and 35, T. 7 N., R. 1 E.; Secs. 2 to 5, inclusive, 7 to 10, inclusive, and 18, T. 7 N., R. 2 E.; Sec. 36, T. 8 N., R. 2 E.; and Secs. 10, 15, 20, 21, 29, 30, and 31, T. 8 N., R. 3 E., Copper River Meridian.

AHTAN, Incorporated (for the village of Gakona) is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of NACSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is 61,305 acres. The remaining entitlement of approximately 7,815 acres will be conveyed as a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to AHTNA, Incorporated when the surface estate is conveyed to AHTNA, Incorporated (for the village of Gakona) and shall be subject to the same conditions as the surface conveyance.

Within the above-described lands, only the following inland water body is considered to be navigable:

Copper River.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Tundra Times.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board: *Provided, however,* Pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until September 8, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

AHTNA, Inc., Drawer C, Copper Center, Alaska 99573

State of Alaska, Division of Research and Development, Department of Natural Resources, 323 East Fourth Avenue, Anchorage, Alaska 99501

Ann Johnson

Chief, Branch of Adjudication.

[FR Doc. 81-22930 Filed 8-5-81; 8:45 am]

BILLING CODE 4310-84-M

Ukiah District Advisory Council Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date and agenda of a forthcoming meeting of the Ukiah District Bureau of Land Management Advisory Council. Notice of this meeting is required under Section 603 of the Federal Land Policy and Management Act, as amended (P.L. 94–579, 90 Stat. 2743–2794).

DATE: Friday, September 11, 1981, 9:00 a.m. to 5:00 p.m.

ADDRESS: (Meeting Place.) Conference Room, Financial Federation Savings and Loan, 700 South State Street, Ukiah, California 95482.

FOR FURTHER INFORMATION CONTACT: Van Manning, District Manager, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482, (707) 462–3873.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss proposed decisions on the management of public lands managed by the Bureau of Land Management in the Red Mountain and Scattered Blocks planning units (primarily Humboldt, Mendocino, and Trinity counties, California). The Ukiah District BLM staff will present the proposed decisions to the Council at 9:00 a.m. Discussion will continue until 3:30 p.m. with a break from 11:45 to 1:30. All advisory council meetings are open to the public. A public comment period will be held from 3:30 to 4:30 p.m. Oral statements will be limited to 10 minutes each. Written statements may be filed with the District Manager prior to September 11.

Dated: July 29, 1981.

Alan L. Bellon,

Acting District Manager.

[FR Doc. 81-22855 Filed 8-5-81; 8:45 am]

BILLING CODE 4310-84-M

Carson City District Advisory Council

SUMMARY: The Council will meet in Markleeville, California on September 11. Outdoor recreation management will be the featured topic.

DATE AND TIME: September 11, 1981; 9:30 a.m.

LOCATION: Alpine County Courthouse; Markleeville, California.

FOR FURTHER INFORMATION CONTACT: Stephen A. Weiss, Public Affairs Officer, Bureau of Land Management, 1050 East William St., Suite 335, Carson City, Nevada 89701; (702) 882–1631.

SUPPLEMENTARY INFORMATION: The agenda is scheduled as follows:

9:30 a.m.—Call to order, introductions, minutes of last meeting
9:40 a.m.—Election of Vice-chairperson to unexpired vacant term
9:50 a.m.—Subcommittee reports
10:15 a.m.—Old business
10:30 a.m.—New business. Outdoor Recreation Management—overview briefing by BLM
11:15 a.m.—Discussion and public statements
11:45 a.m.—Arrangement for next meeting
12:00 a.m.—Adjournment
1:00 p.m.—Field trip to Indian Creek Recreation Lands, potential sites for Alpine County waste disposal sites, and other points of interest.

The Council is chartered by the Secretary of the Interior to provide citizen counsel and advice to the Carson City District Manager regarding planning and management of public lands and resources. The meeting is open to the public. Any person may attend, file a written statement by mail in advance, or appear before the Council at 11:15 a.m.

Dated: July 28, 1981.

Thomas J. Owen,

District Manager.

[FR Doc. 81-22853 Filed 8-5-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-99F)]

Burlington Northern Railroad Co.; Abandonment Between Golva, ND, and Carlyle, MT; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided July 29, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 ICC 91 (1979), the present and future public convenience and necessity permit the abandonment by the Burlington Northern Railroad Company of a line of railroad known as the Golva, ND, to Carlyle, MT, line extending from railroad milepost 13.40 near Golva, ND, to railroad milepost 20.77, at the end of the line, near Carlyle, MT, a distance of 7.37 miles in Golden Valley County, ND, and Wilbaux County, MT. A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern Railroad Company. Since no investigation was instituted, the requirement of §1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to §1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-22856 Filed 8-5-81; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of the notice.

No. 43928, Southwestern Freight Bureau, Agent (No. B–131), for and on behalf of rail carriers parties to its Tariff ICC SWFB 4318–A, Supplement No. 52, Item 1270–B, to establish reduced rates on barytes (barite) from Missouri origins to Ingleside, TX to become effective August 24, 1981. Grounds for relief—market competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-22944 Filed 8-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29658 (Sub-1)]

Mahoning Valley Railway Co.; Operation of a Line of Railroad in Mahoning County, OH; Notice

Mahoning Valley Railway Company (Applicant), represented by Mr. J. L. Hadley, Vice President, The Mahoning Valley Railway Company, P.O. Box 920, Youngstown, OH 44501, hereby gives

notice that on the 5th day of June, 1981, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 10901 for a decision approving and authorizing it to operate a line of railroad consisting of approximately eighteen (18) miles of track owned or leased my Mahoning Valley, with operations also over approximately twenty-five (25) miles owned by industries being served in Mahoning County, OH. No new construction is anticipated in the operation of this railroad, which will serve industrial concerns along the Mahoning River in the Cities of Youngstown, Campbell and Struthers, all located in Mahoning County, OH.

Applicant does not propose to construct a new line of railroad. Applicant does propose to acquire industrial rail facilities owned by Jones & Laughlin Steel Corporation and not presently being operated by a common carrier, and to operate over additional railroad tracks owned by industries being served. Applicant proposes to service Jones & Laughlin Steel Corporation, Youngstown Steel Corporation, Casey Equipment Corporation, Monroe & Sons Manufacturing Corporation, Hilti Steel Industry Products Corporation, and any other industries that may choose to locate along the tracks over which Applicant proposes to operate.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act*, 1969, 352 ICC 451 (1976), as amended by the Commission's decision in Ex Parte No. 55 (Sub-No. 22), *Revision of National Environmental Policy Act Guidelines*, 363 ICC 653 (1980), 45 FR 79810 (December 2, 1980), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of publication of this notice in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-22969 Filed 8-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the aapplication later becomes unopposed) appropriate authority will be issued to each applicant (unless the application involves impendiments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: July 28, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-14666, filed July 10, 1981. MILLERS TRANSPORT, INC. (Millers) (510 West 4th North, Hyrum, UT 84319)—purchase—Don Bybee & Sons Trucking, Inc. (Bybee) (145 East Main St., Hyrum, UT 84319). Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. Millers seeks authority to purchase the operating rights and properties of Bybee. Larry W. Miller, Ivan Miller and Max A. Miller seek authority to acquire control of said rights through the transaction.

Millers is pruchasing those rights contained in Bybee's certificate in MC-147094 sub-numbers 2F and 3F, which authorize the transportation of office furniture, new furniture, and parts for the foregoing commoditites, (1) from points in CA, NM, AZ, UT, NV, and ID to points in CA, UT, AZ, NM, ID, MT, WA, OR, NV, WY, CO, and TX; (2) cheese and cheese products from the facilities of Mountain Farms Cheese in

Cache County, UT to points in UT, CA, ID, NM, CO, AZ, NV, WA, OR MT, and WY: and (3) cheese, cheese products, and cheese packaging material and equipment and supplies used in packaging and distribution of cheese, from points in CA, UT, ID, NM, CO, AZ, NV, WA, OR, MT WY, MN, WI, and OH to the facilites of Mountain Farms Cheese in Cache County, UT. Sub No. 3F authorizes the transportation of beer and materials and supplies used in the distribution of beer from points in CA, WA, and OR to points in UT.

Note.—An application for TA has been filed.

[FR Doc. 81-22960 Filed 8-5-81; 8:45]

BILLING CODE 7035-01-M

[Volume No. OPY-4-VOL-297]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided July 29, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Carleton, Fisher and Williams. Williams not participating.

Agatha L. Mergenovich,

Secretary.

MC F 14664, filed July 10, 1981. Applicant: INTERNATIONAL PAPER COMPANY, 77 West 45th St., New York, NY 10036. Representative: Michael F. Morrone, 1150 17th St., NW, Suite 1000, Washington, D.C. 20036, (202) 457-1124. Applicant seeks authority to CONTINUE IN CONTROL of Forest Motor Lines, Inc., International Paper Plaza, 77 West 45th St., New York, NY, 10036, upon Forest Motor Lines, Inc.'s commencement of operations as a motor contract carrier of *general commodities* (except classes A and B explosives), between points in the U.S. International Paper Company, a publically held corporation, through the ownership of all outstanding stock, presently controls Forest Motor Lines, Inc., whose application for motor contract carriage authority has been filed simultaneously with this application. The International Paper Company presently controls the Longview, Portland and Northern Railway Company, pursuant to Finance Docket No. 19850, and The Mississippis Export Railroad, pursuant to Finance Docket No. 18253.

Note.—This application is directly related to an application for initial contract carrier authority in MC-157107, as published in this same **Federal Register** issue.

[FR Doc. 81-22949 Filed 8-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-4-VOL 296]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: July 29, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able

properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2 Carleton, Fisher and Williams. Williams not participating.

Agatha L. Mergenovich,

Secretary.

MC 157107, filed July 10, 1981. Applicant: FOREST MOTOR LINES, INC., 77 West 45th St., New York NY 10036. Representative: Michael F. Morrone, 1150 17th St., NW, Suite 1000, Washington, DC 20036, (202) 457-1124. Transporting *general commodities* (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with International Paper Company, of New York, NY.

Note.—This application is directly related to a control application in MC-F-14864, published in this same **Federal Register** issue.

[FR Doc. 81-22946 Filed 8-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Decisions Volume No. 0P2-071]

Motor Carriers; Permanent Authority; Decision-Notice

Decided: July 29, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.147). These rules provide, among other things, that a petition for intervention, either in support or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting for the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the indentity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in tis dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broading amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified 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.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's

operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication or the application shall stand denied.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier. (Members Parker and Fortier not participating).

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 150443, (Correction), filed March 31, 1980, published in the **Federal Register**, issue of June 12, 1980, and republished, as corrected, this issue. Applicant: E & E TRANSPORTATION, INC., 40 N. Van Brunt St., Englewood, NJ 07631. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001, (212)239–4610. Transporting *passengers and their baggage, in the same vehicle with passengers,* between New York, NY on the one hand, and, on the other, points in U.S. (excluding Amenia, Copake and Kenty, NY, Salisbury, CT, and points in AK and HI).

Note.—The purpose of this republication is to change this application to a common carrier, in lieu of contract carriage, as originally published.

[FR Doc. 81-22947 Filed 8-5-81; 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 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to preform 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 become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

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–4–294

Decided: July 29, 1981.

By the Commission, Review Board Number 2, members Carleton, Fisher, and Williams. Member Williams not participating.

MC 153486, filed July 20, 1981. Applicant: LEBUR TRUCKING, INC., P.O. Box 24279, Houston, TX 77013. Representative: John W. Carlisle, P.O Box 967, Missouri City, TX (713) 437–1768. 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.

Volume No. OPY–4–299

Decided: July 30, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams. Member Williams not participating.

MC 139276 (Sub-12), filed July 20,1981. APPLICANT: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Avenue, Bensenville, ILL 60106. Representative: Grace Kasallis (same address as applicant), (312) 595–4250. 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-22946 Filed 8-5-81; 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 complicance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from

applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

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-4-286

Decided: July 27, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 143627 (Sub-6), filed July 13, 1981. Applicant: FITZSIMMONS TRUCKING, INC., R.R. 2, Box 128, Waseca, MN 56093. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *such commodities* are dealt in or used by department stores, between the facilities of Best Products Co., Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147607 (Sub-4), filed June 16, 1981, previously noticed in the **Federal Register** issue of July 1, 1981, and republished this issue. Applicant: OFFUTT TRUCKING CO., Box 126, Glyndon, MN 56547. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten So. Fifth St., Minneapolis, MN 54402, (612) 340-0808. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ronald Offutt and Son Inc., and Taggares Enterprises, Inc., d/b/a Chef Reddy Food, MN, of Park Rapids, MN, and Chef Reddy Foods Corp-Midwest, of Clark, SD.

Note.—The purpose of this republication is to correctly reflect the contracting shippers in this proceeding.

MC 149137 (Sub-8), filed July 13, 1981. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming, Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941-5313. Transporting *general commodities* (except classes A and B explosives), between the facilities of Prudential-Feldco, Inc. on the one hand, and, on the other, points in the U.S.

Volume No. OPY-4-290

Decided: July 27, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams. Member Williams not participating.

MC 13027 (Sub-27), filed July 13, 1981. Applicant: SHORTWAY LINES, INC., One Keeshin Dr., Toledo, OH 43612. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10017, (212) 755-9500. Transporting *passengers and their baggage*, in charter and special operations, between points in OH, MI, IN, WV, PA, and NY, on the one hand, and, on the other, points in the U.S.

MC 85997 (Sub-4), filed July 13, 1981. Applicant: EDMOND MOTOR FREIGHT, INC., P.O. Box 922, Edmond, OK 73034. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034, (405) 348-7700. Over regular routes, transporting (1) *general commodities*, between Edmond, OK and Oklahoma City, OK, over U.S. Hwy 77, serving all intermediate points; (2) *general commodities* (except classes A and B explosives), (a) between Oklahoma City, OK and junction U.S. Hwy 183 and U.S. Hwy 270, serving the intermediate points of Woodward, Ft. Supply, May, and Laverne, OK, and the off-route point of Mooreland, OK: from Oklahoma City over OK Hwy 3 to junction U.S. Hwy 283, then over U.S. Hwy 283 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Buffalo, then over U.S. Hwy 183 to junction U.S. Hwy 270; (b) between Oklahoma City, OK and Canton, OK, serving all intermediate points (except Yukon, Banner, and El Reno): from Oklahoma City over Interstate Hwy 40 to junction U.S. Hwy 270, then over U.S. Hwy 270 to junction OK Hwy 58, then over OK Hwy 58 to Canton; (c) between Canton, OK and Fairview, OK, over OK Hwy 58, serving all intermediate points; (d) between Fairview, OK and Cleo Springs, OK, over U.S. Hwy 60, serving all intermediate points; (e) between Canton, OK and Fairview, OK, serving all intermediate points, and the off-route points of Southard, Homestead and Isabella: from Canton over OK Hwy 51 to Okeene, then over OK Hwy 8 to Fairview; (f) between junction U.S. Hwy 283 and U.S. Hwy 64, and Gate,OK, over U.S. Hwy 64, serving all intermediate points; (g) serving the off-route points of Mutual, Fargo, Sharon, and the facilities of Houston Chemical Company, in connection with carrier's presently authorized regular route operations; (h) between KIngfisher, OK and junction Interstate Hwy 35 and U.S. Hwy 60, serving no intermediate points, and serving the off-route points of Kremlin, Pondcreek, and Lamont, OK: from Kingfisher over U.S. Hwy 81 to its junction with U.S. Hwy 60, then over U.S. Hwy 60 to its junction with Interstate Hwy 35; (i) between junction Interstate Hwy 35 and U.S. Hwy 60, and Oklahoma City, OK, over Interstate Hwy 35, serving no intermediate points, as an alternate route for operating convenience only; (j) between Enid, OK and Woodward, OK, over OK Hwy 15, serving no intermediate points, as an alternate route for operating convenience only; (k) between Oklahoma City, OK and Dallas, TX, serving all intermediate points: from Oklahoma City over Interstate Hwy 35 and U.S. Hwy 77 to junction Interstate Hwy 35E, then over Interstate Hwy 35E to Dallas; (l) between Ft. Worth, TX and junction interstate Hwy 35 and

Interstate Hwy 35W, over Interstate Hwy 35W, serving all intermediate points; and (m) serving points in OK as off-route points in connection with (l) and (m) above. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives in (1) above, it shall be limited in point of time to a period expiring 5 years from its date of issue.

Note.— Applicant intends to tack this authority with its presently authorized operations.

MC 116227 (Sub-22), filed July 13, 1981. Applicant: POLMAN TRANSFER, INC., Route 3, Box 470, Wadena, MN 56482. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *such commodities* as are dealt in by food and grocery business houses, between points in Wadena County, MN, on the one hand, and, on the other, points in the U.S.

MC 154857 (Sub-2), filed July 13, 1981. Applicant: ROGERS LEASING INCORPORATED, 2098 W. Broad St., Scotch Plains, NJ 07076. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201) 322–5030. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of corrugated products, between points in the U.S., under continuing contract(s) with MacMillan Bloedel Containers Division of MacMillan Bloedel, Inc., of Union, NJ.

MC 155727 (Sub-1), filed July 13, 1981. Applicant: ROBERT D. YODER, RD 1, Box 101–B, Grantsville, MD 21536. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 895–5966. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Otto Brick & Tile Works, Inc., of Springs, PA and Casselman Valley Ledgestone, of Grantsville, MD.

MC 157097, filed July 13, 1981. Applicant: WENCZEL TILE COMPANY OF FLORIDA, INC., 6608 S. Westshore Blvd., Tampa, FL 33616. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328, (305) 434–7621. Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, MS, NJ, NY, NC, SC, OK, TN, and TX, on the one hand, and, on the other, points in FL.

Volume No. OPY–4–291

Decided: July 27, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams. Member Williams not participating.

MC 13777 (Sub-11), filed July 16, 1981. Applicant: AAA TRANSPORTATION, INC., 2957 S. East St., Indianapolis, IN 46206. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *metal products*, between points in OH, on the one hand, and, on the other, points in the U.S.

MC 110567 (Sub-27), filed July 16, 1981. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Ave., Des Moins, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304 (515) 245–2731. Transporting *foodstuffs*, between Carroll County, IL, on the one hand, and, on the other, points in the U.S.

MC 157117, filed July 17, 1981. Applicant: JAFAK TRANSPORT INC., P.O. Box 54, Brillion, WI 54110. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157187, filed July 13, 1981. Applicant: SUNRISE EXPRESS, INC., 420 South Beech, Centralia, IL 62801. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Swan Corporation, of Centralia, IL.

Volume No. OPY–4–293

Decided: July 29, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams. Member Williams not participating.

MC 102546 (Sub-4), filed July 17, 1981. Applicant: BLUE FLASH EXPRESS INCORPORATED, Route 1, Box 233, Zachary, LA 70791. Representative: L. F. Aguillard (same address as applicant), (504) 654–8609. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kaiser Aluminum & Chemical Corporation, of New Orleans, LA, Allied Chemical Corporation, Plastics Division and Formosa Plastics Corporatioin USA, both of Baton Rouge, LA, Exxon Chemical Americas, of Houston, TX, and Rubicon Chemicals, Inc., of Geismar, LA.

MC 111936 (Sub-27), filed July 16, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW.,Washington, DC 20001, (202) 628–9243. Transporting *textile mill products*, between points in Franklin County, OH, on the one hand, and, on the other, points in MD, NC, SC, TN, and VA.

MC 154106 (Sub.-2), filed July 20, 1981. Applicant: MT. HOPE TRUCKING, INC., P.O. Box 247, Mt. Hope, KS 67108. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *food and related products*, between points in Reno County, KS, on the one hand, and, on the other, points in the U.S.

MC 154106 (Sub.-3), filed July 22, 1981. Applicant: MT. HOPE TRUCKING, INC., P.O. Box 247, Mt. Hope, KS 67108. Representative: Clyde N. Christey Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *general commodities* (except classes A and B explosives), between the facilities of Kal Kan Foods, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 157266, filed July 22, 1981. Applicant: TOSH MOVING & STORAGE, INC., 25 New York Ave., Rochester, PA 15074. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *household goods*, between points in PA, OH, and WV, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, ME, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OK, OH, PA, RI, SC, TN, TX, VA, VT, WV, WI, and DC.

Volume No. OPY–4–295

Decided: July 29, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 141046 (Sub.-18), filed July 13, 1981. Applicant: MASON O. MITCHELL, d.b.a. M. MITCHELL TRUCKING, 1911 "I" St., LaPorte, IN 46350. Representative: Andrew K. Light, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 638–1301. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., on the one hand, and, on the other, points, in CT, ME, MA, NH, RI, and VT.

MC 144726 (Sub.-4), filed June 24, 1981, previously noticed in the FR issue of July 9, 1981, and republished this issue. Applicant: K.K.W. TRUCKING, INC., 516 W. 140th St., Gardena, CA 90248. Representative: James P. Beck, 717–17th St., Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting *furniture, fixtures, and such commodities* as are

dealt in by home furnishing and department stores, between points in AZ, CA, CO, ID, KS, NE, NV, NM, OK, OR, TX, UT, and WA.

Note.—The purpose of this republication is to correctly reflect the commodity description.

Volume No. OPY–4–298

Decided: July 30, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams. Member Williams not participating.

MC 67156 (Sub.–9), filed July 20, 1981. Applicant: CONTAINER TRANSPORT COMPANY, Division of Fibreboard Corporation, Somersville Road (P.P. Box 930), Antioch, CA 94509. Representative: Patrick W. Pollock (same address as applicant), (415) 754–5000. Transporting *general commodities* (except class A and B explosives) between points in AZ and CA.

MC 67646 (Sub-102), filed July 20, 1981. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant), (717) 790–8543. Transporting *general commodites,* (except classes A and B explosives), serving points in Carroll County, IL, and Fayette County, IL, as off-route points in connection with carriers presently authorized regular-route operation.

MC 144436 (Sub-5), filed July 20, 1981. Applicant: PRINCE, INC., P.O. Box 440, Forsyth, MT 59327. Representative: Jerome Anderson, 100 Transwestern Bldg., Billing, MT 59101, (406) 248–2611. Transporting *cement,* between points in Gallatin County, MT on the one hand, and on the other, points in Morgan and Salt Lake Counties, UT.

MC 145466 (Sub-7), filed July 21, 1981. Applicant: BERYL WILLITS, d.b.a. WILLIE'S GRAIN, 1145-33rd Avenue, Greeley, CO 80631. Representative: Richard S. Mandelson, Suite 1600 Lincoln Street, Denver, CO 80264. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Monfort of Colorado, Inc., of Greeley, CO, and Gold Star Sausage Company, Inc., of Denver, CO.

MC 145956 (Sub-10), filed July 22, 1981. Applicant: TRANSMEDIC CARRIERS, INC., 1340 Indian Rocks Rd., Belleair, FL 33516. Representative: Paul Meilleur (same address as applicant), (813) 585–7747. Transporting *blood, derivatives of blood, plasma, medical and dental products,* between the facilities of Automated Medical Laboratories, Inc., at points in the U.S. on the one hand, and on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–22945 Filed 8–5–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 135]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 31, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find , preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF–444 (Sub–1)X, filed July 28, 1981. Applicant: CONTAINER MOVING INTERNATIONAL, INC., 5060 Shawline Drive, San Diego, CA 92111. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Applicant seeks to remove the restriction in its lead permit which restricts the authority to the transportation of import-export traffic only with respect to used household goods and unaccompanied baggage.

MC 2416 (Sub-13)X, filed July 16, 1981. Applicant: HULME TRANSPORTATION CO., P.O. Box 101, Foster, RI 02825. Representative: Richard E. MacNeil, P.O. Box 101, Foster, RI 02825. Applicant seeks to remove restrictions in its lead permit to: (1) broaden the commodity description from chemicals, salvaged chemicals, potatoes and sugar, to "chemicals and related products, salvaged chemicals, and food and related products"; and (2) broaden the territorial scope to between points in the U.S., under continuing contract(s) with unnamed shippers.

MC 16503 (Sub–13)X, filed July 16, 1981. Applicant: GUEX TRUCKING, INC., P.O. Box 359, Shawano, WI 54166. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions in its Sub-Nos. 8, 9F and 11F permits to: (1) broaden the commodity description from canned goods to "food and related products" in Sub-Nos. 9F and 11F; and (2) broaden the territorial description to "between points in the U.S." under continuing contracts with the named shipper in all permits.

MC 44735 (Sub-58)X, filed July 13, 1981. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, Kansas City, MO 64126. Representative: John E. Jandera, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 5, 8, 9, 13, 15, 16, 17G, 20, 21, 22, 23, 25, 26, 29, 32, 34, 35F, 36F, 37F, 38F, 40F, 44F, 45F, 47F, 48F, 49F, 52F, 53F, and 56 certificates and Sub-Nos. E–1 and E–2 letter notices, to (A) remove all restrictions in the general commodities authority "except classes A and B explosives" in the lead and Sub-Nos. 4 and 56, and broaden certain other commodity descriptions as follows: to "machinery, metal products, and lumber and wood products" from heavy machinery, junk, and fencing materials (lead certificate); to "metal products" from iron and steel articles in Sub-Nos. 5, 17, 26, 28, 32, 35, 38, 44, 45, 48, and 49 (part 1), from woven wire fencing, poultry netting, nails, staples, smooth wire, barbed wire, wire rods, bolts, nuts, rivets, billets, ingots, bars, angles, zees, tees, channels, sheet steel, plates, steel roofing material, wire cloth, fence posts and fixtures, gates and fixtures, wire stretchers, steel shingles, steel siding, steel ceiling, reinforcing mesh, baling ties, brads, tacks, spikes, pump-rod bars, iron and steel products and articles, and scrap metals in Sub-Nos. 9, and E–1 and E–2, from iron and steel and iron and iron and steel articles in Sub-Nos. 13 and 40, from crushed automobile bodies and engines in Sub-No. 15, and from metal articles in Sub-

No. 36; to "machinery, and metal products" from (part 1) irrigation systems, parts and accessories, pipe, light poles, mast arms, brackets, bases, transmission poles, (part 2) equipment, materials and supplies used in the manufacture of the commodities in part (1) above, (part 3) used irrigation systems, parts and accessories, and equipment, materials and supplies used in the installation of used irrigation systems, and (part 4) solar energy heating and cooling systems, and woodburning heating appliances in Sub-No. 52, and from iron and steel articles and erection machinery, tools and supplies in Sub-No. 56; to "machinery" from heavy machinery in Sub-No. 49 (part 2); to "lumber and wood products" from lumber, lumber products, posts, poles, and timber in Sub-No. 53; to "clay, concrete, glass or stone products' from precast and prestressed concrete products, and materials and supplies in Sub-Nos. 18 and 21, and from clay and concrete products, and refractories and refractory products in Sub-Nos. 22 and 47; to "building materials" from fibrous glass materials and products, mineral wool, mineral wool material and products, air ducts, roofing, roofing material and supplies, and materials and supplies necessary in the installation of these products in Sub-No. 25, and from insulating materials in Sub-No. 34; and to "metal products, and rubber and plastic products" from pipe and pipe fittings, couplings, connectors, and accessories; (B) remove exceptions precluding the transportation of iron and steel pipe in Sub-No. 29, commodities in bulk in Sub-Nos. 22, 36, 37, 47, 52, and E-2, size and weight commodities in Sub-Nos. 3, 5, 17, 32, E-1 and E-2, *Mercer* commodities in Sub-Nos. 28 and 32, oil field pipe in Sub-No. 40, and farm tractors, road making equipment, contractors machinery and equipment, agricultural machinery and equipment, and self-propelled articles in Sub-No. 49; (C) remove restrictions against the transportation of (1) pipe between points in OK, TX AR, and KS (except Kansas City, KS/MO commercial zone), (2) composition board or prepared roofing from Dallas, TX, and (3) precast concrete products from Little Rock, AR in Sub-No. 22, and commodities in bulk in Sub-No. 16; (D) remove limitations on service restricting transportation of shipments to that originating at the named facilities or points of origin and destined to the named destinations in Sub-Nos. 3, 16, 23, 26, 28, 34, 38, 48, 49, and 53; (E) remove the exception of Muskogee, OK in Sub-No. 40; (F) change one-way authorities to radial authority in Sub-Nos. 3, 5, 9, 13, 15, 16, 17, 20, 23, 25, 26, 28, 29, 32, 34, 35, 36, 37, 38, 40, 44, 45, 48, 49, 52, 53, and E-1; (G) broaden named points and plantsites to city-wide or county-wide authority as follows: Sub-Nos. 3, 5, and 17, Madison County, IL (Alton, IL and plantsite at Madison, IL); Sub-Nos. 9 and 32, Whiteside County, IL (Rock Falls and Sterling, Il); Sub-No. 16, Douglas County, NE (facilities near Bellevue and La Platte, NE); Sub-No. 21, Cass County, NE (plantsite near Plattsmouth, NE); Sub-No. 23, Muscatine County, IA (plantsite near Wilton, IA); Sub-No. 25, Shawnee County, KS (facilities at Pauline, KS); Sub-No. 26, Madison County, NE (Norfolk, NE); Sub-No. 28, Riley County, KS (facilities near Manhattan, KS); Sub-No. 29, Sangamon County, IL (plantsite near Springfield, IL); Sub-No. E-1, Whiteside and Madison Counties, IL (Sterling, Rock Falls, and Alton, IL); Sub-No.E-2, Lake and Porter Counties, IN (points in IN within the Chicago, IL commercial zone); Sub-No. 34, Kansas City, MO (plantsite at Kansas City, MO); Sub-No. 35, Whiteside County, IL (Sterling, IL); Sub-No.37, Dallas, TX (facilities at Dallas, TX); Sub-No. 38, Fort Smith, AR (facilities at Fort Smith, AR); Sub-No.44, Waukesha County, WI (Butler, WI); Sub-No. 45, Lake County, IN, and Cook County, IL (facilities at East Chicago, IN); Sub-No. 48, Gary, IN (facilities near Gary, IN), Chicago, IL (facilities near South Chicago, IL), and Joliet and Waukegan, IL (facilities near Joliet and Waukegan, IL); Sub-No. 52, Douglas County, NE (facilities near Valley, NE); and Sub-No. 53, Choctaw County, OK (facilities in Choctaw County, OK).

MC 71079 (Sub-4)X, filed July 21, 1981. Applicant: R.S.J. LEASING, INC., 127-36 Northern Blvd., Flushing, NY 11368. Representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 3 certificate to broaden the commodity description from heavy machinery, boilers, boats, generators, and other heavy bulky pieces requiring special handling and rigging, to "machinery and supplies, metal articles, transportation equipment, electrical equipment, and commodities which by reason of size or weight require the use of special equipment."

MC 114725 (Sub-117)X, filed June 4, 1981, and noticed in the Federal Register of June 30, 1981, republished as corrected in this issue. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 3, 12, 13, 14, 15, 17, 18, 19, 21, 22, 24, 25, 26, 27, 29, 30, 32, 33, 36, 39, 41, 52, 53, 61, 62, 68, 70, 72, 73, 75, 78, 79, 80, 82, 87F, 89F, 91F 100F, 101F, 104F, 105F, 108F, 109F, 112F, 113F and 114F certificates to (1) change commodity descriptions such as anhydrous ammonia (Sub-Nos. 3, 15, 18, 19, 21, 25, 27, 32, 39, 41, 61, 78, 87F, and 89F); liquid fertilizer (Sub-Nos. 12, 14, 72, 73, 79, 80, 82, and 105F); fertilizer and fertilizer compounds (Sub-Nos. 13 and 53); inedible animal fats and blends (Sub-Nos. 17, 26, 70 and 75); dry fertilizer and urea (Sub-Nos. 22 and 24); acids, chemical fertilizers and fertilizer ingredients (Sub-No. 29); fertilizer, insecticides, fungicides and herbicides (Sub-No. 33); fuel oil (Sub-No. 52); urea liquor (Sub-No. 54); mineral seal oil (Sub-No. 62); caustic soda, sulphuric acid, phosphoric acid, and dinitro phenol solution (Sub-Nos. 68, 100F, 101F and 112F); asphalt (Sub-No. 104F); liquified petroleum gas (Sub-No. 108F); and chemicals (Sub-No. 113F), to "commodities in bulk"; (2) remove restrictions limiting service to the use of particular equipment, i.e., "in tank vehicles" or "in hopper vehicles" (Sub-Nos. 3, 12, 13, 14, 15, 17, 18, 19, 21, 26, 27, 29, 32, 52, 54, 61, 62, 72, 73, 75, 78, 79, 80, 82, 87F, 89F, 91F, 100F, 101F, 105F, 108F, 112F, and 114F); (3) eliminate facilities limitations in (Sub-Nos. 3, 15, 18, 19, 21, 24, 25, 26, 27, 29, 30, 32, 33, 36, 41, 53, 61, 72, 73, 78, 87F, 89F, and 104F; (4) remove "originating at or destined to" restrictions in Sub-Nos. 26, 33, 36, 72, and 104F; (5) authorize radial service where only one-way exists between specified points located throughout the U.S.; (6) eliminate restriction against service at Belleville, KS in (Sub-No. 26); (7) delete restriction against transportation of dry feed ingredients from points in South Dakota, Missouri, and Minnesota in Sub-No. 72; (8) remove exception to Alaska and Hawaii in Sub-No. 113F; and (9) replace city with county-wide authority wherever the following appear in each certificate: Hastings with Adams County, NE; Nebraska City with Otoe County, NE; Fremont with Dodge County, NE; Hoag and Beatrice with Gage County, NE; Lincoln with Lancaster County, NE; Fargo with Cass County, ND; Watertown with Codington County, SD; Murphy with Hamilton County, NE; Fort Dodge with Webster County, IA; Council Bluffs with Pottawattamie County, IA; Creston with Union county, IA; Phelps City with Atchison County, MO; Garner with Hancock County, IA; Niota with Hancock County, IL; LaPlatte with Sarpy County, NE; Blair with Washington County, NE; Omaha with Douglas County, NE; Borger with

Hutchinson County, TX; Conway with McPherson County, KS; Greenwood with Cass County, NE; Whiting with Monona County, IA; Early with Sac County, IA; Garner with Hancock County, IA; Marshall with Saline County, MO; Clay Center with Clay County, KS; West Branch with Ogemaw County, MI; Sycamore with DeKalb County, IL; Tulsa with Tulsa County, OK; Wyandotte with Wayne County, MI; Blair with Washington County, NE; Red Oak with Montgomery County, IA; Falls City with Richardson County, NE; Spencer with Clay County, IA; Holstein with Ida County, IA; David City with Butler County, NE; Optic with Buffalo County, NE; Friend with Finney County, KS; Casper with Natrona County, WY; Weeping Water with Cass County, NE; Dakota City with Dakota County, NE; West Point with Cuming County, NE; Denison with Crawford County, IA; Fort Dodge with Webster County, IA; Emporia with Lyon County, KS; Luverne with Rock County, MN; Audubon with Audubon County, IA; Geneva with Fillmore County, NE; Greenwood with Cass County, NE; Norfolk with Madison County, NE; McPherson with McPherson County, KS and Kearney with Clay County, MO. The purpose of this republication is to remove limitations involving the use of particular eqiupment in Sub-No.54.

MC 115931 (Sub-195)X, filed July 23, 1981. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59806. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. Applicant seeks to remove restrictions in its Sub-Nos. 108F, 112F and 188F certificates to (1) broaden the commodity descriptions from (a) agricultural machinery and implements, and materials, equipment and supplies to "machinery and metal products" in Sub-No. 108F; (b) iron and steel articles to "metal products" in Sub-No. 112F; and (c) buildings, building panels, building parts, bins and tanks, to "metal products, building materials, lumber and wood products and rubber and plastic products" in Part (1) of Sub-No. 188F; (2) eliminate the facilities limitations in Sub-Nos. 108F and 112F; (3) replace city with county-wide authority from Bethany to Harrison County, MO, in Sub-No. 108F, and Hager City with Pierce County, WI, in Sub-No. 112F; (4) expand one-way to radial authority between points in Harrison County, MO, and, points in the U.S., in Sub-No. 108F; and (5) remove the restriction against service to AK and HI in each certificate; and remove the originating at restriction in Sub-No. 108F.

MC 118288 (Sub–54)X, filed July, 21, 1981. Applicant: FROST TRUCK LINES, INC., 928 Broadwater Avenue, Suite 208, Billings, MT 59103. Representative: Ronald D. Bowning, 1321 S.E. Water Avenue, Portland, OR 97214. Applicant seeks to remove restrictions in its Sub-Nos. 9, 47F, and 53 certificates to (1) broaden the commodity descriptions from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-Nos. 9 and 47; (b) meat, meat products meat by-products, poultry, eggs, fresh fruits, fresh berries, and fresh vegetables to "food and related products" in Sub-No. 53, parts 6 and 7; (c) canned foodstuffs, frozen vegetables, and food chips to "food and related products" in Sub-No. 53, parts 27 and 28; (d) fresh or frozen poultry to "food and related products" in Sub-No. 53, part 30; (2) authorized service to all intermediate points along described regular routes between CA and NV, in Sub-No. 9; (3) delete originating at and/or destined to restrictions in Sub-No. 53; (4) delete commodity exceptions such as except in bulk, in tank vehicles, cooked, cured, and preserved meats, blood meal, and meat meal, etc., in Sub-No. 53; (5) remove the exceptions against service to Burley, ID, and Salina, UT, in Sub-No. 53, parts 16 and 17; (6) delete plantsite restrictions in Sub-No. 53, parts 27, 28, and 32; (7) remove the exception against the transportation of foodstuffs from or to named points in Sub-No. 53, part 30(b); (8) authorize radial service in lieu of existing one-way authority between the counties named below and various combinations of States in Sub-No. 53; and (9) broaden cities to counties: Seattle, Tacoma, Bellingham, Everett, Yakima, and Spokane, WA, to King, Pierce, Whatcom, Snohomish, Yakima, and Spokane Counties, WA, in Sub-No. 47; Medford, Salem, and Eugene, OR, to Jackson, Marion, and Lane Counties, OR, in Sub-No. 47; Boise, ID, to Ada County, ID, in Sub-No. 47; and Cowley, WY, to Big Horn County, WY, in Sub-No. 53, parts 27 and 28.

MC 118838 (Sub-88)X, filed July, 20, 1981. Applicant: GABOR TRUCKING, INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 61F and 63F certificates to (1) broaden the commodity description from railway car parts to "transportation equipment" in each certificate; (2) change city to county-wide authority from Renton to King County, WA, in Sub-No. 61F, and Sharon to Mercer County, PA, in Sub-No. 63F; and (3) replace one-way with radial authority between (a) points in Trumbull and Mahoning Counties, OH, and Mercer County, PA, and, King County, WA in Sub-No. 61; and (b) points in Mercer County, PA, and, points in CA, NE, MT, and SD in Sub-No. 63F.

MC 123445 (Sub–2)X, filed July, 24, 1981. Applicant: FOURTEENTH AVENUE CARTAGE COMPANY, INC., 1038 21st Street, Detroit, MI 48216. Representative: John W. Ester, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from meats, packinghouse products and commodities used by meat packinghouses and from canned goods to "food and related products"; and from drugs to "chemcials and related products"; (2) remove the restriction to shipments moving from, to, or between meat packinghouses, warehouses, or other facilities of such packinghouses; and (3) replace one-way authority with radial authority.

MC 126904 (Sub-44)X, filed July 21, 1981. Applicant: H.C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 8, 10, 14, 15, 17, 20, 24, 26F, 28F, 32F, 33F, 35F, 36F, 37, 38, and 40F certificates and E–1 letter notice to (1) broaden the commodity descriptions (a) from pre-cast and pre-stressed concrete products to "clay, concrete, glass or stone products, and building and construction materials and supplies", in the lead and Sub-No. 10, and E–1 letter notice, (b) from precast concrete products and concrete and related ingredients to "clay, concrete, glass or stone products, chemicals and related products, and building and construction materials and supplies", in the lead, (c) from empty containers to "containers" and coal to "coal and coal products", in the lead, (d) from diammonium phosphate to "chemicals and related products", in Sub-No. 7, (e) from paper and paper products to "pulp, paper and related products", in Sub-No. 8, (f) from foundry sand-additive to "clay, concrete, glass or stone products, ores and minerals, and chemicals and related products", in Sub-No. 14, (g) from heat exchangers and equalizers and machinery and equipment for heating, cooling, etc to "metal products and machinery", in part (1) of Sub-No. 15, (h) from plastic pipe and plastic pipe fittings to "rubber and plastic products, and metal products" in Sub-No. 17, (i) from concrete filter

blocks, concrete lawn crypts, and mausoleum crypts to "clay, concrete, glass or stone products, building and construction materials and supplies, and mausoleum crypts", in Sub-No. 20, (j) from malt beverages, dry pet food, and sugar and sugar products to "food and related products" in Sub-Nos. 24, 26F, 33F, 35F, 36F, and 40F, (k) from asbestos cement pipe and fittings and accessories to "clay, concrete, glass or stone products, building and construction materials and supplies, and metal products" in Sub-No. 28F, (l) from precast concrete products and modular mausoleum crypt units to "clay, concrete, glass or stone products, building and construction materials and supplies, and modular mausoleum crypts", in Sub-No. 32F, (m) from pipe, pipe fittings, couplings, building materials, and materials used in the installation of the foregoing commodities to "rubber and plastic products, clay, concrete, glass or stone products, and building and construction materials and supplies", in Sub-No. 37, and (n) from paper bags to "pulp, paper and related products, and containers", in Sub-No. 38; (2) replace the facilities or city-wide authority with city or county-wide authority: (A) Nameoki Township, IL, with Madison County, IL; Pacific, MO, with Franklin and St. Louis Counties, MO; East St. Louis, IL, with St. Clair County, IL; and points within 25 miles of East St. Louis, IL, with points in Monroe, St. Clair, and Madison Counties, IL, in the lead certificate and E-1 letter notice, (b) Depue, Colfax, and Riverdale, IL, with Bureau, Putnam, McClean and Cook Counties, IL, in Sub-No. 7, (c) facilities at Wickliffe, Ky with Ballard County, KY, in Sub-No. 8, (d) Centralia, IL, with Clinton and Marion Counties, IL, in Sub-No. 10, (e) Belvidere, IL, with Boone County, IL, in Sub-No. 14, (f) plant sites, warehouses, and facilities in specified portions of Monroe, Randolph, Perry and St. Clair Counties, IL, with specified portions of Monroe, Randolph, Perry and St. Clair Counties, IL, in Sub-No. 15, (g) facilities at or near McPherson, KS, with McPherson County, KS, and at or near Eads, TN, with Shelby County, TN, in Sub-No. 17, (h) Belleville, IL, with St. Clair County, IL, in Sub-No. 24, (i) Red Bay, AL, with Franklin County, AL, and Tupelo, MS, with Lee County, MS, in Sub-No. 26F, (j) facilities at or near Hillsboro, TX, with Hill County, TX, in Sub-No. 28F, (k) Dade City, FL, with Pasco County, FL, Laurel, MD, with Prince Georges County, MD, Bluffton, OH, with Allen and Hancock Counties, OH, and Oshkosh, WI, with Winnebago County, WI, in Sub-No. 32F, (l) facilities at Detroit, MI, with Detroit, MI, in Sub-No. 35F, (m) Frankenmuth, MI, with Saginaw County, MI, and Belleville, IL, with St. Clair County, IL, in Sub-No. 36F, (n) facilities at Eads, TN, Social Circle, GA, Williamport, MD, and Ambler, PA, with Shelby County, TN, Walton County, GA, Washington County, MD, Berkeley County, WV, and Montgomery County, PA, in Sub-No. 37, and (o) facilities at New Orleans, LA, with New Orleans, LA, in Sub-No. 38; (3) remove "size and weight" restriction, in the lead; (4) remove the "in bulk" restriction, in Sub-Nos. 7, 8, 15, 28F, and 40F; (5) remove the restriction prohibiting transportation to AK and HI, in Sub-Nos. 20, 28F, and 32F; and (6) remove the restriction limiting service to the transportation of traffic originating at or destined to named facilities, in Sub-Nos. 7 and 15; and (7) authorize radial authority to replace existing one-way authority between various combinations of points throughout the U.S., in all certificates except Sub-Nos. 15, 36F, and 40F.

MC 129222 (Sub-No. 8)X, filed July 24, 1981. Applicant: FORD TRUCK LINE, INC., South Lynn Street, Tipton, IA 52772. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 6 and 7F certificates to (1) broaden the commodity descriptions from liquid fertilizer, liquid fertilizer materials, liquid fertilizer ingredients or nitrogen fertilizer solution to "chemicals and related products" in all certificates; (2) eliminate facilities limitations in Sub-Nos. 4 and 6; (3) broaden cities to counties: Walcott, IA to Scott Counties, IA in the lead Linwood, IA, to Scott County, IA, in Sub-No. 3; and Fulton and Albany, IL to Whiteside County, IL, in Part (1), and Burlington, Clear Lake Muscatine, Clinton and Dubuque, IA, to Des Moines, Cerro Gordo, Muscatine, Clinton and Dubuque Counties, IA, in Part (2) of Sub-No. 7F; (4) remove the restrictions, such as "in bulk, in tank vehicles" or "in bulk" in all certificates.

MC 143436 (Sub-44)X, filed July 14, 1981. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 8328 Hill Gail Drive, Indianapolis, IN 46241. Representative: Stephen M. Gentry, 1502 Main Street, Speedway, IN 46224. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 13F, 14F, 17F, 24, 36F, 38F, 40F, 41F, and 42F certificates to (A) broaden the commodity descriptions in: Sub-Nos. 3, 13, and 41, to "food and related products" from confectionery, from frozen foodstuffs, and from foodstuffs; Sub-Nos. 4, 14, and 17, to "such commodities as are dealt in by vending machine distributors, miscellaneous products of manufacturing, food and related products, pulp, paper and related products, and displays and advertising materials" from confectionery items and paper materials and supplies used by vending machine distributors, from confectionery, edible nuts, dessert preparations, toys, games, and paper bags, and from confectionery, dessert preparations, gumball machines and stands, and display and advertising materials; Sub-No. 36, to "food and related products, and rubber and plastic products" from foodstuffs, and rubber and plastic articles; Sub-No. 38, to "chemicals and related products" from paints; and Sub-Nos. 24 and 42, remove all exceptions in the general commodities authority except "classes A and B explosives"; (B) eliminate restrictive language, "in vehicles equipped with mechanical refrigeration" in Sub-Nos. 3, 4, 13, 14, and 17, "when moving in mixed shipments" in Sub-No. 4, and "except commodities in bulk" in Sub-Nos. 13, 36, 38, and 41; (C) remove the limitation on service restricting transportation of traffic to that (1) having a prior or subsequent movement by rail in Sub-No. 24, and (2) originating at the named origin facilities and destined to the indicated destinations in Sub-Nos. 13 and 42; (D) replace one-way service with radial authority; and (E) expand the named facilities and points to city-wide or county-wide authority as follows: Sub-No. 3, Clinton County, IN (facilities near Frankfort, IN); Sub-Nos. 4, 14, 38, and 42, Marion County, IN (facilities near Indianapolis, IN); Sub-No. 13, Hamilton County, IN (facilities near Noblesville, IN); Sub-No. 17, Chicago, IL (facilities near Chicago, IL); Sub-No. 36, Franklin Country, OH (facilities near Columbus, OH), and St. Joseph County, MI (Sturgis, MI); Sub-No. 40, Champaign County, OH (facilities near Urbana, OH); Sub-No. 41, Van Buren County, MI (facilities near Lawton, MI).

MC 143516 (Sub-9)X, filed July 20, 1981. Applicant: RAIL HIGHWAY TRANSPORTATION, INC., P.O. Box 484, Centerville, OH 45459. Representative: Stephen J. Habash, 100 E. Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in MC-145025 (Sub-No. 5F) permit, acquired in docket MC-FC-78967, to (A) broaden the commodity description in part (1) to "transportation equipment" from parts and accessories for truck, trailer, mobile home, and recreational vehicles; (B) remove restrictions against

the transportation of "commodities in bulk, and those commodities which because of size or weight require the use of special equipment"; and (3) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 146055 (Sub-17)X, filed July 21, 1981. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-No. 16 certificate to (1) broaden the commodity description from meats, meat products, and meat by-products and articles distributed by meat packinghouses, to "food and related products"; (2) remove the "originating at" restriction; (3) broaden the scope from one-way to two-way authority; and (4) replace Denison with Crawford County, IA; Carroll with Carroll County, IA; Iowa Falls with Hardin County, IA; Sioux City with Woodbury and Plymouth Counties, IA, Union County, SD and Dakota County, NE; Ft. Dodge with Webster County, IA; Des Moines with Polk, Warren, Madison, and Dallas Counties, IA; Crete with Saline County, NE; Lincoln with Lancaster County, NE; and Omaha with Douglas, Washington, and Sarpy Counties, NE, and Pottawattamie and Mills Counties, IA.

MC 146839 (Sub-3)X, filed July 28, 1981. Applicant: T.C. TRANSPORTATION, INC., 299 Lawrence Avenue, South San Francisco, CA 94080. Representative: Michael S. Rubin, 256 Montgomery Street, Fifth Floor, San Francisco, CA 94104. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; and (2) remove the restriction requiring transportation to have a prior or subsequent movement by air.

MC 151483 (Sub-1)X, filed July 22, 1981. Applicant: LOVE'S TRUCKING, INC., 1841 E. St. Rt. 55, Troy, OH 45373. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead certificate to broaden the commodity description from steel sheets and coils to "metal products."

[FR Doc. 81-22943 Filed 8-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-16956 appearing at page 30585 in the issue for Tuesday, June 9, 1981, make the following correction:

On page 30588, in the middle column, in the paragraph "MC 107012 (Sub-714)", filed for North American Van Lines, Inc., in the eleventh line, "MN" should have read "NM".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Attorney General's Task Force on Violent Crime; Meeting

The Attorney General's Task Force on Violent Crime will meet from 9:00 a.m. until 5:00 p.m. on August 17 and 18, 1981 in the Ballroom of the Hotel Washington, 15th Street and Pennsylvania Avenue, NW, Washington, DC.

This will be the final meeting of the Task Force. The members will deliberate and arrive at their final recommendations to the Attorney General on ways in which the federal government could do more to help in combatting the problem of violent crime. The recommendations will focus on legislative changes and changes in funding levels and allocation of resources which would strengthen the federal government's role in this area of law enforcement. The meeting will conclude with a presentation of the Task Force's recommendations to the Attorney General.

Inquiries about the meeting should be addressed to the Committee Management Liaison Officer, Attorney General's Task Force on Violent Crime, U.S. Department of Justice, Room 4418, Washington, DC 20530 (telephone 202/633-1617). We regret that exigencies of arranging this meeting precluded the normal 15-day notice period.

Sue A. Lindgren,

Staff Director, Attorney General's Task Force on Violent Crime.

[FR Doc. 81-22953 Filed 8-5-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

Pursuant to Sec. 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 5-day meeting on Monday, Tuesday, Wednesday, Thursday, and Friday, August 17, 18, 19, 20, and 21, 1981. The meetings will be held in Rooms 418 and B-100, Page Building 1, 2001 Wisconsin Ave., Washington, DC 20235. The meetings will commence at 1:00 p.m. on Monday, 9:00 a.m. Tuesday, 8:30 a.m. Wednesday, Thursday, and Friday.

The Committee, consisting of 18 non-Federal members, appointed by the President from academia, business and industry, State and local government, and public interest groups, was established by Congress by Pub. L. 95-63, on July 5, 1977. Its duties are to: (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce on the carrying out of programs of the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The tentative meeting schedule follows:

Monday, August 17, 1981

Panel Meeting

1:00 p.m.-5:00 p.m.
- Marine Minerals

Topic: Outline and Objectives
Chairman: Burt Keenan, Room B-100

1:00 p.m.
- Introduction of members and staff

1:15 p.m.
- Description of NACOA

Background of Goals and Objectives
Activity

1:30 p.m.
- Administrative details

Travel arrangements
Travel vouchers, etc.

1:45 p.m.
- Discussion of the Draft Task Statement

Selection of issues to be addressed
Solicitation of speakers
Establishment of timetable

3:00 p.m.
- Coffee break

3:15 p.m.
- Discussion of Draft Task Statement (continued)

Establishment of work plan
Date of next meeting

5:30 p.m.
- Adjourn

Tuesday, August 18, 1981

Plenary

9:00 a.m.-9:30 a.m.
- Announcements

9:30 a.m.–11:00 a.m.
• Guest Speaker
John V. Byrne, Administrator, National Oceanic and Atmospheric Administration
11:00 a.m.–12:00 noon
• (To be announced)
12:00 noon–1:00 p.m.
Lunch

Panel Meeting

1:00 p.m.–3:00 p.m.
• Environment and Regulations
Topic: Outline and Objectives
Co-Chairmen: Sylvia A. Earle; Peter Emerson

Plenary

3:00 p.m.–5:00 p.m.
• Global Positioning System
Speakers: (To be announced) Department of Transportation
Mr. Thomas A. Stansell, Director of Advanced Programs, Marine Systems Division, Magnavox Advanced Products and Systems Company
5:00 p.m.
Adjourn

Wednesday, August 19, 1981

Panel Meetings

8:30 a.m.–10:00 a.m.
• Coastal Zone
Topic: Coastal Barriers Legislation
Co-Chairmen: Sharron Stewart; Jack R. Van Lopik
10:00 a.m.–12 noon
• Weather Services
Topic: Outline and Objectives
Chairman: Warren Washington
12:00 noon–1:00 p.m.
Lunch

Plenary

1:00 p.m.–3:30 p.m.
• Panel Reports
• Other Business
3:30 p.m.
Adjourn

Thursday, August 20, 1981

Panel Meeting

8:30 a.m.–4:00 p.m.
• Marine Fisheries
Chairman: Jay Lanzillo,
Room 418
Review of Draft Text
4:00 p.m.
Adjourn

Friday, August 21, 1981

Panel Meeting

8:30 a.m.–4:00 p.m.
• Review of Draft Text (continued)
4:00 p.m.
Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Room 438, Page Building #1), Washington, DC 20235. The telephone number is (202) 653–7818.

Dated: August 3, 1981.

Steven N. Anastasion,

Executive Director.

Stephanie M. Jones,

Administrative Assistant.

[FR Doc. 81–22954 Filed 8–5–81; 8:45 am]

BILLING CODE 3510–12–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

1

Date: August 27, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 314
Program: This meeting will review Fellowships for College Teacher applications in Anthropology; Economics; Education; Psychology; and Sociology, submitted to the Division of Fellowships and Seminars for projects beginning after January 1, 1982.

2

Date: August 31, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 807
Program: This meeting will review College Teacher Fellowship applications in Religious Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.

3

Date: September 1, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 314
Program: This meeting will review College Teacher Fellowship applications in Philosophy and Political Theory, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.

4

Date: September 3, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 807
Program: This meeting will review College Teacher Fellowship applications in American History and Political Science, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.

5

Date: September 9–10, 1981
Time: 8:30 a.m. to 5:30 p.m.
Room: 807
Program: This meeting will review applications submitted for the Humanities Projects in Museums and Historical Organizations Programs, Division of Public Programs, for projects beginning after January 1, 1982.

6

Date: September 17–18, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134
Program: This meeting will review applications submitted for the Libraries Humanities Projects Program, Division of Public Programs, for projects beginning after January 1, 1982.

7

Date: September 22, 23, and 24, 1981
Time: 8:30 a.m. to 5:30 p.m.
Room: 807
Program: This meeting will review applications submitted for the Humanities Projects in Museums and Historical Organizations Program, Division of Public Programs, for projects beginning after January 1, 1982.

8

Date: September 29–30, 1981
Time: 8:30 a.m. to 5:30 p.m.
Room: 807
Program: This meeting will review applications submitted for the Humanities Projects in Museums and Historical Organizations Program, Division of Public Programs, for projects beginning after January 1, 1982.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance, under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-22981 Filed 8-5-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-32]

Reports, Recommendations, Responses; Availability

• *Aviation Accident Report—Trans World Airlines, Inc., Boeing 727-31, N840TW, Near Saginaw, Michigan, April 4, 1979 (NTSB-AAR-81-8).*—Board recommendation A-80-8, issued in connection with this accident investigation, addressed control problems associated with high-speed asymmetrical leading edge slat configuration on B-727 aircraft. The Federal Aviation Administration responded last December 18 (46 FR 2223, Jan. 8, 1981), indicating no action would be taken pending evaluation of flight test data acquired last October and issuance of the Board's report.

• *Marine Accident Report—Tripping and Sinking of the Tug LAUREN CASTLE While Towing the Tanker SS AMOCO WISCONSIN on Traverse Bay, Michigan, November 5, 1980 (NTSB-MAR-81-9).*—As a result of its investigation of this accident, and lingering concern about recommendations M-74-6 through -8 issued following investigation of the foundering of the M/V MARYLAND in Albemarle Sound, N.C., Dec. 18, 1971 (USCG/NTSB-MAR-74-3), the Board on July 10 issued the following "Class II, Priority Action" recommendations to—

U.S. Coast Guard: Update and publish, in coordination with the Towing Safety Advisory Committee the "Guide to Safety in Towing" which was developed with the Towing Industry Advisory Committee in 1977 (*M-81-44*). Establish a boarding program which will include monitoring the manning compliance on tugs and towboats on the Great Lakes regularly or frequently engaged in operations exceeding 12 hours (*M-81-45*).

Department of Transportation: Through the Towing Safety Advisory Committee, establish policy positions and develop courses of action on the following towing and manning safety problems related to uninspected towing vessels:

Provision for qualified reliefs for masters or operators of towing vessels engaged in Great Lakes operations exceeding 12 hours (*M-81-46*). Proper manning in compliance with Great Lakes navigation laws limiting work to no more than 12 hours in any consecutive 24-hour period (*M-81-47*). The safe use of short, stem-secured towing hawsers, and consideration of a quick release mechanism on the towed vessel (*M-81-48*). The adequacy of maintenance schedules for radar equipment on towing vessels (*M-81-49*). The adequacy of flooding compartmentation on tugs and towing vessels (*M-81-50*). Completion, in conjunction with the Coast Guard, of the "Guide to Safety in Towing" manual, and its early distribution to the maritime industry (*M-81-51*).

• *Aviation Safety Recommendations.*—On Mar. 2, 1981, a Houston Helicopters Bell 206, N107H, experienced an engine failure at 500 feet m.s.l. during cruise flight over Brazos Block 578 in the Gulf of Mexico. As a result of its investigation, the Board on July 28, issued these Class II recommendations to the Federal Aviation Administration:

Issue an Airworthiness Directive making the provisions of Bell Helicopter Alert Service Bulletin No. 206L-81-21 mandatory for all 206L Series Aircraft (*A-81-77*). Assess the need to modify the Futurecraft Corporation valve shear head release piston pin to minimize the possibility of installing the piston pin correctly (*A-81-78*). Determine whether other models of helicopter aircraft equipped with emergency flotation equipment use the same Futurecraft Corporation valve and take appropriate corrective action to advise the operators of those aircraft of the potential problem (*A-81-79*).

• *Responses from Federal Aviation Administration:*

A-81-44 and -45 (July 15).—FAA has issued an airworthiness alert warning Decathlon owners of potential hazards in modifying Decathlon acrobatic restraint systems by attaching the shoulder harness to the seatpan frame an/or routing the shoulder straps behind the seatback. Bellanca's flight manual has been revised; FAA will issue an airworthiness directive to require inspection for proper installation of aerobatic "competition harnesses" and will amend the Airplane Flight Manual, or Operating Limitations Placard, to provide instructions for proper installation of safety restraint systems. (46 FR 24333, Apr. 30, 1981)

A-81-46 and -47 (July 16).—Since safe techniques for landings on unknown slopes are generally applicable to all helicopters and are adequately described in FAA's Basic Helicopter Handbook, Advisory Circular AC-61-13B, FAA will take no further action on A-81-46. Re A-81-47, FAA plans detailed information on dynamic rollover to be included in (1) the Basic Helicopter Handbook, (2) written examinations, (3) helicopter flight check oral examinations, and (4) a separate advisory circular. (46 FR 25575, May 7, 1981)

A-81-48 (July 17).—FAA will include a brief summary of the physiology of aerobatic G forces in a future revision of the Airman Information Manual. Also, FAA plans an Advisory Circular on the effect of G forces on the pilot during aerobatics; information is being accumulated at the Civil Aeromedical Institute through investigation of accidents related to aerobatics. (46 FR 26719, May 14, 1981)

A-81-59 and -60 (July 22).—Well before issuance of A-81-59, the splined adapters were removed from Allison 250-C28 and -C30 engines and destroyed. The engines will be returned to service when airworthy splined adapters become available. Re A-81-60, FAA is reviewing and evaluating the manufacturing process and quality assurance procedures for splined adapters. (46 FR 30006, June 4, 1981)

• *Other Recommendation Responses:*

M-81-24, from National Oceanic and Atmospheric Administration, U.S. Department of Commerce (July 15).—NOAA believes that standard marine warnings and statements (via NOAA Weather Radio) better serve the marine community than the convective SIGMET which is designed solely for inflight aviation use. (46 FR 28772, May 28, 1981)

P-80-71 and -72, from Research and Special Programs Administration, U.S. Department of Transportation (July 20).—Re P-80-71: RSPA's Material Transportation Bureau continues to emphasize the importance to all operators, including municipal operators, of complying with 49 CFR 192.615(d). Re P-80-72: Inspection of municipally-owned gas distribution systems, under direct MTB jurisdiction and serving less than 100,000 customers, to determine their compliance with pipeline safety regulations and safe operating practices is a priority item; during FY-80, MTB initiated enforcement action agains 37 municipal operators and issued 27 warning letters; approximately 146 inspections of intrastate gas pipeline operators are planned for FY-81; MTB annually evaluates the gas pipeline safety programs of 51 agencies participating in the Federal/State program; and in FY-81, MTB will sponsor, through the Transportation Safety Institute, 25 one-day seminars in different areas of the country. (45 FR 70355, Oct. 23, 1980)

R-81-48 through -51, from the Association of American Railroads (July 16).—Re P-81-48: AAR disagrees, and experienced railroad officials disagree, in requiring engine crews to communicate fixed signal aspects to conductors while en route on signalized track; crewmembers in the locomotive cab calling the signals one to another is all that should be required. Re R-81-49: AAR will encourage member roads to record activations of cab signal, automatic train stop, or similar safety devices. Re R-81-50:

AAR will encourage location of event recorders so as to lessen the likelihood of recording media damage in the event of an accident. Re R-81-51: AAR finds no justification in encouraging member roads to provide emergency power on locomotive units. (46 FR 28773, May 28, 1981)

Note:—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

July 31, 1981.

[FR Doc. 81-22831 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-458 and 50-459]

Gulf State Utilities Co., and Cajun Electric Power Cooperative; Receipt of Antitrust Information

Gulf State Utilities Company on behalf of itself and Cajun Electric Power Cooperative, has filed antitrust information for their application for operating licenses for the River Bend Station, Units 1 and 2. This information was filed pursuant to Part 2.101 of the Commission Rules and Regulations and is in connection with the owner's plans to operate two boiling water reactor in West Feliciana Parris, Louisiana. The application contains antitrust information for review pursuant to NRC Regulatory Guide 9 3 to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage. The remainder of the application for operating licenses is currently undergoing acceptance review. Following docketing, a notice will be published in the **Federal Register.**

Following completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted on or before September 14, 1981. 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 application for operating licenses and the antitrust information submitted are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and in the local public Document Rooms at the Audubon Library, West Feciliana Branch, Ferdinand Street, St. Francisville, Louisiana and at the Lousiana State University, Government Document Department, Baton Rouge, Louisiana.

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 applicant's activities since the construction permit antitrust reviews 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 14, 1981.

Dated at Bethesda, Maryland, this 30th day of June 1981.

For the Nuclear Regulatory Commission

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-20862 Filed 7-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-440 and 50-441]

The Cleveland Electric Illuminating Co.; Receipt of Antitrust Information

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 Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the **Federal Register** notice. The results of any reevaluations that are requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensees' activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before September 21, 1981.

Dated at Bethesda, Maryland, this 9th day of July 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-20745 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-313]

Arkansas Power & Light Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility

Operating License No. DPR-51, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (ANO-1) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment modifies the ANO-1 Appendix A Technical Specifications relating to Fire Brigade Training.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since 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), and 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 licensee's application dated June 10, 1981, (2) Amendment No. 59 to License No. DPR-51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of July 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-22906 Filed 8-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-358]

The Cincinnati Gas & Electric Co.; Finding of No Significant Antitrust Changes and Time for Filing of Requests for Reevaluation

In the matter of The Cincinnati Gas and Electric Co., Columbus and Southern Ohio Electric Co.; and The Dayton Power and Light Co.

The Director of Nuclear Reactor Regulation has made an initial finding in accordance with Section 105c(2) of the Atomic Energy Act of 1954, as amended, that no significant (antitrust) changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review of Zimmer Nuclear Unit 1 by the Attorney General and the Commission. The finding is as follows:

Section 105c(2) of the Atomic Energy Act of 1954, as amended, provides for an antitrust review of an application for an operating license if the Commission determines that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review. On September 12, 1979, the Commission formally delegated the authority to make the "significant change" determination with respect to nuclear reactors to the Director, Office of Nuclear Reactor Regulation. In 1977 prior to this delegation of authority, and based on procedures then in effect, the staff of the Office of Nuclear Reactor Regulation and the Office of the Executive Legal Director, hereafter referred to as the "staff," had reviewed the operating license application submittal by the Applicants, The Cincinnati Gas and Electric Company (CGE), Columbus and Southern Ohio Electric Company (CSOE), and The Dayton Power and Light Company (DPL) and had concluded that no significant changes had occurred that warranted an antitrust review at the operating license stage. The staff did, however, note the pendency before the Securities and Exchange Commission (SEC) of an application under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79, *et seq.*) by American Electric Power Company, Inc. (AEP) to acquire CSOE. In 1973 a SEC Administrative Law Judge had rendered an initial decision denying the application partly on the basis of competitive considerations. At the time of staff's review in 1977 the initial decision was under appeal to the SEC. The staff was interested in the possible impact of the acquisition on the competitive situation in Ohio, should the application be approved by the SEC.

By its opinion of July 21, 1978 and subsequent orders the SEC approved the acquisition. Thus staff has been prompted to undertake a determination as to whether the acquisition represented a significant change in CSOE's activities or proposed activities that would warrant a second antitrust review at the operating license stage. As a result of its analysis, staff has determined that the acquisition does not represent a significant change, i.e., it does not have antitrust implications that would likely warrant some Commission remedy.

The Conclusion of the staff's analysis is as follows:

Since the initial operating license antitrust review of the Zimmer 1 application was completed in 1977, the SEC has approved the acquisition of CSOE by AEP. The staff has examined the effect of the acquisition upon the coordination and competitive relationships among CSOE and its neighboring electric entities and, in addition, has reviewed the recent coordination agreement entered into by AMPO, AEP, CSOE, and Ohio Power. In the staff's view the acquisition does not adversely affect the competitive or coordination posture of rural electric cooperatives, CGE or DPL. The staff is further of the opinion that the acquisition has not detrimentally affected the coordination and competitive position of municipal electric systems and that the *1979 Coordination Agreement* possesses the potential for improving the competitive stance of such utilities. Therefore, the staff has concluded that the acquisition does not have any antitrust implications that would likely warrant some Commission remedy and, as a result, does not represent a significant change in CSOE's activities that would warrant another antitrust review at the operating license stage.

The Department of Justice has reviewed a draft of this analysis along with other material and has concurred in the staff's finding.

Based on the staff's analysis, it is my finding that an operating license antitrust review of Columbus and Southern Ohio Electric Company with respect to Zimmer Nuclear Unit 1 is not required.

Signed on July 14, 1981 by Harold R. Denton, Director Office of Nuclear Reactor Regulation.

Any person whose interest may be affected pursuant to this initial determination may file with full particulars a request for reevaluation with the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555 by October 5, 1981.

For the Muclear Regulatory Commission.

Argil Toalston,

Acting Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 81-22907 Filed 8-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket 50-315]

Indiana and Michigan Electric Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 2 (the facility) located in Berrien County,

Michigan. The amendment was effective on May 11, 1981 and expired at 12 midnight on May 15, 1981.

The amendment modifies License No. DPR-74 to include a one time only relief from the requirements of Technical Specifications Sections 3.0.4 and 4.0.4. This change allows a period of 72 hours for the plant to proceed with plant startup with one Safety Injection Pump inoperable. The amendment was authorized on an expedited basis to allow startup of the unit to continue while the inoperable pump was being repaired.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and 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 request for amendment dated May 11, 1981, (2) Amendment No. 49 to License No. DPR-74, and (3) the Commission's letters to the licensee dated May 12, 1981 and July 30, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of July, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-22988 Filed 8-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric & Gas Co. et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment revises the Radiological Technical Specification related to the containment isolation setpoint.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since 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 June 16, 1981, (2) Amendment No. 37 to License No. DPR-70, (3) the Commission's related Safety Evaluation, and (4) the related Technical Evaluation Report. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of July, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-22989 Filed 8-5-81; 8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

August 3, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of P.L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should adivse the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication on the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

Revisions

- Bureau of the Census

Electric housewares and Fans
MA 36E
Annually
Businesses or other institutions
Manufacturers of electric housewares and fans
Small businesses or organizations
Other advancement and regulation of commerce: 160 responses; 160 hours; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202-673-7974

This survey was begun in 1962 to provide quantity and value of shipments data for electric housewares and fans. Government agencies use the data for trade analysis, measurement, and forecasting. Business firms and trade associations use the data for market analysis and long-term planning.

Extensions (no change)

- Bureau of the Census

Economic censuses
IRS 1040, 1065, & 1120S
Nonrecurring
Businesses or other institutions
Sole proprietors, partnerships, & small corporations
SIC: all
Small businesses or organizations
Other advancement and regulation of commerce: 1 response; 1 hour; $1,000,000 Federal cost; 3 forms; not applicable under 3504(h)
Off. of Federal statistical policy & standard, 202-673-7974

The questions shown on page 1 of the supporting statement are added to the IRS income tax forms only in years covered by the quinquennial economic censuses. Answers to these questions determine the establishment count for approximately 5 million businesses relieved from filing census reports due to the availability of IRS administrative records.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195.

NEW

- Departmental and Others

Incentive plan study
Nonrecurring
Businesses or other institutions
Principally Mfgr. concerns, also State & local governments
SIC: Multiple
Small businesses or organizations
Department of Defense-military: 20 responses; 35 hours; $99,248 Federal cost; 1 form; $757 public cost; not applicable under 3504(h)
Kenneth B. Allen, 202-395-3785

The purpose of this project is to gather information about alternative pay-for-performance plans use in the private sector, to evaluate such plans for possible applicability to the Federal wage system workforce, and to develop implementation guidelines and evaluation criteria for selected plans.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

Revisions

- Office of Special Education and Rehabilitative Services

Report of vending facility program
BSA-15
Annually
State or local governments
State licensing agencies
SIC: 944
Social services: 54 responses; 448 hours; $7,500 Federal cost; 1 form; $4,032 public cost; not applicable under 3504(h)
Federal education data acquisition council, 202-426-5030

Indicates the financial health and programmatic impact of the program in terms of earnings and loss, indicates the most efficient types of stands in terms of return on investment and ability to produce earnings to support an operator. Aimed primarily at ensuring the program's financial accountability and solvency and its meeting the expressed goals in terms of client impact.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

New

- Federal Energy Regulatory Commission

Licensed hydropower projects recreation report
FERC-80
Biennially
Individuals or households/State or local governments/businesses or other ins
Licensees of FERC licensed hydroelectric projects
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation: 400 responses; 8,000 hours; $23,800 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Collects information on recreational use and development on hydroelectric projects. Data are used to determine if the public need for water-based recreational facilities is being met and where additional efforts should be made to meet current and future needs.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488.

New

• Health Services Administration
Purchase Order for Contract Health Service Other Than Hospital Inpatient or Dental
HSA–64
On occasion
Businesses or other institutions
Hlt care prov. of all discip. under contr. to the ind., etc.
SIC: 801, 803, 804, 805, 806, 807, 808, 809
Small businesses or organizations
Health care services: 260,000 responses; 43,333 hours; $250,000 Federal cost; 1 form; $433,330 public cost; not applicable under 3504(h)
Gwendolyn Pia, 202–395–6880

Provides a description of patient's diagnosis, health care procedure, service, immunization or supplies rendered, selected maternal health data (when applicable) and fee charged to IHS. Serves as a legal document for health care rendered. Copies of the form are also used for billing purposes and the provisions of program health statistics.

• Health Services Administration
Rendered (Contract Health Service)
HSA–43
On occasion
Businesses or other institutions
Hlt care prov. of all discip. under contr. to Indian, etc.
SIC: 801, 803, 804, 805, 806, 807, 808, 809
Small businesses or organizations
Health care services: 50,000 responses; 8,333 hours; $50,000 Federal cost; 1 form; $83,333 public cost; not applicable under 3504(h)
Gwendolyn Pia, 202–395–6880

Provides a description of the patient's diagnosis upon admission, operative and selected procedures performed, injury data (when applicable) and fee charged. Serves as a legal document for health care rendered. Copies of the form are also used for billing purposes and program health statistics.

• National Institutes of Health
An Epidemiologic Investigation of the Interaction of Radiation and Other Risk Factors for Breast Cancer Among Tuberculosis Patients in Massachusetts
Nonrecurring
Individuals or households
Former tuberculosis patients with breast cancer and without health: 420 responses; 105 hours; $22,500 Federal cost; 1 form; $1,050 public cost; not applicable under 3504(h)
Gwendolyn Pia, 202–395–6880

Women at high risk of breast cancer are screened with mammography, and it is possible this radiation procedure may enhance their already high risk of breast cancer. This association can be assessed in this study population because TB patients received radiation similar to that used for mommography.

• Health Services Administration
Purchase Order for and Report of Contract Dental Care
HSA–57
On occasion
Businesses or other institutions
Dent. and Dental lab. und. contr. to the ind. hlt. serv., etc.
SIC: 802, 807
Small businesses or organizations
Health care services: 35,000 responses; 14,583 hours; $150,000 Federal cost; 1 form; $145,830 public cost; not applicable under 3504(h)
Gwendolyn Pia, 202–395–6880

Provides a description of the patient's dental diagnosis, treatment prescribed, date(s) treatment administered and fee charged. Serves as a legal document for dental care rendered. Copies of the form are also used for billing purposes, the provision of program health statistics and to provide the patient with a record of dental care prescribed and administered.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191.

Extensions (Burden Change)

• Bureau of Land Management
Alaska Townlot Deed Application
2560–5
Nonrecurring
Individuals or households/businesses or other institutions
Individuals, State or local governments, churches and others
Conservation and land management: 500 responses; 250 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form is needed to identify and document applicants' request for a townlot in an Alaska townsite under the act of March 3, 1981, 43 U.S.C. 732. It provides information necessary to adjudicate conflicting claims for the land and to process the claim to title.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312.

Extensions (No Change)

• Immigration and Naturalization Service
Arrival-Departure Record
I–94
On Occassion
Individuals or Households
Aliens Arriving in United States
Federal Law enforcement activities: 15,000,000 responses; 1,250,000 hours; $20,000,000 Federal cost; 1 form; $12,500,000 public cost; not applicable under 3504(h)
Andy Uscher, 202–395–4814

This form is part of the manifest requirements of section 231 and 235 of the I&N Act and evidence when issued of alien registration as required by section 264 of the I&N Act.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887.

New

• Urban Mass Transportation Administration
Use of Project Facilities
On occasion
State or local governments
Mass transit agencies
SIC: 411
Ground transportation: 750 responses; 375 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Section 3(a)(2)(a) and 5(g)(2) of the UMT Act require that UMTA applicants have satisfactory continuing control over the use of project facilities and equipment.

• Urban Mass Transportation Administration
Request for payment on letter of credit and status of funds
Report—Standard Form 183.
SF 183
Other—See SF83
State or local governments
State and local public transportation agencies
SIC: 411
Ground transportation: 4,200 responses; 2,100 hours; $21,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Each request for payment (SF–183) is needed in accordance with provisions of Treasury Circular No. 1075 and used to draw grant funds under a letter of credit from the Department of Treasury.

• Urban Mass Transportation Administration
Public hearing notice, certification and transcript
Other—See SF83
State or local governments/businesses or other institutions

Public and private public transportation providers
SIC: 411
Ground transportation: 375 responses; 1,125 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

UMT Act S. 3(d) & 5(i) require application certification that public hearing was held or opportunity provided. Section 3(d) requires submission of transcript and sets guides for hearing notices for capital proejcts. UMTA C 9059.1 provides sample Notice format.

• Urban Mass Transportation Administration
Half-fare Procedures assurance other—See SF83
State or local governments/businesses or other institutions
Public and private transportation providers
SIC: 411
Ground transportation: 100 responses; 2,000 hours; $12,500 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Section 5 (m) of the UMT Act requires that rates charged elderly and handicapped during nonpeak hours not exceed one-half hour rates. UMTA C 9050.1 requires operators to describe procedures for compliance.

• Urban Mass Transportation Administration
Evaluation of flood hazards
On occasion
State or local governments
Mass transportation agencies
SIC: 411
Ground transportation: 75 responses; 5,000 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

For projects involving construction on a 100 year flood plain, applicants are required to furnish an engineering report containing an analysis of the flood hazards, methods to protect against them, and the basis for concluding that the construction as designed will not be hazardous.

• Urban Mass Transportation Administration
Authorizing resolution
On occasion, annually, biennially
State or local governments/businesses or other institutions
Public and private mass transportation providers
SIC: 411
Ground transportation: 400 responses; 200 hours; $500 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Authority needed for compliance with 3(a)(2)(a) and 5(g) is granted by an authorizing resolution passed by the applicant's governing body.
UMTA C 9050.1 provides sample format.

• Urban Mass Transportation Administration
Description of the public transportation system and urbanization
On occasion
State of local governments
Mass transportation agencies
SIC: 411
Ground transportation: 300 responses; 300 hours; $7,500 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Each recipient of UMTA assistance must have a "description of the transit system and urbanized area" on file with UMTA's regional office. This document must be incorporated by reference in each grant application and updated as needed.

• Urban Mass Transportation Administration
Statement of revenues and expenses annually
State or local governments/businesses or other institutions
Public and private mass transportation operators
SIC: 411
Ground transportation: 500 responses; 1,000 hours; $6,250 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This information is submitted as part of an application for operating assistance, pursuant to requirements contained in section 5 (e) and (f) of the UMT Act.

• Urban Mass Transportation Administration
Application procedures for section 8 grants
Nonrecurring
State of local governments
State dots, local metropolitan planning organizations, etc.
Ground transportation: 330 responses; 16,500 hours; $81,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Information required to allow evaluation of requests for grant benefits, accompanying information needed for grant management purposes, budget developed and reports to Congress to satisfy Stewardship requirements.

• Urban Mass Transportation Administration
Letter of credit application
SF 1194
Nonrecurring
State of local governments
State and local public transportation agencies
SIC: 411
Ground transportation: 60 responses; 30 hours; $300 Federal cost; 3 forms; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The letter of credit application is needed in accordance with provisions of Treasury Circular No. 1075 to establish a letter of credit with the Department of the Treasury. The information collected is used by the Department of the Treasury to process subsequent payment vouchers under a letter of credit.

• Urban Mass Transportation Administration
Request of advance or reimbursement [SE 270
SF 270
Other—see local governments
State of local governments
State and local public transportation agencies
SIC: 411
Ground transportation: 10,000 responses; 5,000 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Request for advance or reimbursement (SF 270) conforms with the provisions of OMB Circular A–102 for collecting financial information from grantees to make disbursements.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394.

New

• Internal Revenue Service
Follow-up to secure part 2, form 668
Greensboro pattern 30
Quarterly
State or local governments
County government (clerk of superior court)
SIC: 921
Central fiscal operations; 100 responses; 35 hours; $395 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Information is needed to validate the filing of the lien and to establish lien time priority. We use the information to associate with our files to establish lien filing and for future legal reference. Without obtaining this information, we could not insure the lien is actually filed, recorded and validated.

• Internal Revenue Service
Help requested to trace Federal tax deposit
Letter 878c
On occasion

Businesses or other institutions
Fed. Res. banks who act as deposit. Part. in Fed. tax DS
SIC: 601
Small businesses or organizations
Central fiscal operations: 6,460 responses; 6,460 hours; $12,880 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Taxpayers occasionally claim credits for Federal tax deposit payments that the Service cannot verify or locate. Depositaries transmit FTD's they receive on form 2284, advice of credit. Letter 678C is a request to the depositary asking for information from the form 2284 that was used to transmit a missing deposit. The information received helps facilitate locating and verifying a missing deposit.

Revisions

• Comptroller of the Currency
Rule, Policies, and Procedures for Corporate Activities
Establishment of domestic branches and seasonal agencies and customer-bank communication terminal (CBCT) branches
CC 7021–01
On occasion
Businesses or other institutions
All national banks proposing to establish a branch
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 1,000 responses; 3,000 hours; $585,000 Federal cost; 1 form; $35,580 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data needed to evaluate subject application.

Extensions (Burden change)

• Internal Revenue Service
Supplemental Schedule of Gains and Losses
4797
Annually
Businesses or other institutions/ individuals or households
Businesses that sell property other than inventory
Small businesses or organizations
Central fiscal operations: 1,237,000 responses; 809,000 hours; $278,754 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4797 is used by taxpayers to report sales, exchanges or involuntary conversions of assets, other than capital assets, and involuntary conversions of capital assets held more than one year. It is also used to compute ordinary income form recapture. The data is used by IRS to verify that the proper amount of income is reported or the proper amount of losses are deducted.

• Internal Reveune Service
Application for Exemption From Tax on Self-Employment Income and Waiver of Benefits
4029
Nonrecurring
Individuals or households
Individuals of certain qual. religious groups self/emply.
Central fiscal operations: 8,216 responses; 5,135 hours; $14,239 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used by members of qualified religious groups to claim exemption under IRC section 1402(h) from tax on self-employment income. Data is used to approve or disapprove application for exemption.

• Internal Revenue Service
Computation of Minimum Tax-Corporations and Fiduciaries
4626
Annually
Farms/businesses or other institutions
All incorps. busi. and trusts/estates w/ tax preference
Small businesses or organizations
Cental fiscal operations: 5,000 responses; 3,420 hours; $80,581 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4626 is used by corporations and fiduciaries (trusts or estates) to calculate the minimum tax on items of tax preference that total $10,000 or more. The information collected is used to determine whether the correct minimum tax has been paid.

• Internal Revenue Service
Notice Concerning Fiduciary Relationship
56
Nonrecurring
Individuals or households/businesses or other institutions
Individuals/businesses acting as a fiduciary for another
SIC: 673
Central fiscal operations: 73,944 responses; 54,423 hours; $5,693 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 56 is used to inform IRS that a person is acting for another person in a fiduciary capacity so that IRS may mail to the fiduciary tax notices concerning the person for whom the fiduciary is acting. The data is used to mail designated tax notices to the fiduciary.

• Internal Revenue Service
Multiple Recipient Special 10-Year Averaging Method
5544
Annually
Businesses or other institutions/ individuals or households
Indiv., estates, or trusts that rec. pt. of lump-sum, etc.
SIC: 673
Small businesses or organizations
Central fiscal operations; 500 responses; 395 hours; $19,568 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC section 402(e) allows a recipient of a share of lump-sum distribution to compute a separate tax on the ordinary income portion. Form is used to correctly compute the separate tax. The information is used to determine whether the distribution has been reported properly and the separate tax computed correctly.

• Internal Revenue Service
Computation of Credit or Refund for Federal Tax on Gasoline, Diesel Fuel, and Special Fuels Used in Qualified Taxicabs
4136–T
Annually
Businesses or other institutions/ individuals or households
Taxicab operators
SIC: 478
Small businesses or organizations
Central fiscal operations: 270,000 responses; 138,000 hours; $5,088 Federal Cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC section 39 requires certain information in order to claim a credit for Federal excise tax on gasoline, diesel fuel, and special fuels used in qualified taxicabs. Data is used to verify validity of credit claimed.

• Internal Revenue Service
Application for Change in Accounting Period
1128
Nonrecurring
Businesses or other institutions/ individuals or households
Indiv., partnerships, corp., (includ. sm. bus., corp.), etc.
Small businesses or organizations
Central fiscal operations: 26,000 responses; 32,079 hours; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used by taxpayers when prior approval of a change of accounting period is required. The form must be filed on or before the 15th day of the 2nd calendar month following the close of

the taxable period affected by the change. IRC section 412(c) (5) and 442, and regs. sections 1.442–1(b) and 1.1502–76 require the taxpayer to have approval of the Secretary to change his or her annual accounting period.

• Internal Revenue Service
Deduction From, or Exclusion of, Income Earned Abroad 2555
Annually
Individuals or households/businesses or other institutions
Indiv. (includ. self-employ.) who live abroad, etc.
SIC: 501, 502, 503, 152, 171, 172, 521, 523, 525, 526
Central fiscal operations: 82,000 responses; 444,000 hours; $215,538 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used by U.S. citizens and certain resident aliens who qualify for deduction from or exclusion of earned income from sources outside the United States. This information is used by the service to determine if a taxpayer qualifies for a deduction from or exclusion of income.

• Internal Revenue Service
Payer's Request for Identifying Number of Supplier or Provider of Medical and Health Care Services
4686
On occasion
Individuals or households/businesses or other institutions
Payers & recipients of medical & health care payments
SIC: 801, 802, 803, 804, 805, 806, 807, 808, 809
Small businesses or organizations
Central fiscal operations: 3,000 responses; 1,000 hours; $5,542 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Section 6109 of the Code requires that recipients of medical and health care payments furnish their identifying numbers to payers who must report the payments to IRS. This form can be used by payers to request the recipient's identifying number.

• Internal Revenue Service
Allocation of Individual Income Tax to Guam or Northern Mariana Islands
5074
Annually
Individuals or households
Used by U.S. citizen or resi. as attch to form 1040, etc.
Central fiscal operations: 1 response; 1 hour; $5,208 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used as an attachment for the U.S. form 1040 filed by a U.S. citizen or resident who reports adjusted gross income of $50,000 or more with gross income of $5,000 or more from Guam or Northern Mariana Islands. The data is used by IRS to allocate income tax due to Guam or the NMI, as required by 26 U.S.C. 7654.

• Internal Revenue Service
Computation of Social Security Tax on Unreported Tip Income
4137
Annually
Individuals or households
Indiv. who did not report all their taxable tips to the emp.
Central fiscal operations: 73,000 responses; 55,000 hours; $24,716 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC section 3102 requires employees who receive tips subject to FICA tax, but failed to report them to his/her employer, to compete tax due on such tips. The data is used to help verify that the FICA tax on tip income is correctly computed.

• Internal Revenue Service
Application for recognition of exemption under section 521 of the Internal Revenue Code
1028
Nonrecurring
Businesses or other institutions
Farmers' Cooperative Associations
SIC: 514 515
Small businesses or organizations
Central fiscal operations: 150 responses; 3,635 hours; $13,295 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Farmers' cooperatives file form 1028 to apply for exemption from Federal income tax as being organizations described in IRC section 521. The information provides the basis for determining whether the organization is exempt.

• Internal Revenue Service
Application for extension of time to file U.S. partnership fiduciary, and certain exempt organization returns
2758
On occasion
Businesses or other institutions
U.S. partnerships, fiduciaries, and certain exempt orgs.
Small businesses or organizations
Central fiscal operations: 56,000 responses; 15,288 hours; $353,215 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC section 6081 permits the Secretary to grant a reasonable extension of time for filing any return, declaration statement, or other document. This form is used to request an extension of time to file partnership, fiduciary, or certain exempt organization returns. The information is used to determine whether the extension should be granted.

• Internal Revenue Service
Info, statement of United Kingdom withholding agents paying dividends from U.S. corporations to residents of the U.S. and certain treaty countries
3206
On occasion
Businesses or other institutions
Used by United Kingdom nominees reporting income
SIC: All
Small businesses or organizations
Central fiscal operations: 11,000 responses; 2,000 hours; $6,425 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used to report dividends paid by U.S. corporations to beneficial owners of dividends paid through United Kingdom nominees who are residents of countries, other than United Kingdom, with which the U.S. has a tax treaty providing for reduced withholding rates on dividends. The data is used by IRS to determine whether the proper amount of income tax was withheld.

• Internal Revenue Service
Extension of time for payment of taxes by a corporation
Expecting a net operating loss carryback
Form 1138
On occasion
Businesses or other institutions
Corp. that expect a net oper loss for the current tax year
SIC: All
Small businesses or organizations
Central fiscal operations: 6,162 responses; 6,537 hours; $27,514 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Filed by a corporation to request an extension of time for payment of taxes for the preceding tax year when the corporation expects a net operating loss for the current year. The information obtained is necessary to determine if the extension should be approved.

• Internal Revenue Service
Employer's quarterly tax return for household employees
942 942PR
Quarterly
Individuals or households
Household employers
Central fiscal operations; 2,470,048 responses; 733,605 hours; $4,698,632

Federal cost: 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Household employers must prepare and file form 942 or form 942PR port and pay FICA taxes and (942 only) income tax voluntarily withheld. The information is used to verify that the correct tax has been paid.

• Internal Revenue Service
Depreciation
4562
Annually
Businesses or other institutions/ individuals or households/farms
All taxpayers claiming a deduction for depreciation
SIC: All
Small businesses or organizations
Central fiscal operations; 5,000,000 responses; 2,500,000 hours; $248,592 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4562 is used to report the depreciation deduction and to elect additional first-year depreciation. The data is used to verify that the proper deduction has been taken.

• Comptroller of the Currency
Community Reinvestment Act statement, notice and public comment file
None
Annually
Businesess or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 4,425 responses, 4,425 hours; $5,000 Federal costs, 1 form, $30,800 public cost, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Under 12 CFR Part 25 implementing 12 U.S.C. 2901, national banks must prepare a Community Reinvestment Act (CRA) statement and notice and maintain a file of public comments on that statement. The statement describes the bank's efforts to meet the credit needs of its community.

• Internal Revenue Service
Credit for alcohol used as fuel
6478
Annually
Individuals or households/businesses or other institutions
Businesses that sell or use alcohol mixed with fuels
SIC: 291
Small businesses or organizations
Central fiscal operations, 10,000 responses, 12,220 hours; 7,304 Federal cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used to compute the credit allowed under IRC section 44E for alcohol used as fuel. The information is needed to determine that the amount of credit claimed is correct.

• Internal Revenue Service
Employer's annual tax return for agricultural employees
Declaracion annual del impuesto del empleador de empleados agricolas
943 943PR
Annually
Farms
Agricultural employers
SIC: 011, 013, 016, 017, 018, 019, 021, 024, 025, 027
Small businesses or organizations
Central fiscal operations, 434,000 responses, 617,018 hours; $1,142,824 Federal cost, 2 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Agricultural employers must prepare and file Form 943 and Form 943PR (Puerto Rico only) to report and pay FICA taxes and (943 only) income tax voluntarily withheld. The information is used to verify that the correct tax has been paid.

• Comptroller of the Currency
Notice of terminating activities as a municipal securities principal or representative
MSD–5
Nonrecurring
Businesses or other institutions
Municipal securities bank dealers
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 400 responses, 100 hours; $1,500 Federal cost, $1,800 public cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

MSD–5 is used to report termination of municipal securities activities of those on record as principals or representatives.

• Comptroller of the Currency
Application for registration as a municipal securities dealer
MSD
On occasion
Businesses or other institutions
All national banks seeking permis. Becoming security dealers
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 414 responses, 207 hours; $6,000 Federal cost, $3,900 public cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

MSD is used by banks or by bank departments or divisions to apply for the Securities Exchange Commission, or to amend such application, as a municipal securities dealer.

• Comptroller of the Currency
Application to become a municipal securities principal or representative
MSD–4
On occasion
Businesses or other institutions
Municipal securities bank dealers
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 600 responses, 300 hours; $4,500 Federal cost, $5,322 public cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

MSD–4 is used by individuals to register or amend their registration as municipal securities principals or representatives in accordance with rules established by the Municipal Securities Rulemaking Board.

• Internal Revenue Service
Carryover of pre-1970 capital losses
4798
Other—See SF83
Individuals or Households
Individuals who have pre-1970 capital losses
Central fiscal operations, 25,000 responses, 57,400 hours; $129,181 Federal cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4798 is used by individuals who have a pre-1970 capital loss limitation and compute their capital loss carryover to the subsequent year. The information is necessary to determine the taxpayer's correct tax liability.

• Internal Revenue Service
U.S. corporation income tax return; capital gains and losses; computation of U.S. personal holding company tax
1120 SCH D 1120 SCH PH 1120
Annually
Businesses or other institutions
Corporations
SIC: All
Central fiscal operations, 2,347,225 responses, 26,577,615 hours; $13,203,237 Federal cost, 3 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1120 is used by corporations to report their income subject to tax and compute their correct income tax liability. Schedule D (Form 1120) is used by corporations to report gains or (losses) from sales or exchanges of capital assets and figure the alternative tax. Schedule PH (Form 1120) is used by a personal holding company to compute its tax. For these 3 forms, this information is used to determine the

taxpayers' correct tax liability and for general statistics use.

• Comptroller of the Currency
Notice of withdrawal from registration as a municipal securities dealer
MSD W
Nonrecurring
Businesses or other institutions
National bank municipal securities dealers
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 10 responses, 5 hours; 4 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

MSD W is used to terminate registration as a municipal securities dealer.

• Internal Revenue Service
Certificate of alien claiming residence in the United States
1078
On occasion
Individuals or households
Alien individuals claiming U.S. residence for income tax, etc.
Central fiscal operations, 33,891 responses, 5,992 hours; $7,117 Federal cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1078 is used by an alien claiming residence in the United States for income tax purposes and must be filed with the withholding agent to claim the benefit of residence for income tax withholding purposes. The data is used by IRS to determine whether the proper amount of income tax was withheld.

• Comptroller of the Currency
Home loan monitoring data
None
Other —See SF83
Businesses or other institutions
Commercial banks engaged in real estate lending
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 600 responses, 15,000 hours; $170,000 Federal cost, $33,600 public cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Information collected contains data on borrower characteristics, loan collateral and mortgage terms on approved and rejected mortgage loans to monitor compliance with prohibitions against discrimination in making home loans (12 CFR 27)

• Internal Revenue Service
U.S. partnership return of income
1065
Annually
Businesses or other institutions
Partnerships engaged in trade/businesses having income within U.S.
SIC: All
Small businesses or organizations
Central fiscal operations, 8,252,000 responses, 20,410,225 hours; $6,553,540 Federal cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Section 6031 of the Code requires that partnerships file returns each tax year showing, gross income items, allowable deductions, names, addresses, and partner's distributive shares, and other information the Secretary prescribes by forms and regulations. This information is used to verify correct reporting of partnership items and for general statistics.

Extensions (No Change)

• Comptroller of the Currency
Rules, policies, procedures for corporate activities—change office, domestic branch or CBCT
CC 7027–01
On occasion
Businesses or other institutions
National banks proposing to change locations of offices
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 250 responses, 500 hours; $125,000 Federal cost, $5,913 public cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data needed to evaluate subject application.

• Comptroller of the Currency
Report of ownership and indebtedness
FFIEC 003
Annually
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 4,425 responses, 13,275 hours; $740 Federal cost, $272,360 public cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This report details the indebtedness of its executive officers and principal shareholders to the reporting bank and its correspondent banks.

• Comptroller of the Currency
Report of indebtedness of officers and shareholders
FFIEC 004
Annually
Businesses or other institutions
National banks
SIC: 602
Other advancement and regulation of commerce, 30,000 responses, 30,000 hours; $1,500 Federal cost, $307,751 public cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This report, FFIEC 004, details the indebtedness of executive officers and principal shareholders to the reporting bank and its correspondents.

• Comptroller of the Currency
Monthly home loan activity report
None
Other—See SF83
Businesses or other institutions
Commercial banks engaged in real estate lending
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 1,400 responses, 4,200 hours; $5,000 Federal cost, $29,400 public cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data on the volume of mortgage loans by each national bank that received 50 or more home mortgage loan applications in a year to monitor compliance with prohibition against discrimination in making home loans (12 CFR 27).

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

New

• Verification of pursuit of course leading to a standard college degree
22–6553
On occasion
Individuals or households/businesses or other institutions
Schools and veteran students
SIC: 941
Veterans education, training, and rehabilitation, 500,000 responses, 41,667 hours; $25,000 Federal cost, 1 form, not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This form is used by schools to certify enrollment information previously submitted to the Veterans Administration (38 U.S.C. 1780(a)(1) and 1780(g), 35 CFR 31.4204(a)).

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–22972 Filed 8–5–81; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11880; 811-2509]

Anchor Daily Income Fund, Inc.; Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

August 3, 1981.

Notice is hereby given that Anchor Daily Income Fund, Inc. ("Applicant"), 333 South Hope Street, Los Angeles, California 90071, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on July 22, 1981, for an order of the Commission pursuant to Section 8(f) of the Act, and Rule 8f-1 thereunder, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a corporation organized under the laws of the State of Maryland, registered under the Act on August 9, 1974, and filed a registration statement on Form S-5 under the Securities Act of 1933 ("1933 Act") for the public offer and sale of shares of its common stock on the same date. Applicant's 1933 Act registration statement was declared effective by the Commission on September 30, 1978, and an initial public offering of its securities commenced immediately thereafter.

According to the application, the Board of Directors of the Applicant approved the acquisition of the Applicant by The Cash Management Trust of America, Inc. ("Cash Management"), which is registered under the Act as an open-end, diversified, management investment company, on June 28, 1978. Applicant states that the acquisition was approved by a majority of its shareholders on July 31, 1978, and that the acquisition of the Applicant by Cash Management was consummated on October 6, 1978. Applicant further states that it and Cash Management were responsible for each of their expenses in connection with the acquisition. According to the application, Cash Management acquired all of Applicant's assets in exchange for shares of Cash Management and that the exchange was executed at each of the funds' respective net asset values.

Applicant states that it currently has no assets or outstanding liabilities, has no securityholders and is not a party to any pending litigation or administrative proceeding. Applicant further represents that it is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding up of its affairs and that on October 6, 1978, it filed Articles of Transfer with the State of Maryland. Finally, Applicant represents that within the last eighteen months it has not transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of Applicant.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 28, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-22973 Filed 8-5-81; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

July 31, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

Pacific Resources, Inc.
Common Stock, No Par Value (File No. 7-6001)

The security is traded on one other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 21, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the Application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-22961 Filed 8-5-81; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 31, 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:

Advanced Micro Devices, Inc.
Common Stock, $.01 Par Value (File No. 7-5989)
Donaldson Company, Inc.
Common Stock, $5 Par Value (File No. 7-5990)
GEICO Corp.

Common Stock, $1 Par Value (File No. 7–5991)
$0.736 Cumulative Convertible Preferred, $1 Par Value (File No. 7–5992)
Houston Oil Royalty Trust
Units of Beneficial Interest, No Par Value (File No. 7–5993)
Koger Properties, Inc.
Common Stock, $.10 Par Value (File No. 7–5994)
Lear Petroleum Corporation
Common Stock, $.10 Par Value (File No. 7–5995)
Leggett & Platt, Inc.
Common Stock, $1 Par Value (File No. 7–5996)
Management Assistance Inc.
Common Stock, $.40 Par Value (File No. 7–5997)
NCMB Corporation
Common Stock, $2.50 Par Value (File No. 7–5998)
Noble Affiliates, Inc.
Common Stock, $3.33⅓ Par Value (File No. 7–5999)
Ocean Drilling & Exploration Co.
Common Stock, $.50 Par Value (File No. 7–6000)
PennCorp Financial, Inc.
Common Stock, $.50 Par Value (File No. 7–6002)
PPG Industries, Inc.
Common Stock, $1.66⅔ Par Value (File No. 7–6003)
Recognition Equipment Incorporated
Common Stock, $.25 Par Value (File No. 7–6004)
Sealed Air Corporation
Common Stock, $.01 Par Value (File No. 7–6005)
Stauffer Chemical Co.
Common Stock, $1.25 Par Value (File No. 7–6006)
Thermo Electron Corporation
Common Stock, $1 Par Value (File No. 7–6007)
Tosco Corporation
Common Stock, $.15 Par Value (File No. 7–6008)
Toys "R" Us, Inc.
Common Stock, $.10 Par Value (File No. 7–6009)
Valero Energy Corporation
Common Stock, $1 Par Value (File No. 7–6010)
Argo Petroleum Corporation
Common Stock, $.10 Par Value (File No. 7–6011)
Dorchester Gas Corporation
Common Stock, $.10 Par Value (File No. 7–6012)
Elsinore Corporation
Common Stock, No Par Value (File No. 7–6013)
Solid State Scientific, Inc.
Common Stock, $.40 Par Value (File No. 7–6014)
Summit Energy, Inc.
Common Stock, $.50 Par Value (File No. 7–6015)
$1.80 Cumulative Convertible Preferred, $1 Par Value (File No. 7–6016)
Triton Oil & Gas Corporation
Common Stock, $1 Par Value (File No. 7–6017)
Worldwide Energy Corporation
Common Stock, $.20 Par Value (File No. 7–6018)

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 21, 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. 81–22062 Filed 8–5–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22145; 70–6600]

Middle South Energy, Inc.; Proposal To Enter Into Revolving Credit/Term Loan Agreement With Foreign Banks; Order Granting Exception From Competitive Bidding in Connection Therewith

July 31, 1981.

Middle South Energy, Inc. ("MSE"), a special purpose subsidiary of Middle South Utilities, Inc., 225 Baronne Street, New Orleans, Louisiana, a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

By an order dated June 22, 1981 (HCAR No. 22098) MSE was authorized to enter into a bank loan agreement for the purpose of financing construction of the Grand Gulf electric generating facility near Natchez, Mississippi. The construction of the two units of the plant, which will have a generating capacity of 2500 mw, is MSE's sole activity. Pursuant to that authorization MSE entered into an agreement with a group of 46 domestic banks led by Manufacturers Hanover Trust Company. Under that agreement MSE may make bank borrowings of up to $1,311,000,000, such loans to mature not later than December 31, 1988.

MSE states that an additional $300,000,000 will be needed to finance construction of the first unit of the Grand Gulf plant. It proposes to raise the necessary funds by entering into a bank loan agreement with a group of foreign banks. For this purpose, MSE seeks an exception from the competitive bidding requirements of Rule 50 to engage Credit Suisse First Boston Ltd. as a financial advisor to explore the market and assist in arranging a revolving credit and term loan agreement, which is not expected to differ materially from the domestic bank loan agreement, with a group of foreign lenders in the aggregate principal amount of approximately $300,000,000. MSE states that it has examined the full range of financing vehicles available to it and that the proposed foreign borrowings appear to be the most accessible and economical method of funding construction. When negotiations have been concluded, MSE will file an amendment with this Commission seeking authorization of the terms, expenses and conditions contained in the foreign loan agreement.

The application-declaration and amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 24, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

Upon the basis of the facts in the record, it is hereby found that the applicable standards of the act and rules thereunder are satisfied with respect to the proposed exception from the competitive bidding requirements of Rule 50:

It is ordered, that the exception from the competitive bidding requirements of Ruld 50 hereby is, granted and permitted to become effective forthwith.

For the Commission, by the division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-22963 Filed 8-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17994; SR-MSRB-81-6]

Municipal Securities Rulemaking Board; Order Approving Amended Proposed Rule Change

July 31, 1981.

The Municipal Securities Rulemaking Board (the "MSRB"), Suite 507, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036, submitted on May 11, 1981, proposed rule changes under Rule 19b-4 to amend its uniform practice rule, MSRB rule G-12. The proposed rule change would revise the procedures used by municipal securities dealers wishing to close out purchase transactions which have not yet been completed. The proposal also establishes minimum content requirements for notices of close-outs, retransmittals, and date extensions and substitutes a longer standard period of time between issuance and effectiveness of the first close-out notice. In addition, the proposal shortens the time periods for retransmittals and consolidates time extensions.

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of a Commission Release (Securities Exchange Act Release No. 17848 (June 5, 1981)) and by publication in the **Federal Register** (46 FR 30942 (1981)). On July 28, 1981, the MSRB made technical amendments to the filing: (1) To require a party issuing a notice of a close-out, or a notice in connection with a retransmittal of a close-out, to include on the notice its name and address rather than only its name and (2) to provide that if a selling dealer gives notice on the last day of the period specified for the execution of a close-out that it intends to deliver the securities which are the subject of the notice, the period during which the purchaser may execute the close-out is extended by three, rather than two, business days.

One comment with respect to the proposed rule changes was received by the Commission and was made available to the public at the Commission's Public Reference Room.[1] supportive of the proposed rule changes, the PSA questioned the sufficiency of the five day time extension provided upon retransmittal for the time during which the close-out can be executed.[2] In consolidating the time extensions provided for retransmittals into one extension of five business days, the MSRB reasoned that the fixed period would obviate the necessity of constant monitoring the updating of the status of a particular notice. Furthermore the MSRB indicated that the longer period provided by the extension, in conjunction with the time limits proposed to be applied to the transmittal process itself, should provide sufficient time for the entire close-out process to be completed, even in the event of several retransmittals.

The text of the proposed rule change is a follows:

Rule G-12. Uniform Practice

(a) through (g) No change.

(h) Close-Out. Transactions which have been confirmed or otherwise agreed upon by both parties but which have not been completed may be closed out in accordance with this section, or as otherwise agreed by the parties.

(i) Close-Out by Purchaser. With respect to a transaction which has not been completed by the seller according to its terms and the requirements of this rule, the purchaser may close out the transaction in accordance with the following procedures:

(A) and (B) No change.

(C) Contents of Notices. Written notices sent in accordance with the requirements of subparagraphs (A) or (B) above shall contain the following information:

(1) The notice of close-out required under subparagraph (A) above shall set forth:

(a) The name and address of the municipal securities broker or dealer originating the notice;

(b) through (j) No change.

(2) The notice of retransmittal required under subparagraph (B) above shall set forth:

(a) The name and address of the municipal securities broker or dealer retransmitting the notice;

(b) through (k) No change.

(3) The notice of extension of dates required under subparagraph (B) above shall set forth:

(a) No change.

(b) The name and address of the municipal securities broker or dealer retransmitting the notice;

(c) through (j) No change.

(D) and (E) No change.

(F) Completion of Transaction. If, at any time prior to the execution of a close-out pursuant to this paragraph (i), the seller, or any subsequent selling party to whom a notice has been retransmitted, can complete the transaction within two business days, such party shall give immediate notice to the purchaser originating the notice of close-out that the securities will be delivered within such time period. If the originating purchaser receives such notice, it shall not execute the close-out for two business days following the date of such notice; the period specified for the execution of the close-out shall be extended by two business days or, in the event that the notice is given on the last day specified for execution of the close-out, by three business days. Delivery of the securities in accordance with such notice shall cancel the close-out notice outstanding with respect to the transaction.

(G) No change.

(ii) Close-Out by Seller. If a seller makes good delivery according to the terms of the transaction and the requirements of this rule and the purchaser rejects delivery, the seller may close out the transaction in accordance with the following procedures:

(A) No change.

(B) Content of Notice. The written notice sent in accordance with the requirements of subparagraph (A) above shall set forth:

(1) The name and address of the municipal securities broker or dealer originating the notice;

(2) through (10) No change.

(C) and (D) No change.

(iii) and (iv) No change.

(i) through (l) No change.

* * * * *

The Commission finds that the amended proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned amended proposed rule changes be, and they hereby are, approved, effective September 14, 1981.

[1] Letter to Geroge A. Fitzsimmons, Secretary, Securities and Exchange Commission, from Henry C. Alexander and Joseph C. Fenner, Co-Chairmen, Operations and Compliance Committee, Public Securities Association ("PSA") (June 30, 1981).

[2] The PSA also suggested that the relevant portion of an MSRB interpretive letter dated February 13, 1979, be made part of rule G-12 to underscore that the proposed elimination of "cancellation" as a means of execution would not thereby limit the remedies available to purchasers under the rule. To the extent that the interpretation is necessary in order to clairfy the meaning of the rule, we believe that it would stil apply.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-22974 Filed 8-5-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7822]

Paradyne Corp., Common Stock, $.10 Par Value; Application to Withdraw from Listing and Registration

August 3, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Paradyne Corporation ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on July 7, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before August 24, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 81-22975 Filed 8-5-81; 8:45 am]

BILLING CODE 8010-011-M

[Released No. 34-17991; File No. SR PHLX 81-11]

Philadelphia Stock Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by Philadelphia Stock Exchange, Inc., relating to Option Rule 1014; comments requested on or before August 27, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 27, 1981 Philadelphia Stock Exchange, Inc. filed with the Securites and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(Brackets indicate deletions, italics indicate words to be added.)

Rule 1014, Commentary .10

Orders given out by an ROT to specialists—An on-Floor order given to a specialist by an ROT for an account in which he has an interest [has, after the intervention of two trades in the same option all the privileges of an off-Floor order except that it] may not have the privilege of a "Stop" and it is subject to the provisions of paragraphs (d) and (e) of this Rule. *In addition, such order which establishes or increases a position is subject to the provisions of Commentary .12 of this Rule.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Under current Commentary .10 to Rule 1014, a Registered Options Trader ("ROT") is permitted to place on on-Floor order to establish or increase a position ("opening order") on the specialist's book. After two trades have taken place at the price of an ROT's order, the order is treated the same as orders originating from off-the-Floor ("off-Floor orders"). Under the proposed amendment of Commentary .10, an ROT, when initiating an open transaction from on the Trading Floor, will be reqired to yield priority and parity to all off-Floor orders.

The purpose of the proposed rule change is to limit an ROT's ability to compete with off-Floor orders on the specialist's book to the extent that he is engaging in opening transactions. PHLX rules currently provide that an ROT initiating an opening transaction in the crowd, as opposed to giving it to the specialist, must yield to off-Floor orders. The PHLX believes that an ROT should not be permitted to achieve parity with off-Floor orders by placing on opening order on the specialist's book when he may not achieve such parity in the trading crowd.

The proposed rule change discriminates between an ROT's opening order which contributes to the maintenance of a fair and orderly market and one which may not. It would permit an ROT to place an opening order on the book which may deepen the market or narrow the spread. However, when such market-making function is not required as in the case of a competing off-Floor order, the ROT would be required to yield to the off-Floor order.

B. Self-Regulatory Organization's Statement of Burden on Competition

The proposed rule change would limit an ROT's ability to compete with off-Floor orders on the specialist's book to the extent that he is engaging in opening transactions. However, the PHLX does not believe that the proposed rule change will impose any burden on competition which is not necessary or appropriate in furtherance of the purposes of the Act and, in particular, Section 11A(a)(1)(C)(v) of the Act.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or recieved.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory oranization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subseqent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory oranization. All submissions should refer to the file number in the caption above and should be submitted on or before August 27, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

July 31, 1981.

FR Doc. 81-22964 Filed 8-5-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-064]

Environmental Impact Statement, Proposed Bridge Construction Across Biscayne Bay (AIWW), Mile 1091.6, Rickenbacker Causeway, Miami, Dade County, Florida

AGENCY: U.S. Coast Guard.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Coast Guard is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared in conjunction with agency actions related to construction or modification of one or all of the bridges on the Rickenbacker Causeway between Key Biscayne and Miami, Florida.

ADDRESS: Written comments should reference this notice and be addressed to: Commander, Seventh Coast Guard District, Aids to Navigation Branch, 51 S.W. First Avenue, Miami, Florida 33130.

FOR FURTHER INFORMATION CONTACT: Mr. M. T. Bennett, Bridge Administration Specialist, Bridge Section, Aids to Navigation Branch, at the address shown above or by telephone at (305) 350-4108.

SUPPLEMENTARY INFORMATION: Greiner Engineering Sciences, Inc., in conjunction with Metro-Dade County, Florida, are conducting a feasibility study to determine the best means to improve traffic flow across the Rickenbacker Causeway between Key Biscayne and Miami, Florida. Alternatives to be considered by the feasibility study and the Coast Guard EIS include the following:

1. No project
2. Operational changes (reversible lanes, drawbridge regulations, etc.)
3. Construct a high level (65 foot vertical clearance) fixed bridge
4. Construct a parallel bascule bridge at the zone elevation (23' vertical clearance above mean high water)
5. Construct a mid-level (35 to 45 foot vertical clearance) bascule bridge

These alternatives will be developed in more detail or modified as the feasibility study and EIS scoping process continue. Consideration of alternate corridors does not appear to be practical.

Although a formal scoping meeting is not anticipated at this time, the consultant will be holding a series of public information meetings the first of which will be held on 11 August 1981, at 7:00 p.m., at the Key Biscayne Community School, 150 McIntyre Street, Key Biscayne, Florida 33149. A Coast Guard representative will attend these meetings and be available to answer questions concerning the EIS. It is anticipated that a public hearing will be held after the draft EIS is made available for public and agency review and comment.

To ensure that the full range of impacts related to the proposed action is addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action and EIS should be directed to the Coast Guard at the above address.

Dated: July 30, 1981.

Peter J. Rots,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 81-22971 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-14-M

[CGD 81-050]

Study of Electrical Hazard Protection of Tank Vessels Moored to Shore Facilities

This Coast Guard contracted study is investigating the phenomenon of electrostatics and stray electrical currents occurring at the vessel/pier interface of Tank Vessels moored at shore facilities and the methods of protection from this hazard. The purpose of this Notice is to publicize the existence of this study and solicit industry input and expertise which would contribute to the study's quality and usefulness.

The existence of electrical potentials between vessels and the piers to which they are moored has been widely recognized for some time. Consequently, when a vessel and pier are bridged by a good electrical conductor, a substantial electrical current can be generated. On a Tank Vessel, where explosive atmospheres are an ever-present danger, the initiation or disruption of such an electrical circuit could produce incendiary sparks resulting in a major explosion. There is speculation that several Tank Vessel casualties have resulted from this phenomenon.

To protect Tank Vessels from potential "stray current" two techniques are commonly used. The first is to connect a bonding wire between the vessel and pier to attempt to short circuit the voltage and reduce the potential for stray currents at other locations. The second technique is to

totally insulate the vessel from the shore and provide no path for a stray current to flow. A prominent petroleum industry safety publication indicates that the bonding technique is now considered to be largely ineffective and that industry is moving toward the total insulation technique.

The Coast Guard believes that an analysis of the electrical interaction of Tank Vessels (ships and barges) with the shore and a conclusive definition of the proper safety techniques is needed. In 1980 the Coast Guard contracted for a study with Jet Propulsion Laboratory in Pasadena, CA entitled Electrical Hazard Protection of Tank Vessels While Moored to Shore Facilities. Task I of this study which included a literature review, survey of current industry practices, problem definition, preliminary measurements and refinement of a measurement methodology has been completed. The findings reveal that while much investigation has already been conducted on electrostatics, very little has been done formally to characterize the nature of stray currents. It appears that measures adopted by various terminals to protect against vessel/pier potentials range from ignoring the problem to a combination of insulation and multiple bonding cables. Existing literature and preliminary measurements demonstrate the presence of heavy current flows between ships and terminals.

Task II of the JPL study, consisting of data collection, mathematical modeling and analysis is being initiated at this time. The Coast Guard believes that the usefulness of this study could be enhanced and unnecessary pitfalls or redundancy avoided if the petroleum industry, which has investigated the problem, were given the opportunity to contribute. Therefore, the Coast Guard invites comment from the petroleum industry or other marine interests concerning present practices, questions which could be investigated, information which is already available, work which is currently underway, or other suggestions which could improve the study's usefulness. Comments (and requests for amplification on the Task I findings) should be addressed to Commandant (G-DMT-1/54), U.S. Coast Guard, Washington, D.C. 20593, (202) 426-1058, Attention to: Dr. Michael Parnarouskis.

Dated: July 29, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-22970 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

FAA Reports on Compliance With Noise Standards by U.S. Domestic Aircraft Operators

AGENCY: Federal Aviation Administration (FAA), DOT.

SUBJECT: Updated Report of the Fleet Status and Compliance Plans of U.S. Domestic Aircraft Operators as they Move Toward Compliance With the FAA's Aircraft Noise Regulation.

SUMMARY: The table below summarizes the fleet compliance status as of January 1, 1977 (approximately the date the regulation was issued), the status as of April 1, 1980 and January 1, 1981, and fleet projections for the phased compliance deadlines of January 1, 1983, and January 1, 1985. When the regulation was issued, slightly over 20 percent of the U.S. fleet met the FAA noise standards. As of January 1, 1981, almost 50 percent of the fleet complied and that percentage will reach 73 percent by January 1, 1983.

DISCUSSION: In December 1976, the FAA issued Subpart E of Part 91 of the Federal Aviation Regulations (14 CFR 91) which prescribes noise limits for U.S. registered, civil subsonic turbojet airplanes with maximum weights over 75,000 pounds and having standard airworthiness certificates. These requirements prohibit domestic operation in the United States of affected airplanes after specified dates, with full compliance required by January 1, 1985.

In November 1980, the FAA issued a final rule (adopting Title III of the Aviation Safety and Noise Abatement Act of 1979) to extend these same noise compliance requirements to all operators of affected aircraft in the United States, whether U.S. or foreign registered. This rule also provided for exemptions to extend the compliance deadline for two-engine airplanes (DC-9, Boeing 737, BAC 1-11, and SE-210) to January 1, 1985 (for over 100 seats) or to January 1, 1988 (for 100 or fewer seats) as protection for small community service.

To ensure that all domestic operators are taking appropriate steps to meet the noise compliance requirements, the FAA amended 14 CFR Part 91 in December 1979, to require the operators of affected turbojet airplanes to provide the current status of their fleets and their plans for achieving timely and continuing compliance. The first summary report on Fleet Noise Compliance was published on July 17, 1980 (45 FR 48011). This report is an update to that publication.

As originally issued, the FAA noise compliance regulation required full compliance by January 1, 1985. To date, the FAA has issued exemptions for 426 two-engine airplanes as protection for small community service. These exemptions were issued to 17 operators and extend the compliance dates to January 1, 1985 for 120 airplanes and to January 1, 1988 for 306 airplanes. In addition, operators have indicated that they will petition for a service to small community exemption to permit operation until January 1, 1988, for an additional 27 airplanes.

The table also indicates the pace at which U.S. operators are moving the four-engine narrowbody models (Boeing 707 and 720, DC-8) from domestic service. All of these will be gone by January 1, 1985, except for 74 stretch DC-8's, which are currently planned for reengining.

Information in the compliance plans submitted by many of the operators included future additions to their fleets. Where available, these data have been incorporated in the table. However, operators are not required to provide this type of information to the FAA under this program and, as a consequence, this table is not indicative of total future airplane purchases or the total future U.S. fleet.

FOR FURTHER INFORMATION CONTACT: Mr. Richard N. Tedrick, Chief, Noise Policy and Regulatory Branch, AEE-110 Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: (202) 755-9027.

Issued in Washington, D.C., on July 24, 1981.

James E. Denmore,

Chief, Noise Abatement Division.

Noise Compliance Fleet Projections

Airplane Type	Jan. 1, 1977		Apr. 1, 1980		Jan. 1, 1981		Jan. 1, 1983		Jan. 1, 1985	
	Total airplanes	Number complying	Total airplanes	Number complying	Total airplanes	Number complying	Total airplanes	Number complying	Total airplanes	Number complying
A300	0	0	14	14	19	19	25	25	25	25
BAC 1-11	33	0	44	0	44	0	45	0	43	11
B707	277	0	190	0	147	0	67	0	0	0
B720	21	0	12	0	11	0	8	0	0	0
B727	842	186	1,062	540	1,076	648	1,111	1,108	1,087	1,087
B737	150	7	224	71	229	82	232	105	231	200
B747	112	35	141	121	146	132	145	145	148	148
Convair	25	0	8	0	8	0	8	0	0	0
DC-8	224	0	164	0	161	0	143	23	74	74
DC-9	367	32	400	74	405	83	440	150	440	173
DC-10	124	124	146	146	152	152	156	156	159	159
L1011	81	81	91	91	93	93	114	114	114	114
SE210	0	0	8	0	6	0	4	0	3	0
B757	0	0	0	0	0	0	0	0	27	27
B767	0	0	0	0	0	0	15	15	90	90
Total	2,256	465	2,522	1,057	2,497	1,209	2,513	1,841	2,441	2,108
Percent	20.6		41.9		48.4		73.3		86.3	

[FR Doc. 81-22554 Filed 8-5-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series—No. 25-81]

Treasury Notes of August 15, 1991; Series B-1991

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,250,000,000 of United States securities, designated Treasury Notes of August 15, 1991, Series B-1991 (CUSIP No. 912827 ME 9). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated August 17, 1981, and will bear interest from that date, payable on a semiannual basis on February 15, 1982, and each subsequent 6 months on August 15 and February 15, until the principal becomes payable. They will mature August 15, 1991, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. The general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, August 5, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, August 4, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily

to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Monday, August 17, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, August 13, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United

States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

SUPPLEMENTARY STATEMENT

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-23073 Filed 8-4-81; 3:05 pm]

BILLING CODE 4810-40-M

[Amdt. To Department Circular; Public Debt Series—No. 23-81]

14½% Treasury Notes of May 15, 1991; Series A-1991; Withdrawal

August 3, 1981.

The Secretary announced today that the offering of an additional amount of 14½% Treasury notes of Series A-1991, described in Department Circular—Public Debt Series—No. 23-81, dated July 30, 1981 (46 FR 39721, August 4, 1981), has been withdrawn.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 23074 Filed 8-4-81; 3:05 pm]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 151
Thursday, August 6, 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 AEROUNAUTICS BOARD.

[M-325; August 3, 1981]

Notice of a Presentation

TIME AND DATE: 2 p.m., August 6, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: Dockets 34808 and 35035, Petition of Cochise Airlines for reconsideration of the Board's instructions to the staff at its July 23rd sunshine meeting or for the opportunity for a presentation. (Memo 209-C, OGC)

STATUS: Open.

PERSONT TO CONTACT: Phyllis T. Kaylor, *The Secretary* (202) 673-6068.

[S 1195-81 Filed 8-4-81; 3:20 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD.

[M-324 Amdt. 1, August 3, 1981]

Notice of Deletion of Item

TIME AND DATE: 9:30 a.m. August 3, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 24. Commuter Carrier Fitness Determination of Commuter Airlines of Colorado, d.b.a. Trans Colorado Airlines, Inc. (Memo 682, DBA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1190-81 Filed 8-4-81; 3:27 pm]

BILLING CODE 6320-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, August 3, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency) that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum and resolution regarding final amendments to Part 326 of the Corporation's rules and regulations, entitled "Minimum Security Devices and Procedures for Insured Nonmember Banks," eliminating the requirement that insured nonmember banks routinely file with the Corporation standard form reports of external crimes.

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a resolution recognizing the distinguished service and outstanding contributions to the Corporation and the Nation of former Chairman Irvine H. Sprague.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: August 3, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary

[S 1190-81 Filed 8-4-81; 11:46 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, August 3, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liuidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 44,880-NR—United States National Bank, San Diego, California

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsection (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(C)(9)(B)).

Dated: August 3, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1191-81 Filed 8-4-81; 11:47 am]

BILLING CODE 6714-01-M

5

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, August 11, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Administrative Termination Procedures. Litigation. Audits. FOIA Appeals. Personnel.

* * * * *

DATE AND TIME: Thursday, August 13, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certifications
Draft AO 1981-29: Frank R. Coppler, on behalf of Arthur E. Trujillo

Agenda deadlines
Pending legislation
Appropriations and budget, budget execution report.
Reallocation of $100,000 to support contracts: Part I–F from Agenda Document #81,130. Continued from July 30, 1981
Subject to amendment
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-1190-81 Filed 8-4-81; 4:00 pm]

BILLING CODE 6715-01-M

6

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, August 6, 1981.

PLACE: 1700 G Street, N.W., board room, Sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Request for a Futher Extension of Time to Open Permanent Office—Glendale Federal Savings & Loan Association (Mutual), Glendale, California
Request for Futher Extension of Time to Establish a Branch Office—Jackson County Federal Savings & Loan Association, Medford, Oregon
Concurrent Branch Office Applications—(1) California Federal Savings & Loan Association, Los Angeles, California *and* (2) San Diego Federal Savings & Loan Association, San Diego, California
Bank Membership—State Mutual Savings Bank, Tacoma, Washington
Change of Name—First Federal Savings & Loan Association of Lubbock, Lubbock, Texas
Branch Office Application—Kingfisher Federal Savings & Loan Association, Kingfisher, Oklahoma

No. 525, August 4, 1981.

[S-1188-81 Filed 8-4-81; 10:44 am]

BILLING CODE 6720-01-M

7

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, August 13, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED: The following items are to be on the open portion of the bank board meeting.

Bank Membership—State Mutual Savings Bank, Tacoma, Washington
Offer of a Guaranty Service in Connection with Consumer Lending Services of a Service Corporation—Ohio Financial Service Corporation, Columbia, Ohio (a State-wide Service Corporation)
Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance—First Federal Savings & Loan Association of Dixon, Dixon, Illinois *into* First Federal Savings & Loan Association of Rockford, Rockford, Illinois
Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance and Transfer of Stock—Home Savings & Loan Association, Dayton, Ohio (Mutual) *into* Citizens Federal Savings & Loan Association, Dayton, Ohio (Mutual)
Trust Department Application—First Federal Savings & Loan Association of Chattanooga, Chattanooga, Tennessee

No. 524, August 4, 1981.

[S-1189-81 Filed 8-4-81; 10:44 am]

BILLING CODE 6720-01-M

8

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, August 12, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of its routine nature, no substantive dicussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed technical amendment to Regulation J (Collection of Checks and Other Items and Wire Transfers of Funds) to expand the definition of institutions eligible for access to Federal Reserve check collection services. (Proposed earlier for public comment; Docket No. R–0357).

Discussion Agenda:

2. Proposed interpretation of Regulation Q (Interest on Deposits) regarding depositors eligible to maintain NOW Accounts. (Proposed earlier for public comment; Docket No. R–0356).

3. Proposed 1982 budget objectives for the Federal Reserve System.

4. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: August 4, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1193-81 Filed 8-4-81; 3:24 pm]

BILLING CODE 6210-01-M

9

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: Approximately 12 noon, Wednesday, August 12, 1981, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: August 4, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1194-81 Filed 8-4-81; 3:25 pm]

BILLING CODE 6210-01-M

10

NUCLEAR REGULATORY COMMISSION.

DATE: Week of August 10, 1981.

PLACE: Commissioners' conference room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Monday, August 10:

10:00 a.m.
Briefing by Staff on Uncontested Issues for Diablo Canyon Low-Power Operating License (public meeting)
2:00 p.m.
Discussion of Contested Issues for Diablo Canyon Low-Power Operating License (closed meeting)

Tuesday, August 11:

10:00 a.m.
Discussion of Enforcement Action on Implementation of Plant Early Notification Systems (open/closed status to be determined)

Thursday, August 13:

3:30 p.m.
Affirmation/Discussion Session (public meeting)

Items to be affirmed and/or discussed:

a. Advance Notification of PRM to Reform MC&A Reg. of Fuel Fabrication Facilities Involving Formula Quantities of SSNM
b. NRC Jurisdiction over Activities in Certain Offshore Waters
c. Issuance of Order in TMI–1 Restart Proceeding
d. Mod. to Immediate Effectiveness Rule with Regard to Fuel Loading and Low-Power Operating Licenses

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202) 634–1410.

Dated: August 3, 1981.

Walter Magee,

Office of the Secretary.

[S. 1197–81 Filed 8–4–81; 3:53 pm]

BILLING CODE 7590–01–M

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: To be published.

STATUS: Open/closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Monday, July 27, 1981.

CHANGES IN THE MEETING: Deletion/additional item. The following item will not be considered at an open meeting scheduled for Wednesday, August 5, 1981, at 10:00 a.m.

Consideration of whether to authorize transmittal to the Senate Committee on Banking, Housing and Urban Affairs of a letter providing the Commission's comments on S. 610, the "State and Local Government Accounting and Financial Reporting Standards Act of 1981." Among the issues to be considered will include whether to express support for S. 610 as a significant step in ensuring adequate disclosure by state and local governments; and whether to express the opinion that the bill leaves open important issues that the Committee may wish to consider further, either in the context of this bill or in the future. For further information, please contact Alan Rosenblat at (202) 272–2428.

The following additional item will be considered at a closed meeting scheduled for Wednesday, August 5, 1981, following the 10:00 a.m. open meeting.

Consideration of amicus participation.

Chairman Shad and Commissioners Evans, Thomas, and Longstreth determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272–2467.

August 3, 1981.

[S. 1192–81 Filed 8–4–81; 1:51 pm]

BILLING CODE 8010–01–M

federal register

Thursday
August 6, 1981

Part II

Department of the Interior

Bureau of Land Management

Mid-Atlantic Outer Continental Shelf
Proposed Oil and Gas Lease Sale No. 59

BILLING CODE: 4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Mid-Atlantic Outer Continental Shelf

Proposed Oil and Gas Lease Sale No. 59

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed sale notice. The following is a proposed sale notice for Sale No. 59 in the offshore waters of the Middle Atlantic States. This notice is hereby published as a matter of information to the public.

Robert F. Burford

Director, Bureau of Land Management
Robert F. Burford

Date: JUL 31 1981

Approved:

Donald Paul Hodel

Donald Paul Hodel
Secretary of the Interior

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed Bids will be received by the Manager, New York Outer Continental Shelf (OCS) Office, Bureau of Land Management, Jacob K. Javits Federal Building, 26 Federal Plaza, Suite 32-120, New York, New York 10278. Bids may be delivered either by mail or in person, to the above address until 4:30 p.m., e.s.t., December 7, 1981; or by personal delivery to Vista International New York, 3 World Trade Center, Niepw Amsterdam Ballroom, New York, N.Y. 10048 between the hours of 8:30 a.m. e.s.t., and 9:30 a.m., e.s.t., December 8, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., e.s.t., December 8, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale will be published in 46 FR 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be

opened until 10:00 a.m., e.s.t., December 8, 1981" must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A for bonus bid tracts. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, as a percentage to a maximum of five decimal places, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting intimidation or unlawful combination of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof. The following systems will be utilized:

(a) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts 59-106 through 59-110, 59-115 through 59-120, and 59-124 through 59-195 must be submitted on a cash bonus basis with a fixed net profit share rate of 30 percent and a capital recovery factor of 1.5. The net profit share payment shall be calculated according to the Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on tracts 59-1, 59-25, 59-62, and 59-222 must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum annual royalty payment of $8 per hectare.

(c) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent. All leases awarded under this system will provide for a minimum annual royalty payment of $8 per hectare or fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., e.s.t., December 8, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

6. Bid Opening. Bids will be opened on December 8, 1981, beginning at 10:00 a.m., e.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, December 8, 1981, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, bank drafts, certified checks, or money orders, submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it provides for a cash bonus in the amount of $5 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Official Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, New York Outer Continental Shelf Office at the address stated in paragraph 2, at a cost of $2.00 each.

(a) Outer Continental Shelf Official Protraction Diagram NJ 18-3 (Approved October 31, 1974).

(b) Outer Continental Shelf Official Protraction Diagram NJ 18-6 (Approved October 31, 1974).

(c) Outer Continental Shelf Official Protraction Diagram NJ 18-8, Chincoteague (Approved December 2, 1976).

(d) Outer Continental Shelf Official Protraction Diagram NJ 18-9, Baltimore Rise (Approved December 6, 1976).

12. Tract Descriptions.

Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice. Some of the blocks are included in prior environmental impact statements as well as the one for this sale.

The tracts offered for bids are as follows:

OCS OFFICIAL PROTRACTION DIAGRAM, NJ 18-3
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-1	666	All	2304
59-2	689	All	2304
59-3	691	All	2304
59-4	693	All	2304
59-5	694	All	2304
59-6	733	All	2304
59-7	734	All	2304
59-8	735	All	2304
59-9	736	All	2304
59-10	737	All	2304
59-11	775	All	2304
59-12	776	All	2304
59-13	777	All	2304
59-14	778	All	2304
59-15	779	All	2304
59-16	780	All	2304
59-17	781	All	2304
59-18	818	All	2304
59-19	819	All	2304
59-20	820	All	2304
59-21	821	All	2304
59-22	822	All	2304
59-23	823	All	2304
59-24	824	All	2304
59-25	856	All	2304
59-26	862	All	2304
59-27	863	All	2304
59-28	864	All	2304
59-29	865	All	2304
59-30	866	All	2304
59-31	867	All	2304
59-32	904	All	2304
59-33	905	All	2304
59-34	906	All	2304
59-35	907	All	2304
59-36	908	All	2304
59-37	909	All	2304
59-38	910	All	2304
59-39	911	All	2304
59-40	948	All	2304
59-41	949	All	2304
59-42	950	All	2304
59-43	951	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NJ 18-3 (continued)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-44	952	All	2304
59-45	953	All	2304
59-46	954	All	2304
59-47	990	All	2304
59-48	991	All	2304
59-49	992	All	2304
59-50	993	All	2304
59-51	994	All	2304
59-52	995	All	2304
59-53	996	All	2304
59-54	997	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NJ 18-6
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-55	22	All	2304
59-56	23	All	2304
59-57	24	All	2304
59-58	25	All	2304
59-59	26	All	2304
59-60	27	All	2304
59-61	28	All	2304
59-62	63	All	2304
59-63	65	All	2304
59-64	66	All	2304
59-65	67	All	2304
59-66	68	All	2304
59-67	69	All	2304
59-68	70	All	2304
59-69	71	All	2304
59-70	108	All	2304
59-71	109	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NJ 18-6 (continued)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-72	110	All	2304
59-73	111	All	2304
59-74	112	All	2304
59-75	113	All	2304
59-76	114	All	2304
59-77	152	All	2304
59-78	153	All	2304
59-79	154	All	2304
59-80	155	All	2304
59-81	156	All	2304
59-82	157	All	2304
59-83	194	All	2304
59-84	196	All	2304
59-85	197	All	2304
59-86	198	All	2304
59-87	199	All	2304
59-88	200	All	2304
59-89	235	All	2304
59-90	236	All	2304
59-91	237	All	2304
59-92	238	All	2304
59-93	239	All	2304
59-94	240	All	2304
59-95	241	All	2304
59-96	242	All	2304
59-97	243	All	2304
59-98	279	All	2304
59-99	280	All	2304
59-100	281	All	2304
59-101	282	All	2304
59-102	283	All	2304
59-103	284	All	2304
59-104	285	All	2304
59-105	286	All	2304
59-106	322	All	2304
59-107	323	All	2304
59-108	324	All	2304
59-109	325	All	2304
59-110	326	All	2304
59-111	327	All	2304
59-112	328	All	2304
59-113	329	All	2304
59-114	330	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NJ 18-6 (continued)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-115	365	All	2304
59-116	366	All	2304
59-117	367	All	2304
59-118	368	All	2304
59-119	369	All	2304
59-120	370	All	2304
59-121	371	All	2304
59-122	372	All	2304
59-123	373	All	2304
59-124	408	All	2304
59-125	409	All	2304
59-126	410	All	2304
59-127	411	All	2304
59-128	412	All	2304
59-129	413	All	2304
59-130	414	All	2304
59-131	415	All	2304
59-132	416	All	2304
59-133	417	All	2304
59-134	452	All	2304
59-135	453	All	2304
59-136	454	All	2304
59-137	455	All	2304
59-138	456	All	2304
59-139	457	All	2304
59-140	458	All	2304
59-141	459	All	2304
59-142	460	All	2304
59-143	496	All	2304
59-144	497	All	2304
59-145	498	All	2304
59-146	499	All	2304
59-147	500	All	2304
59-148	501	All	2304
59-149	502	All	2304
59-150	503	All	2304
59-151	540	All	2304
59-152	541	All	2304
59-153	542	All	2304
59-154	543	All	2304
59-155	544	All	2304
59-156	545	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NJ 18-6 (continued)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-157	546	All	2304
59-158	584	All	2304
59-159	585	All	2304
59-160	586	All	2304
59-161	587	All	2304
59-162	588	All	2304
59-163	589	All	2304
59-164	627	All	2304
59-165	628	All	2304
59-166	629	All	2304
59-167	630	All	2304
59-168	631	All	2304
59-169	632	All	2304
59-170	669	All	2304
59-171	670	All	2304
59-172	671	All	2304
59-173	672	All	2304
59-174	673	All	2304
59-175	674	All	2304
59-176	712	All	2304
59-177	713	All	2304
59-178	714	All	2304
59-179	715	All	2304
59-180	716	All	2304
59-181	717	All	2304
59-182	755	All	2304
59-183	756	All	2304
59-184	757	All	2304
59-185	758	All	2304
59-186	759	All	2304
59-187	760	All	2304
59-188	761	All	2304
59-189	798	All	2304
59-190	799	All	2304
59-191	800	All	2304
59-192	801	All	2304
59-193	802	All	2304
59-194	803	All	2304
59-195	804	All	2304
59-196	841	All	2304
59-197	842	All	2304
59-198	843	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NJ 18-6 (continued)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-199	844	All	2304
59-200	845	All	2304
59-201	846	All	2304
59-202	883	All	2304
59-203	884	All	2304
59-204	885	All	2304
59-205	886	All	2304
59-206	887	All	2304
59-207	888	All	2304
59-208	889	All	2304
59-209	927	All	2304
59-210	928	All	2304
59-211	929	All	2304
59-212	930	All	2304
59-213	931	All	2304
59-214	932	All	2304
59-215	933	All	2304
59-216	971	All	2304
59-217	972	All	2304
59-218	973	All	2304
59-219	974	All	2304
59-220	975	All	2304
59-221	976	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, CHINCOTEAGUE NJ 18-8
(Approved December 2, 1976)

Tract	Block	Description	Hectares
59-222	41	All	2304
59-223	129	All	2304
59-224	216	All	2304
59-225	217	All	2304
59-226	260	All	2304
59-227	261	All	2304
59-228	304	All	2304
59-229	305	All	2304
59-230	347	All	2304
59-231	348	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, BALTIMORE RISE NJ 18-9
(Approved December 6, 1976)

Tract	Block	Description	Hectares
59-232	2	All	2304
59-233	3	All	2304
59-234	4	All	2304
59-235	5	All	2304
59-236	6	All	2304
59-237	45	All	2304
59-238	46	All	2304
59-239	47	All	2304
59-240	48	All	2304
59-241	49	All	2304
59-242	50	All	2304
59-243	89	All	2304
59-244	90	All	2304
59-245	91	All	2304
59-246	92	All	2304
59-247	93	All	2304
59-248	133	All	2304
59-249	134	All	2304
59-250	135	All	2304
59-251	136	All	2304
59-252	177	All	2304
59-253	178	All	2304

13. Lease Terms and Stipulations. Leases resulting from this sale for tracts 59-1, 59-2, 59-6, 59-25, 59-62, 59-89, 59-90, 59-98, 59-99, 59-106, 59-107, 59-115, 59-116, 59-124, 59-125, 59-134, 59-135, 59-222, and 59-223 will be for an initial term of 5 years. All other leases issued as a result of this sale will be for an initial term of 10 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New York Outer Continental Shelf Office, at the first address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, as listed in paragraph 4(a), Form 3300-1 will be amended as follows:

Sec. 4. Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of 30 percent with a 1.5 capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this proposed sale. In the following stipulations, the term DCMOFO refers to the U.S. Geological Survey Deputy Conservation Manager, Offshore Field Operations, and the term Manager refers to the Manager of the New York OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the Deputy Conservation Manager, Offshore Field Operations (DCMOFO) has reason to believe that a site, structure, or object of historical or archeological significance (hereinafter referred to as "cultural resource") may exist in the lease area, and the DCMOFO gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements.

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement (hereinafter in this stipulation referred to as "operation"), the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archeologist shall be submitted by the lessee to the DCMOFO and to the Manager, New York OCS Office for review.

If such cultural resource indicators are present, the lessee shall: (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the DCMOFO, on the basis of further archeological investigation conducted by a qualified marine survey archeologist or underwater archeologist using such survey equipment and techniques as deemed necessary by the DCMOFO, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archeologist or underwater archeologist shall be submitted to the DCMOFO and the Manager, New York OCS Office for their review. Should the DCMOFO determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCMOFO has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCMOFO and take every reasonable effort to preserve and protect the cultural resource from damage until the DCMOFO has given directions as to its preservation.

Stipulation No. 2

If biological populations or habitats which may require additional protection are identified by the Deputy Conservation Manager, Offshore Field Operations (DCMOFO) in the leasing area, the DCMOFO will require the lessee to conduct environmental surveys or studies, including sampling, as approved by the DCMOFO, to determine existing environmental conditions, the extent and composition of biological populations or habitats, and the effects of proposed or existing operations on the populations or habitats which might require additional protective measures. The DCMOFO shall provide written notice to the lessee of his decision to require such surveys. The nature and extent of any surveys or studies will be determined by the DCMOFO on a case-by-case basis.

Based on any surveys or studies which the DCMOFO may require of the lessee, the DCMOFO may require the lessee to: (1) relocate the site of operations so as not to adversely affect the biological populations or habitats deserving protection; or (2) modify operations in such a way as not to adversely affect the biological populations or habitats deserving protection; or (3) establish to the satisfaction of the DCMOFO that such operations will not adversely affect the biological populations or habitats deserving protection.

Operations, including siting, must be conducted to insure the protection and continued viability of the biological populations or habitats deserving protection in a manner consistent with the other purposes of the Outer Continental Shelf Lands Act, as amended.

The lessee shall submit all data obtained in the course of such surveys to the DCMOFO, with the locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biological populations or habitats surveyed, until the DCMOFO provides written directions to the lessee, with regard to permissible actions.

In the event that biological populations or habitats deserving protection are identified subsequent to commencement of operations, the lessee shall make every reasonable effort to preserve and protect all biological populations and habitats within the lease area, until the DCMOFO provides written instructions to the lessee with regard to the biological populations or habitats identified.

Stipulation No. 3

Pipelines will be required, (1) if pipeline rights-of-way can be determined and obtained, (2) if laying such pipelines is technically feasible and environmentally preferable, and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the Intergovernmental Planning Program for Outer Continental Shelf Oil and Gas Leasing, Transportation and Related Facilities, with the participation of Federal and State governments, industry, and private interests. Where feasible and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other factors as determined on a case-by-case basis.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Deputy Conservation Manager, Offshore Field Operations. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all applicable sections of Titles 33 and 46 of the U.S. Code and the regulations issued thereunder by the U.S. Coast Guard.

Stipulation No. 4

The Deputy Conservation Manager, Offshore Field Operations (DCMOFO) may require the lessee to dispose of drill cuttings and drilling muds by shunting the material to a depth and location below the ocean surface as specified by the DCMOFO, or by transporting the material to disposal sites approved and permitted by appropriate regulatory agencies. After consultation with the appropriate regulatory agencies, the DCMOFO shall determine the method of disposal based upon review of relevant sources of information.

Based upon the composition of produced formation waters the site-specific environmental conditions in a leasing area, and data from relevant sources, the DCMOFO may require the lessee to reinject formation waters. The DCMOFO shall provide written notice to the lessee of a decision to require reinjection of such formation waters.

Stipulation No. 5

(To be included only in leases resulting from this sale for tracts 59-4, 59-5, 59-10, 59-17, 59-32, 59-33, 59-40, 59-41, 59-42, 59-47 through 59-52, 59-55 through 59-169, 59-172 through 59-175, 59-180, 59-181, 59-202, 59-209, 59-210, 59-216, 59-217, 59-218, 59-222 through 59-253.)

(a) Whether or not compensation for such damage or injury might be due under a theory of strict liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by or on behalf of the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents, or employees being conducted as a part of, or in connection with, the programs and activities of the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes OPAREA, Naval Air Station Oceana, Virginia Beach, Virginia. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic into the individual designated warning areas, shall enter into an agreement with the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes OPAREA, Naval Air Station Oceana, Virginia Beach, Virginia, utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated defense warning areas in accordance with requirements specified by the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes OPAREA, Naval Air Station Oceana, Virginia Beach, Virginia, to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing or operational activities conducted within individual designated warning areas.

Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 6

(To be included only in leases resulting from this sale for tracts 59-47 through 59-253.)

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risk of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by or on behalf of the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents, or employees being conducted as a part of, or in connection with, the programs and activities of the National Aeronautics and Space Administration (NASA), Wallops Flight Center. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, the agents, employees, or invitees of the lessee, its agents, or any independent contractors, or subcontractors doing business with the lessee in connection with the programs and activities of the NASA, Wallops Flight Center, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors or any of their officers, agents, or employees, and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) The lessee, when operating or causing to be operated on its behalf, boat, ship, or aircraft traffic into the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, shall enter into an agreement with the Director, Wallops Flight Center, prior to commencing such traffic. Such agreement shall provide for positive control of boats, ships, and aircraft operating in the above designated areas and will provide for the avoidance of interference with the programs and activities of the NASA Wallops Flight Center.

(c) Upon recommendation by the Director, Wallops Flight Center, when the activities of the NASA Wallops Flight Center may endanger personnel or property, the lessee agrees, upon receipt of notice from the Deputy Conservation Manager, Offshore Field Operations, (DCMOFO), to evacuate all personnel from all structures on the lease and to shut-in and secure all wells and other equipment, including pipelines on the lease, within forty-eight (48) hours or within such longer period as may be specified by the DCMOFO. The DCMOFO shall not require evacuation of personnel and shutting-in and securing of equipment for a period of time greater than seventy-two (72) hours; however, such period of time may be extended by subsequent notice from the DCMOFO. Equipment and structures may remain in place on the lease during such time as the evacuation remains in effect.

(d) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, in accordance with the requirements specified by the Director, Wallops Flight Center, to the degree necessary to prevent damage to, or unacceptable interference with, the programs and activities of the NASA, Wallops Flight Center. Necessary monitoring, control and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the Director, Wallops Flight Center, provided, however, that control of such electromagnetic communication shall in no instance prohibit all manner of electromagnetic communications during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 7

(Leases for the following tracts will include this stipulation, which will apply only to operations within the designated portions of such tracts: 59-6, NW 1/4 SW 1/4, S 1/2 SE 1/4, NE 1/4 SE 1/4; 59-7, W 1/2 SW 1/4; 59-8, SW 1/4; 59-13, N 1/2 NE 1/4; 59-14, NW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4; 59-15, SW 1/4 NW 1/4, N 1/2 SW 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4; 59-16, S 1/2 NW 1/4, W 1/2 SW 1/4; 59-17, SE 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4, S 1/2 NE 1/4, SE 1/4 NW 1/4; 59-21, SE 1/4 NW 1/4, NE 1/4 SW 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4; 59-22, NE 1/4 SW 1/4, SE 1/4 NW 1/4, NE 1/4, N 1/2 SE 1/4; 59-23, S 1/2 NW 1/4, NE 1/4 NW 1/4, N 1/2 SW 1/4, NE 1/4, SW 1/4 SE 1/4; 59-24, SE 1/4, SW 1/4, S 1/2 NE 1/4, S 1/2 NW 1/4; 59-28, SE 1/4 NE 1/4; 59-29, NW 1/4 NW 1/4, NW 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4; 59-30, W 1/2 NW 1/4, SE 1/4 NW 1/4, SW 1/4, W 1/2 SE 1/4; 59-31, SE 1/4 NW 1/4, NE 1/4 SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4; 59-36, NW 1/4; 59-37, E 1/2 NE 1/4, S 1/2 SE 1/4; 59-38, W 1/2 NW 1/4, NE 1/4 NW 1/4, NE 1/4, SE 1/4, SE 1/4 SW 1/4; 59-39, S 1/2, S 1/2 NW 1/4, NW 1/4 NW 1/4, S 1/2 NE 1/4, NE 1/4 NE 1/4; 59-44 NE 1/4 SE 1/4; 59-45, NW 1/4 SW 1/4, SW 1/4 NW 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4; 59-46, NW 1/4 SW 1/4, NE 1/4 NW 1/4, N 1/2 NE 1/4, SE 1/4 NE 1/4; 59-47, SW 1/4 NW 1/4, N 1/2 SW 1/4; 59-50, NE 1/4 SE 1/4; 59-51, SW 1/4, W 1/2 SE 1/4; 59-52, SE 1/4 SE 1/4; 59-55, E 1/2 NE 1/4; 59-56, S 1/2 NW 1/4, NW 1/4 NW 1/4, N 1/2 SW 1/4, W 1/2 SE 1/4; 59-59, N 1/2 NE 1/4, SE 1/4 NE 1/4; 59-61, SE 1/4 SE 1/4; 59-62, NE 1/4 SE 1/4; 59-70, SW 1/4 NE 1/4, NW 1/4 SE 1/4; 59-75, SE 1/4 SE 1/4; 59-76, SW 1/4 SW 1/4; 59-82, NE 1/4 NE 1/4; 59-85, N 1/2 SE 1/4, SW 1/4 SE 1/4; 59-114, N 1/2 SW 1/4, SW 1/4 SW 1/4; 59-123, NE 1/4 NE 1/4; 59-135, SE 1/4; 59-136, S 1/2 NW 1/4; 59-143, NE 1/4 SE 1/4; 59-144, NW 1/4, NW 1/4 NE 1/4, NW 1/4 SW 1/4; 59-157, S 1/2 SW 1/4, NE 1/4 SW 1/4; 59-164, N 1/2 NW 1/4; 59-191, SW 1/4 SE 1/4; 59-198, E 1/2 NW 1/4; 59-199, NW 1/4 NE 1/4; 59-201, N 1/2 NW 1/4, SW 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4; 59-207, SE 1/4 SE 1/4; 59-208, W 1/2 SW 1/4, NE 1/4 SW 1/4; 59-220, SW 1/4 SW 1/4; 59-228, SE 1/4 SE 1/4; 59-229, SW 1/4 SW 1/4; 59-231, E 1/2 NE 1/4, E 1/2 SE 1/4; 59-236, NE 1/4, SE 1/4, E 1/2 SW 1/4, S 1/2 NW 1/4; 59-241, SW 1/4 SE 1/4; 59-242, N 1/2 NE 1/4; 59-244, SE 1/4 SW 1/4; 59-247, NW 1/4 NE 1/4; 59-248, E 1/2 NE 1/4, NE 1/4 SE 1/4; 59-249, S 1/2, N 1/2 SW 1/4, NW 1/4 SE 1/4.)

Portions of this tract may be subject to unstable slopes or shallow faults, (mass movement of sediments). Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the Deputy Conservation Manager's satisfaction that mass movement of sediment is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads, and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. The extension of these surveys may be required outside of the leased block. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed, all such unstable areas must be mapped. The Deputy Conservation Manager, Offshore Field Operations also may require soil testing before exploration and production operations are allowed.

Stipulation No. 8

(To be included only in leases resulting from this sale for tracts 59-60, 59-61, 59-69, 59-200, 59-201, 59-208, 59-215.)

If the Deputy Conservation Manager, Offshore Field Operations (DCMOFO) believes any undetonated explosives may exist in a leased tract, the lessee shall conduct surveys as specified by the DCMOFO to determine the location of any undetonated explosives. Upon completion of any such surveys, the lessee shall forward a report and all pertinent data to the DCMOFO for review. Should the DCMOFO determine that the existence of such devices may adversely affect any activity or operation, such as the construction or placement of any structure for exploration or development on the lease, the lessee shall take no action until the DCMOFO has given directions as to the conduct of that operation.

Stipulation No. 9

(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraph 4(a) of this notice.)

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount (in kind) rather than in value. However, not more than the equivalent of 16-2/3 percent of the production saved, removed, or sold from the lease area may be taken in amount (in kind) as a net profit share payment, except as provided in Sec. 15(d). Any remaining net profit share payments due shall be calculated to include as a credit the value of production taken in kind by the lessor to satisfy part of the net profit share obligations of the lessee.

14. Information to Lessees.

(a) In the enforcement of Stipulation No. 2, the Deputy Conservation Manager, Offshore Field Operations (DCMOFO) will receive recommendations from the Biological Task Force (BTF) composed of designated representatives of the Bureau of Land Management, Fish and Wildlife Service, Geological Survey, the National Marine Fisheries Service, and the Environmental Protection Agency. The task force may consult with representatives of the affected States before making recommendations to the DCMOFO. It is intended that this BTF will remain in existence throughout the operating life of the field. The DCMOFO will consult with the BTF in identifying areas or resources of biological importance, on the conduct of the biological surveys by lessees, and on the appropriate course of action after the surveys have been conducted.

In a memorandum to the DCMOFO (April 9, 1980), the Biological Task Force identified submarine canyons as areas of biological concern for which it may recommend biological surveys or other monitoring programs. Lack of available "site-specific" information precludes the identification at this time of specific lease tracts for which such studies will or will not be recommended. Based on information generated from on-going canyon studies and on the level of drilling activity at a given time, the Task Force will determine on a case-by-case basis whether or not to recommend biological studies or monitoring programs prior to or during exploration and/or production-related OCS operations in or adjacent to submarine canyons.

(b) Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq. . Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

(c) At least 30 days prior to moving a rig on-site, the lessee must notify the Chief, Marine and Wetlands Protection Branch, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Suite 164, New York, NY 10278, in writing, stating on what date a rig is to be moved on-site.

This would apply to the lessees of the following tracts: 59-33, 59-34, 59-35, 59-36, 59-37, 59-38, 59-39, 59-41, 59-42, 59-43, 59-44, 59-45, 59-46, 59-50, 59-51, 59-52, 59-53, 59-54, 59-58, 59-59, 59-60, 59-61, 59-67, 59-68, 59-69, 59-75, 59-76, and 59-82.

(d) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

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(e) Bidders are advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

(f) Bidders are advised that the Department of Energy is authorized, under Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

(g) For those tracts listed in paragraph 13 above providing for leases with an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to USGS either an exploration plan or a general statement of exploration intentions prior to the end of the tenth lease year.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Mid-Atlantic Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

federal register

Thursday
August 6, 1981

Part III

Environmental Protection Agency

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH-FRL-1891-1]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Grant of temporary exclusions and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) is today temporarily excluding solid wastes generated at several particular generating facilities from the lists of hazardous waste contained in 40 CFR 261.31 and 261.32. This action responds to delisting petitions submitted under 40 CFR 260.20, (which allows any person to petition the Administrator to modify or revoke any provisions of Part 260 through 265 of the Resource Conservation and Recovery Act Regulations), and §260.22, which specifically provides the generators the opportunity to petition the Administrator to exclude waste on a "cite specific" basis from the hazardous waste list, and gives the Administrator the authority to grant temporary exclusions from the hazardous waste list when there is a substantial likelihood that a final exclusion will be granted. The effect of this action is to temporarily exclude certain hazardous wastes generated at particular facilities from listing as hazardous waste under 40 CFR Part 261.

DATES: Effective date: August 6, 1981.

EPA will accept public comments on these temporary exclusions until October 5, 1981. Any person may request a hearing on these temporary exclusions by filing a request with John P. Lehman, whose address appears below, by August 27, 1981. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Comments should be sent to the Docket Clerk, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Communications should identify the regulatory docket number "Section 3001/Delisting Petitions."

Requests for hearing should be addressed to John P. Lehman, Director, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The public docket for these temporary exclusions is located in Room 2711, U.S. Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460 and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Myles Morse, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M St. SW., Washington, D.C. (202) 755-9187.

SUPPLEMENTARY INFORMATION: On January 16, 1981, as part of its final and interim final regulations implementing Section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and from specific sources. See 40 CFR 261.31 and 261.32 (46 FR 4614). These wastes were listed as hazardous because they typically and frequently exhibit the characteristics of hazardous wastes identified in Subpart C of Part 261 (ignitability, corrosivity, reactivity and EP toxicity) or meet the criteria for listing contained in §§ 261.11(a)(2) or 261.11(a)(3).

The Agency, however, recognizes that individual waste streams may vary depending on raw materials, industrial processes and other factors. Thus, while a type of waste described in these regulations generally is hazardous, a specific waste meeting the listing description from an individual facility may not be. For this reason, §§ 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a listed hazardous waste. To be excluded, petitioners must show that the waste produced at their facilities does not meet any of the relevant criteria under which the waste was listed. (See § 260.22(a) and Background Documents for listed wastes.) Wastes which are "delisted" (i.e., excluded from listing in Part 261, Subpart D) may, however, still be hazardous if they exhibit any of the characteristics of a hazardous waste in Part 261, Subpart C, and generators remain obligated to make this determination.

In addition to wastes listed as hazardous in §§ 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. (See §§ 261.3 (c) and (d)(2).) Again, the substantive standard for "delisting" is that the waste not meet any of the criteria for which the waste was listed originally. Where the waste is derived from one or more listed hazardous wastes, the demonstration may be made with respect to each constituent listed waste, or the waste mixture as a whole. (See § 260.22(b).) Like other excluded wastes, excluded hazardous waste treatment, storage or disposal residues remain subject to Subpart C of Part 261, and so may be hazardous if they exhibit any of the characteristics of hazardous waste.

EPA recognizes as well that there will be circumstances where immediate action on petitions is appropriate. Therefore, upon Agency review of a submitted petition, the Administrator may under § 260.22(m) grant a temporary exclusion if there is substantial likelihood that an exclusion will finally be granted.

It should be noted that the Agency has not yet run spot checks on the test data submitted to date in exclusion petitions. The Agency believes that the sworn affidavits submitted with each petition sufficiently binds the petitioners to ensure presentation of truthful and accurate test results. The Agency may, however, spot sample and analyze wastes or groundwater before a final decision is made whether to exclude any particular waste from the hazardous waste lists.

We also note that the temporary exclusions granted today apply only to the Federal hazardous waste management system established under RCRA. States remain free to take any action they deem appropriate with regard to these wastes.

The temporary exclusions published today involve the following petitioners: International Minerals Chemical Corporation, Terre Haute, Indiana; Timken Company, Canton, Ohio; General Electric, Mattoon, Illinois; Whirlpool Corporation, Fort Smith, Arkansas; Great Lakes Steel, Detroit, Michigan; Whirlpool Corporation, Danville, Kentucky; Crosman Air Guns, Fairport, and East Bloomfield, New York; the Keystone Group, Bartonville, Illinois; Mansfield Products Company, Mansfield, Ohio; Gould Inc., Spartanburg, South Carolina; General Battery Corporation, Reading, Pennsylvania; Maytag Company, Newton, Iowa; Whirlpool Corporation, Marion, Ohio; Talon, Division of Textron, Meadville, Pennsylvania; Bentley Nevada Corporation, Minden, Nevada; Peerless Chain Company, Winona, Minnesota; Whirlpool Corporation, Findlay, Ohio; Mearl Corporation, Peekskill, New York; Industrial Liquids Recycling Inc., Mount Pleasant, Tennessee; Empire-Detroit Steel Division/Cyclops Corporation, Dover, Ohio; Hamblet and Hayes Co., Salem, Massachusetts; and Chem-Clear Inc., Cleveland, Ohio.

I. International Minerals and Chemical Corporation

A. Petition for Exclusion

International Minerals and Chemical Corporation (IMC), involved in the production of pharmaceutical bacitracin, has petitioned the Agency to exclude its still bottom wastes, presently listed as EPA Hazardous Waste No. F003—The following spent non-halogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents. IMC has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

IMC's bacitracin production process involves media fermentation from culturing a specific strain of bacillus; filtration; n-butanol counter current extraction; distillation/concentration; and n-butanol recovery. The distillation still bottom waste discharged after n-butanol recovery is comprised primarily of water, 500–1,000 ppm suspended biological solids, <1 percent n-butanol, and trace amounts of fermentation enzymes.

IMC has submitted a description of its bacitracin production and n-butanol recovery process, constituent analyses of the distillation bottom material for n-butanol and flash point tests for this material. IMC has also, through testing a series of spiked still bottom samples, determined that up to 2 percent of n-butanol in the still bottoms would still maintain a flash point of greater than 140° F. IMC claims that no greater than 1 percent of n-butanol is present in its still bottom wastes, and its residue does not exhibit the characteristic of ignitability (§ 261.21), the criteria for which EPA Hazardous Waste F003 is listed.

IMC's n-butanol recovery process involves steam distillation; condensation; azeotropic separation; and recirculation. Prior to storage for disposal the still bottoms are sampled for n-butanol. If greater than 1 percent is found by gas chromatographic analysis, the still bottoms are redistilled until the n-butanol content is below 1 percent.

Results of ignitability tests indicate that the flash point of the still bottoms is greater than 210° F.

B. Agency Analysis and Action

EPA Hazardous Waste No. F003 is listed due to the ignitability of spent non-halogenated solvents, one of which is n-butanol, the solvent used in IMC's process. Analyses submitted by IMC indicate that n-butanol is present in the distillation still bottoms in only low percentages (<1.0%) by volume. This is well below the limit of 24 percent alcohol by volume set in § 261.2(a)(i) of the regulations. Section 261.21(a)(1) also indicates that solutions with flash points above 140° F are considered non-ignitable. Flash point tests run on IMC's distillation still bottoms indicate that the flash point is greater than 210° F.

IMC has sufficiently demonstrated the non-hazardous nature of its distillation still bottoms due to the efficiency of its solvent recovery system and continuous monitoring control, which assure that no greater than 1 percent of n-butanol is present in the wastes to be disposed. The Agency therefore, has granted a temporary exclusion to IMC's facility in Terre Haute, Indiana for their distillation bottoms from its bacitracin production process (listed under EPA Hazardous Waste No. F003) as described in its petition.

C. Agency Information Needs for Final Delisting

The Agency believes that IMC has submitted sufficient data for the final delisting of its distillation still bottoms. The Agency has granted a temporary exclusion to expedite delisting action for IMC. Final exclusion will be granted upon review of comments received in response to this publication.

II. Timken Company

A. Petition for Exclusion

The Timken Company (Timken) involved in the manufacture of steel and steel products, has petitioned the Agency to exclude its treated sludge formerly listed as K063 (sludge from lime treatment of spent pickle liquor from steel finishing operations)[1] produced at its facility in Canton, Ohio. The Timken Company has petitioned to exclude its waste because it does not meet the criteria for which the waste was originally listed.

Timken utilizes the process of sulfuric acid pickling of steel. Its waste treatment process for spent pickle liquor, pickling rinse waters, and spent hydrochloric etching acid involves neutralization to pH 10. Timken claims their sludge is environmentally stable and non-hazardous, and specifically that the sludge does not contain hazardous levels of hexavalent chromium and lead, the constituents of concern for which the spent pickle liquor (K062) is listed.

Timken submitted a description of their sludge treatment system and EP toxicity test results for all of the metal constituents specified in § 261.24 of the regulations. The samples were taken over a one month period which the petitioner claims to be representative of any variation of constituent concentration in the waste. EP toxicity tests reveal maximum hexavalent chromium, total chromium and lead levels in the waste extract of <.02 mg/l, .03 mg/l and .17 mg/l, respectively.

B. Agency Analysis and Action

The constituents of concern in this waste are hexavalent chromium and lead. EP extracts from sludge samples analyzed by Timken show lead consistently well below the maximum EP toxicity limits. Values for total chromium are well below the primary drinking water standards, while that for hexavalent chromium is also extremely low. These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH of 10 indicates that Timken's waste treatment process effectively neutralizes its spent pickle liquor wastes. The Agency, therefore, has granted a temporary exclusion to the Timken Company in Canton, Ohio for its treated spent pickle liquor, as described in its petition.

III. General Electric

A. Petition for Exclusion

The General Electric Company—Mattoon Lamp Plant, involved in a printed circuit board operation and a coil mandrel dissolving operation, has petitioned the Agency to exclude its sludge, presently listed as EPA Hazardous Waste No. F006-Wastewater treatment sludges from electroplating operations except for the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. G.E. has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

The production processes which generate the waste at G.E. include nickel plating, and hydrochloric, nitric, and sulfuric acid etching. The constituents of concern in EPA Hazardous Waste F006 are nickel, cadmium, hexavalent chromium, and cyanide (complexed), however, only nickel is claimed to be used at this facility. G.E. claims that the

[1] On November 12, 1980 (45 FR 74884), EPA removed waste K063 from the hazardous waste list (§ 261.32). However, since these lime treatment sludges are generated from the treatment of a listed hazardous waste (K062), they still are considered to be a hazardous waste (§ 261.3(c)(2)). Further, they remain hazardous wastes until they no longer meet any of the characteristics of hazardous wastes and are delisted (§ 261.3(d)(2)).

treated wastewater sludge it generates is non-hazardous due to the effectiveness of its treatment system.

G.E. has submitted a description of its treatment process, and EP toxicity data for each of the constituents specified in Section 261.24 of the regulations. The samples were taken over a four month period which the petitioner claims to be representative of any variation of constituent concentration in the waste.

The treatment system involves neutralization, flocculation, clarification and pressure filtration. EP toxicity tests of the final treatment sludge revealed maximum cadmium, total chromium and nickel in concentrations of .05, 0.1, and 7.7 ppm, respectively. Total constituent analyses for cyanide produced a maximum concentration of 1.6 ppm.

B. Agency Analysis and Action

Although G.E. uses only nickel in its production process, cadmium and total chromium [2] were present in the EP extract, albeit at values well below the maximum EP toxicity limits for these metals. In addition, the concentration of cyanide in the waste was low. The low concentrations of these constituents are probably a result of unknown minor sources of contamination and background levels, rather than the direct use of these constituents in the plating process. The reported nickel leachate concentration is not considered to be of regulatory concern. These low leachate levels indicate that the constituents are present in essentially an immobile form. The Agency, therefore, has granted a temporary exclusion to the General Electric Company—Mattoon Illinois plant, for its treated electroplating sludge listed under EPA Hazardous Waste No. F006, as described in its petition.

IV. Whirlpool Corporation

A. Petition for Exclusion

The Whirlpool Corporation (Whirlpool), located in Fort Smith, Arkansas, involved in the manufacture of household refrigerators and freezers, has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Whirlpool has petitioned to exclude its waste because it does not meet the criteria for which EPA Hazardous Waste No. F006 was listed. Whirlpool claims that the treated wastewater sludge it generates is non-hazardous due to the effectiveness of its treatment system.

Whirlpool has submitted a detailed description of its waste treatment system; EP toxicity test results for cadmium, total chromium and nickel; and constituent analyses of the sludge for cyanide. The treatment system involves lime neutralization, flocculation, clarification, and dewatering by filter press. Samples were obtained over a ten month period which the petitioner claims to be representative of any variation of constituent concentration in the waste. EP toxicity tests involving cadmium, total chromium and nickel produced maximum leachate levels of .04, .05 and 2.3 ppm, respectively. Total constituent analyses for cyanide produced a maximum concentration of 0.69 ppm.

B. Agency Analysis and Action

Whirlpool has demonstrated that its waste treatment system produces a non-hazardous sludge. The EP extract data for cadmium and total chromium are well below the EP toxicity limits for these constituents.[3] The reported nickel leachate concentration is not considered to be of regulatory concern, and the reported cyanide level is also not of concern. These low leachate levels indicate that the constituents are present in essentially an immobile form. The Agency therefore has granted a temporary exclusion to the Whirlpool Corporation of Fort Smith, Arkansas, for its treated electroplating sludge, as described in its petition.

V. Great Lakes Steel

A. Petition for Exclusion

Great Lakes Steel (Division of National Steel Corporation), Ecorse, Detroit, Michigan is involved in the manufacture of steel sheet. Great Lakes Steel (Great Lakes) has petitioned the Agency to exclude its sludge, formerly listed as EPA Hazardous Waste No. K063 (sludge from lime treatment of spent pickle liquor from steel finishing operations) [4] because it does not meet the criteria for which the waste was originally listed.

Great Lakes utilizes the processes of hydrochloric acid pickling and cold rolling and finishing. Its waste treatment process for spent pickle liquor and rinse water involves lime and polymer flocculation, aeration, clarification and sludge dewatering. They claim their sludge is environmentally stable and non-hazardous, and specifically that the sludge does not contain hazardous levels of hexavalent chromium and lead, the constituents of concern for which the spent pickle liquor (K062) is listed.

Great Lakes submitted a detailed description of their sludge treatment system, and EP toxicity test results for all toxic constituents specified in § 261.24 of the regulations. The samples were taken over an eight month period which the petitioner claims is representative of any variation of constituent concentration in the waste. EP toxicity tests revealed maximum total chromium and lead levels in the waste extract of 0.04 and 0.147 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern in this waste are hexavalent chromium and lead. EP extracts from sludge samples analyzed by Great Lakes show lead and total chromium consistently well below the EP toxicity limits.[5] These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH of 9.0 indicates that Great Lake's waste treatment process effectively neutralizes its spent pickle liquor wastes. The Agency, therefore, has granted a temporary exclusion to the Great Lakes Steel Corporation, Ecorse, Detroit, Michigan for its treated spent pickle liquor, as described in its petition.

VII. Whirlpool Corporation

A. Petition for Exclusion

Whirlpool Corporation's (Whirlpool) facility at Danville, Kentucky is involved in the manufacture of trash compactors, refrigerator ice makers, refrigerator compressor electric motors and miscellaneous electrical wiring components. Whirlpool has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F006-Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zince plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping

[2] Hexavalent chromium is listed as the constituent of concern for this waste; however, since the concentration of total chromium is low the concentration of hexavalent chromium would also be low, so that analysis for hexavalent chromium is unnecessary.

[3] See Footnote 2.

[4] See Footnote 1.

[5] See Footnote 2.

associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Whirlpool has petitioned to delist its waste because it does not meet the criteria for which it was listed.

Whirlpool claims that the production processes which generate the waste do not use cadmium, hexavalent chromium, nickel, or cyanide, the constituents for which the waste is listed. They therefore claim that their treated wastewater sludge is non-hazardous due to the absence of these constituents in the sludge. They also claim that any other toxic compounds used in their process are removed from the sludge by the treatment process.

Whirlpool has submitted a detailed description of its waste treatment system, EP toxicity test results for cadmium, total chromium and nickel, and constituent analyses of the sludge for these metals and cyanide. Samples were obtained over a seven month period which the petitioner claims to be representative of any variation of the constituent concentration in the waste. The treatment system involves lime/alum neutralization, flocculation, clarification, and vacuum filtration.

Constituent analyses of the final treatment sludge revealed cadmium, total chromium, nickel and free cyanide concentrations of 0.35, 118, 8.3, and 0.187 ppm, respectively. EP toxicity tests involving cadmium, total chromium and nickel produced maximum leachate levels of <.020, 1.01, and 2.66 ppm, respectively.

B. Agency Analyses and Action

Whirlpool has demonstrated that its waste treatment system produces a non-hazardous sludge. Whirlpool claims that its production process does not use cadmium, hexavalent chromium, nickel or cyanide. Low concentrations of cadmium, nickel and cyanide are present in the waste; their occurrence probably results from unknown minor sources of contamination and background levels, rather than from the direct use of these constituents in the plating processing. In addition, the EP extract concentration for cadmium is well below the maximum EP toxicity limit for this constituent while that for nickel is not considered to be of regulatory concern.

With respect to hexavalent chromium, the petitioner claimed that hexavalent chromium was not used in the process, but provided no analytical data to support their case (i.e., analysis of sludge for hexavalent chromium). However, since the EP extract concentration for total chromium [6] is well below the maximum EP toxicity limit for this constituent, the Agency has not asked the petitioner to provide any additional data. The Agency, therefore, has granted a temporary exclusion to the Whirlpool Corporation facility in Danville, Kentucky, for its treated electroplating sludge, as described in its petition.

VII. Crosman Air Guns

A. Petition for Exclusion

Crosman Air Guns, located in East Bloomfield and Fairport, New York, (Crosman), involved in the production of BB and pellet guns, has petitioned the Agency to exclude its residue generated from the treatment of EPA Hazardous Waste No. K062-Spent pickle liquor from steel finishing operations; and its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F006-Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Crosman has petitioned to exclude its waste because it does not meet the criteria for which these wastes were listed.

The production processes which generate the waste at Crosman include zinc castings deburring, zinc plating on carbon steel, black oxide bluing and copper coating processes. The zinc plating process involves acid pickling of the metal prior to plating. Crosman claims that the treated wastewater sludge it generates is non-hazardous due to the effectiveness of its treatment system.

Crosman has submitted a detailed description of its waste treatment system; EP toxicity test results for cadmium, lead, total chromium and nickel; and constituent analyses of the sludge for cyanide. Samples were obtained over a six month period which the petitioner claims to be representative of any variation of constituent concentration in the waste.

The treatment system process for the spent pickle liquor, the cleaning bath solutions, and the rinsewater over-flow wastes involves pH adjustment with either caustic soda or sulfuric acid, flocculation, settling, and sludge dewatering. EP toxicity tests involving cadmium, total chromium, lead and nickel produced maximum leachate levels of .03, .05, <.2 and .06 ppm, respectively. Cyanide was not detected in the samples.

B. Agency Analysis and Action

Crosman has demonstrated that its waste treatment system produces a non-hazardous sludge. The EP extract concentrations for cadmium and total chromium are all below the national interim primary drinking water standards for these constituents [7] while that for lead is well below the maximum EP toxicity limits. Cyanide was not detected in the sludge. The nickel leachate concentrate is not considered to be of regulatory concern. These low leachate levels indicate that the constituents are present in essentially an immobile form. The Agency, therefore, has granted a temporary exclusion to Crosman Air Gun facilities at Fairport and East Bloomfield, New York, for its treated electroplating sludge and its treated spent pickle liquor, as described in its petition.

VIII. The Keystone Group

A. Petition for Exclusion

The Keystone Group—Bartonville Plant (Keystone), involved in the manufacture of steel, wire and wire products, has petitioned the Agency to exclude its sludge, formerly listed as EPA Hazardous Waste No. K063 (sludge from lime treatment of spent pickle from steel finishing operations).[8] Keystone has petitioned to exclude its waste because it does not meet the criteria for which the waste was originally listed.

Keystone utilizes the processes of cold drawing, acid pickling and lime treatment, sodium hydroxide degreasing and etching in the production of wire from carbon steel wire rods. Its waste treatment process for spent pickle liquor involves neutralization, lime and polymer flocculation, settling, and sludge lagoon dewatering. They claim their sludge is environmentally stable and non-hazardous, and specifically that the sludge does not contain hazardous levels of hexavalent chromium and lead, the constituents of concern for which the spent pickle liquor (K062) is listed.

Keystone submitted a detailed description of their sludge treatment system, and EP toxicity test results for all toxic constituents specified in § 261.24 of the regulations. The samples were taken over a one month period which the petitioner claims to be representative of any variation of

[6] See Footnote 2.

[7] See Footnote 2.

[8] See Footnote 1.

constituent concentration in the waste. EP toxicity tests revealed maximum total chromium and lead levels in the waste extract of 0.05 and 0.45 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern in this waste are hexavalent chromium and lead. EP extracts from sludge samples analyzed by Keystone show lead and total chromium consistently well below the maximum EP toxicity limits.[9] These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH of 8.3 indicates that Keystone's waste treatment process effectively neutralizes its spent pickle liquor wastes. The Agency, therefore, has granted a temporary exclusion to the Keystone Group's facility in Bartonville, Illinois, for its treated spent pickle liquor, as described in its petition.

IX. Mansfield Products Company

A. Petition for Exclusion

Mansfield Products Company (Mansfield), Mansfield, Ohio, involved in the manufacture of washers, dryers, ranges, and dry cleaning machines, has petitioned the Agency to exclude its treated sludge presently listed as EPA Hazardous Waste No. F006–Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. The production processes at Mansfield Products which generate the listed hazardous wastes are nickel plating and chromate conversion coating. Mansfield Products has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

Mansfield has submitted a description of its electroplating and wastewater treatment processes, and EP toxicity test results for cadmium, total chromium, and nickel, and a constituent analysis for cyanide.

Mansfield's treatment process involves the batch reduction of chromic rinse waste, lime and polymer neutralization and flocculation, clarification, and vacuum filtration dewatering. Samples were collected over a 2 month period which the petitioner claims to be representative of any variation of constituent concentration in the waste. EP toxicity tests involving cadmium, total chromium and nickel produced maximum leachate levels of <0.1, 0.1 and 12.8 ppm, respectively. Total constituent analysis for cyanide was of 5.0 ppm.

B. Agency Analysis and Action

The constituents for which EPA Hazardous Waste No. F006 are listed are cadmium, hexavalent chromium, nickel and cyanide. EP extracts show cadmium and total chromium well below the EP toxicity limits.[10] Nickel extract values are also not considered to be regulatory concern.[11] The reported cyanide levels are not considered to be of regulatory concern. The Agency, therefore, has granted a temporary exclusion to Mansfield Product's facility in Mansfield, Ohio, for its treated wastes, as described in its petition.

X. Gould Incorporated

A. Petition for Exclusion

Gould Incorporated (Gould), involved in the manufacturing of electrical busses, has petitioned the Agency to exclude its wastewater treatment sludge presently listed as EPA Hazardous Waste No. F006–Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Gould has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

Gould's electroplating processes use copper and silver; cadmium, chromium and nickel are claimed not to be used in any of Gould's processes. Production processes used at Gould include nitric acid stripping, copper bright dip, bronze strike, copper plating, silver strike and silver plating. Cyanides are used in these processes, and Gould's treatment system includes cyanide destruction, equalization, neutralization, caustic precipitation, clarification, lagooned storage, and plate and frame filtration.

Gould has submitted a description of its wastewater treatment process; EP toxicity test results for cadmium, total chromium, nickel, and cyanide; and total constituent analyses of the sludge for cadmium, total chromium, nickel, and free cyanide.

EP toxicity tests for cadmium, total chromium, and nickel produced maximum leachate concentrations of <0.01, <0.05, 0.26 ppm, respectively. Distilled water leachate tests for cyanide produced a maximum level of 0.059 ppm. Constituent analyses of the wastewater sludge indicated maximum cadmium, total chromium, and cyanide concentrations of 5.4, 56.0 and 118 ppm, respectively.

B. Agency Analysis and Action

The constituents for which EPA Hazardous Waste No. F006 are listed are cadmium, hexavalent chromium, nickel and cyanide. Gould has demonstrated that its copper, bronze and silver plating operations do not involve the use of cadmium or chromium. The low concentrations of cadmium and chromium in the sludge are probably a result from unknown minor sources of contamination rather than from the direct use of these constituents in the plating process. In addition, EP extracts show cadmium and total chromium [12] levels consistently below the interim primary drinking water standard. With respect to nickel, the petitioner did not provide any specific analysis for nickel in the sludge and therefore, the Agency has no data to support their claims. However, since the level of nickel in the EP extract is not considered to be of regulatory concern, the Agency has not asked the petitioner to provide any additional data. Finally, the level of free cyanide in the dewatered sludge is considered negligible and is therefore, not of regulatory concern.

The concentration of total complexed cyanides, however, is of concern to the Agency. The Agency has data indicating that complexed cyanides if exposed to sunlight may photodecompose to free cyanide (see background documents for EPA Hazardous Wastes F006 and K086). Gould has requested to empty their lagoon, and dispose of the sludge at a landfill. Gould has also requested to continue using their lagoon (after it is emptied) for sludge placement. The Agency is not presently at a point where

[9] See Footnote 2.

[10] See footnote 2.

[11] In the previous set of delisting petitions which were published in the **Federal Register** (46 FR 17196 March 18, 1981), the Agency had published an interim nickel leachate level of 10 ppm in considering petitions for exclusion. However, after consideration of additional nickel toxicity data, the Agency is amending the allowable nickel leachate level from 10 ppm to 20 ppm. By doing this, the Agency now believes that in most cases, the concentration of nickel in the waste extract at less than 20 ppm would not be of regulatory concern. This new level is based in part on the Agency's re-evaluation of the nickel water quality criterion value, with an upward multiplier allowing for some attenuation and dilution of the contaminant.

[12] See Footnote 2.

it can determine whether the complexed cyanide concentration found in Gould's sludge is of regulatory concern, and the Agency has requested Gould to perform monitoring and screening tests (described below) to aid in making this determination. In the interim, there is a relatively simple management method which can be adopted to assure that photodegradation of complexed cyanides does not occur, namely assuring that the waste is covered daily. EPA has therefore conditioned Gould's temporary exclusion to require disposal of the waste at a state approved or registered landfill where the waste is covered as a daily practice. The Agency therefore, has granted a conditional temporary exclusion to Gould's facility in Spartanburg, South Carolina for the treated wastes generated by its electroplating processes, as described in its petition.

C. Additional Data To Be Submitted

Gould has been informed that in order to dispose of this waste in its lagoons, the problem of possible photodegradation of complexed cyanides must be addressed. EPA has furnished Gould with a laboratory test and sampling methodology to aid in determining to what extent photodegradation of complexed cyanides can be expected in their waste. The test provides for exposure of a sample of the waste enclosed in a quartz tube, to a low pressure mercury arc lamp at a distance of 12 inches for 30 minutes. The tube is connected to an air inlet and the outlet to the adsorber as specified in Method 8.55 *Test Methods for Evaluating Solid Waste.* The results of this test will be used to determine if free cyanide is generated. If hydrogen cyanide is generated, further test development will be necessary to relate actual field sunlight exposure and hydrogen cyanide generation rates. To assist in assessing the actual levels of hydrogen cyanide gas generated on-site, Gould will periodically monitor the air around the lagoon at the surface and at 5 feet above the surface using both grab and long-duration detector tubes.

XI. General Battery Corporation

A. Petition for Exclusion

The General Battery Corporation (GBC), involved in the manufacturing of lead-acid batteries and in secondary smelting for the reclamation of lead from discarded automotive and industrial batteries and other lead-bearing scraps and residues, has petitioned the Agency to exclude its emission control dust/sludge presently listed as EPA Hazardous Waste No. K069 Emission control dust/sludge from secondary lead smelting. GBC has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

The process generating the listed waste at GBC is the secondary lead smelting operation which uses two reverberatory furnaces, and two blast furnaces for the reclamation of lead. GBC has submitted a description of their production and waste treatment processes, total constituent analyses of the waste for cadmium, total chromium and lead; and EP toxicity test results for cadmium, total chromium and lead.

GBC claims that the processing of gases and dust produced by the secondary smelting operation at GBC is significantly different from the method described by EPA in the listing background document. GBC uses a sequenced baghouse/venturi scrubber system which transfers a significant portion of the particulates entrained by the baghouse back to the furnaces for reuse. Sulfur oxide gases are subsequently processed through the venturi scrubber system. The resulting sulfate/sulfite sludge collected is much lower in hazardous constituent content, GBC claims, than that expected for the scrubber-only installations mentioned in the background document. GBC also claims that the hazardous constituents contained in the sludge are essentially non-leachable. Samples were taken over a one month period which the petitioner claims to be representative of any variation of constituent concentration in the waste.

Constituent analyses of the emission control sludge generated by GBC, for cadmium, total chromium, and lead produced maximum concentrations of 0.72, 0.24 and 2800 ppm, respectively. EP toxicity tests produced maximum concentrations of 0.139, 0.024 and 0.69 ppm for cadmium, total chromium and lead, respectively. GBC claims that analyses of unreacted lime prior to use by GBC indicate that the lime may be the source of a significant portion of the leachable lead appearing in the emission control sludge extractions.

B. Agency Analysis and Action

The constituents for which EPA Hazardous Waste K069 is listed are cadmium, hexavalent chromium, and lead. GBC has demonstrated that its sequenced combination baghouse filtration/recycling and venturi scrubber lime neutralization system produces an emission control sludge which is non-hazardous with respect to the hazardous constituents listed for this waste. EP extracts show total chromium levels consistently below the interim primary drinking water standard;[13] while that for lead and cadmium extract levels consistently well below the maximum EP toxicity levels. These low leachate levels indicate that the constituents are present in essentially an immobile form.

The Agency notes that GBC presently combines the listed waste with other lead-bearing wastes and that the resulting mixture fails the EP. The temporary exclusion granted today, of course, applies only to the K069 component of the waste stream, not to the combined waste streams. If this excluded waste stream is combined with any other waste, the mixture must be tested against the hazardous waste characteristics, and if the mixture fails it must be managed as a hazardous waste. (See § 261.3(a)(2)(iii).) The Agency, therefore, has granted a temporary exclusion to General Battery Corporation's facility in Reading, Pennsylvania for its emission control sludge as described in its petition.

It should be noted that the Commonwealth of Pennsylvania obtained Phase I interim authorization for their hazardous waste program under 40 CFR Part 123 on May 26, 1981. Pennsylvania's hazardous waste program includes a provision for delisting, with which General Battery must comply.

The Agency has processed General Battery's petition because it was submitted to EPA prior to the authorization of Pennsylvania's program. The temporary exclusion granted today applies only in those situations which would bring General Battery back under federal jurisdiction. For example, if General Battery's waste is transported in interstate commerce, (see § 123.130(c)), (this includes intrastate transport by an interstate commerce carrier), the waste would then be under federal control and would be considered temporarily excluded from the federal hazardous regulation as described above. The Agency notes, however, that although General Battery's waste is conditionally excluded (as described above) from federal regulatory control in situations where compliance with the federal hazardous waste program is required, Pennsylvania's own regulatory control under the state hazardous waste program is thereby not affected.

XII. Maytag Company

A. Petition for Exclusion

The Maytag Company (Maytag) involved in the manufacturing of

[13] See footnote 2.

washing machines, has petitioned the Agency to exclude its wastewater treatment sludge presently listed for the following EPA Hazardous Waste Nos. F006-Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum; and K062-Spent pickle liquor from steel finishing operations. Maytag has petitioned to exclude its waste treatment residue because it does not meet the criteria for which the component wastes were initially listed.

Maytag utilizes the processes of cleaning, pickling, nickel flash, zinc and chromium plating in finishing washing machines. Maytag claims that no cyanides are used in their production processes.

Maytag has submitted a description of its production and wastewater treatment processes; total constituent analyses and EP toxicity test results of its generated sludge for cadmium, chromuim (both total and hexavalent), nickel, cyanide and lead. The samples were taken over a two week period which the petitioner claims to be representative of any variation of constituent concentration in the waste.

Maytag uses the processes of chromium reduction (using hypochlorite as a reducing agent), lime neutralization, sodium/potassium/aluminum silicate flocculation, precipitation, sedimentation, and vacuum filtration in the treatment of its wastewater. Total constituent analyses of the sludge produced maximum cadmium, total chromium, nickel, cyanide and lead levels of 4.1; 3170; 1220; 0.88 and 111 ppm, respectively. Extraction analyses produced maximum cadmium, total chromium, hexavalent chromium, nickel, cyanide and lead concentrations of 0.0087, 0.690; 0.060; 0.63; 0.03; and 0.172 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern for which EPA Hazardous Waste Nos. F006 and K062 are listed are cadmium, hexavalent chromium, nickel, lead and cyanide. Maytag has sufficiently demonstrated that its wastewater treatment sludge is non-hazardous. EP extracts show cadmium concentrations consistently below the interim primary drinking water level, while lead levels in the EP extracts are consistently well below the EP maximum level. EP extracts for hexavalent chromium is well below that proposed EP toxicity level. EP extracts also show negligible nickel and cyanide concentrations. The low levels of cyanide present in the waste is probably the result from minor sources of contamination and background levels rather than from direct use in the process. These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH range of 8.1–12.0 indicates that Maytag's waste treatment system effectively neutralizes its acid wastes. The Agency, therefore, has granted a temporary exclusion to Maytag's facility in Newton, Iowa, for its treated wastewater as described in its petition.

XIII. Whirlpool

A. Petition for Exclusion

The Whirlpool Corporation (Whirlpool) involved in the production of dryers, ranges and microwave ovens, has petitioned the Agency to exclude its wastewater treatment sludge presently listed as EPA Hazardous Waste No. F006-Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Whirlpool has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

Whirlpool uses a zinc phosphating process with a trivalent chromium sealer. Whirlpool claims that nickel, cadmium, hexavalent chromium or cyanide are not used in the process and therefore, claims that its wastewater treatment sludge is non-hazardous with respect to the listed hazardous constituents.

Whirlpool has submitted a description of its phosphating and chromium sealing process; total constituent analyses, and EP toxicity test results of its generated sludge for cadmium, total chromium, nickel and cyanide. The samples were taken over a one month period which the petitioner claims to be representative of any variation of constituent concentration in the waste.

Whirlpool uses the following wastewater treatment processes: Equalization, lime neutralization, cationic polymer flocculation, clarification, lagooning and vacuum filtration. Total constituent analyses of the sludge show maximum cadmium, total chromium, and nickel levels of 6, 4750, and 35, respectively. Cyanide and free cyanide levels were reported to range from 6–159 ppm and 3–99 ppm. The 159 and 99 ppm values were considered outliers from ranges of 6–10 ppm and 3–4.7 ppm represented by all other additional samples tested for cyanide and free cyanide, respectively. Whirlpool further claims that no cyanide is used in any process at the Marion facility and that values reported for free and total cyanide analyses are a result of an interference substance or were created during the analytical testing procedure. Extraction analyses produced maximum cadmium, total chromium, nickel and cyanide concentrations of 0.2, <0.02, 0.55 and 0.14 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern for which EPA Hazardous Waste No. F006 is listed are cadmium, hexavalent chromium, nickel and cyanide. EP extracts show total chromium concentrations consistently below the interim primary drinking water level.[14] [15] EP extract for cadmium is consistently well below the EP maximum levels, and nickel concentrations in Whirlpool's waste are also not of regulatory concern. The low concentrations of cadmium, and nickel are probably a result of unknown minor sources of contamination and background levels, rather than from the direct use of these constituents in Whirlpool's phosphating process. These low leachate levels indicate that the constituents are present in essentially an immobile form. The cyanide concentrations which are claimed to be abberations by Whirlpool, are not of regulatory concern. The Agency, however, is requesting from Whirlpool a complete analysis of how cyanide is being formed in their testing procedures, prior to granting a final delisting. The Agency, therefore, has granted a temporary exclusion to the Whirlpool Corporation's facility in Marion, Ohio for its treated wastewater sludge as described in its petition.

XIV. Talon, Division of Textron

A. Petition for Exclusion

The Talon Division of Textron (Talon), involved in the manufacture of zippers and zipper components, has

[14] See footnote 2.

[15] The petitioner claimed that hexavalent chromium was not used in the process, but provided no analytical data to support their case (i.e., analysis of sludge for hexavalent chromium). However, since the EP extract for chromium is not considered to be of regulatory concern, the Agency has not asked the petitioner to provide any additional data.

petitioned the Agency to exclude the following wastes from the hazardous waste regulations:

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

F008—Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating bath sludges).

F009—Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions).

Talon has petitioned to exclude these wastes because they do not meet the criteria for which they were listed.

Talon uses zinc, copper, and brass plating, aluminum anodizing, acid bright dip operations for brass, aluminum, steel and nickel-silver alloys, and chromating processes on zippers and zipper components. Talon claims that although nickel, chromium, and cyanides are used in its plating processes, its segregated waste treatment system renders its wastestreams non-hazardous, producing an environmentally stable sludge containing non-hazardous levels of hexavalent chromium, nickel and cyanide. Talon further claims that cadmium has not been used in any of its processes since September 1980.

Talon has submitted a description of its wastewater treatment system, EP toxicity test results and total constituent analyses for the hazardous constituents of concern. The samples were taken over a two month period which the petitioner claims to be representative of any variation of constituent concentration in the waste.

Talon's wastewater treatment system separates wastes into segregated cyanide-bearing and acid-bearing streams, which are batch treated, analyzed and controlled. All chromate acid-bearing wastes are treated with ferrous sulfate to reduce hexavalent chromium to trivalent chromium. The batch is then lime neutralized, settled, and lagooned. Cyanide-bearing wastes are oxidized with chlorine and hydrolized with lime, further oxidized with chlorine, settled, and lagooned.

Constituent analyses of the sludge for cadmium, total chromium, nickel, cyanide and free cyanide produced maximum concentrations of 6.7, 57000, 2800, 103, and 11.4 ppm, respectively. EP toxicity tests for cadmium, total chromium, hexavalent chromium, nickel and cyanide produced maximum leachate levels of 0.06, 3.40, <0.01, 12.0 and 0.02 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern for which EPA Hazardous Wastes Nos. F006, F008, and F009 are listed are cadmium, hexavalent chromium, nickel and cyanide. Although Talon uses each of the hazardous constituents of concern except cadmium, it has demonstrated that its waste treatment system produces a non-hazardous sludge when managed under certain conditions. Constituent analyses indicate that cadmium is not presently used in Talon's plating process. The low concentrations of cadmium is probably a result of unknown minor sources of contamination and background levels, rather than the direct use of cadmium in the process. Hexavalent chromium is effectively reduced leaving only negligible quantities of hexavalent chromium in the EP extracts.[16] Free cyanide concentrations in both the leachate and sludge are also not of regulatory concern. Finally, the level of nickel in the EP extracts is not of regulatory concern.[17] These low leachate levels indicate that the constituents are present in essentially an immobile form.

However, the Agency is concerned about cadmium levels in the sludge generated prior to September 1980, (this waste is currently lagooned at Talon's facility). The RCRA regulations do not regulate inactive facilities no longer receiving hazardous wastes after November 18, 1980. Therefore the cadmium bearing waste generated and disposed prior to this date would not be considered a Subtitle C hazardous waste unless moved from this site (a new act of generation). The temporary exclusion granted today thus does not apply to waste generated prior to September, 1980 should that waste be removed from its present location.

The Agency also is concerned about levels of complexed cyanides in these wastes. The Agency has data indicating that complexed cyanides if exposed to sunlight may photodecompose to free cyanide. The Agency is not presently at a point where it can determine whether the complexed cyanide concentration found in Talon's sludge is of regulatory concern. The Agency has requested Talon to perform a screening test (described below) to aid in making this determination. In the interim, there is a relatively simple management method which can be adopted to assure that photodegredation of the complexed cyanides does not occur, namely assuring that the waste is covered daily. The Agency, therefore, has granted a conditionally temporary exclusion to Talon's facility in Meadville, Pennsylvania, for its waste as described in its petition, when disposed at a landfill which covers the wastes as a daily practice.

It should be noted that the Commonwealth of Pennsylvania obtained Phase I interim authorization for their hazardous waste program under 40 CFR Part 123 on May 26, 1981. Pennsylvania's hazardous waste program includes a provision for delisting, with which Talon must comply.

The Agency has processed Talon's petition because it was submitted to EPA prior to the interim authorization of Pennsylvania's program. The temporary exclusion granted today applies only in those situations which would bring Talon's waste back under federal jurisdiction. For example, if Talon's waste is transported in interstate commerce, (see § 123.130c), (this includes intrastate transport by an interstate commerce carrier), the waste would then be under federal control and would be considered temporarily excluded from the federal hazardous waste regulations as described above. The Agency notes, however, that although Talon's waste is conditionally excluded (as described above) from federal regulatory control in situations where compliance with the federal hazardous waste program is required, Pennsylvania's own regulatory control under the state hazardous waste program is thereby not affected.

C. Additional Data To Be Submitted

Talon has been informed that additional test data must be submitted characterizing the possible extent of photodegradation of the complexed cyanides in the waste. EPA has furnished Talon with a laboratory test to aid in determining if photodegradation of complexed cyanides can be expected in their waste. The test provides for exposure of a sample of the waste, enclosed in a quartz tube to a low

[16] On October 30, 1980, the Agency proposed to amend the characteristic of EP toxicity to measure for hexavalent chromium rather than total chromium. The Agency expects to finalize this proposal by the fall of this year. In the meantime, the Agency is analyzing delisting petitions for which chromium is the constituent of concern by both assessing the concentration of total and hexavalent chromium in the waste extract. If the concentration of hexavalent chromium is relatively low, the Agency has decided to consider the concentration of hexavalent chromium rather than total chromium in making a decision.

[17] See Footnote 11.

pressure mercury arc lamp at a distance of 12 inches for 30 minutes. The tube is connected to an air inlet and the outlet to the adsorber as specified in Method 8.55 *Test Methods for Evaluating Solid Waste.* Quantification of the free cyanide generated is determined as specified by method 8.55 *Test Methods for Evaluating Solid Waste.* The results of this test will be used to determine if free cyanide is generated. If free cyanide is generated, further test development will be necessary to relate actual field sunlight exposure to free cyanide generation rates.

XV. Bently Nevada Corporation

A. Petition for Exclusion

The Bently Nevada Corporation, involved in the manufacture of aluminum parts, has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F019-Wastewater treatment sludge from the chemical conversion coating of aluminum. Bently Nevada has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

Bently Nevada has submitted a description of its conversion coating process and wastewater treatment process as well as a total constituent analysis of the sludge for cyanide and EP toxicity tests for total chromium and hexavalent chromium. Bently Nevada claims that since cyanide is not used in the chromating process and hexavalent chromium is treated and reduced to the trivalent form, its waste does not contain hazardous levels of cyanide or hexavalent chromium. Samples were taken during a one week period which the petitioner claims to be representative of any variation of constituent concentration in the waste.

Bently Nevada's treatment process involves the addition of sodium bisulfite to the batch dragout tanks (for the reduction of hexavalent chromium) followed by precipitation and final pH adjustment to 8.5±0.5 using lime and sulfuric acid. Hexavalent chromium levels are monitored in the dragout tank prior to pH adjustment with lime. Total constituent analysis of the sludge for cyanide revealed a level of less than 0.005 ppm. EP toxicity tests for total chromium and hexavalent chromium produced maximum concentrations of 85 and 1.8 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern for which EPA Hazardous Waste No. F019 is listed are hexavalent chromium and cyanide. It is apparent from the total constituent analysis that cyanide is not used in Bently Nevada's process, the reported level in any case is well below the Public Health Service's suggested drinking water standard. The 1.8 ppm hexavalent chromium leachate value although of concern to the Agency is considered an outlier when compared with all other samples analyzed which exhibit a concentration of between <0.5 to 0.7 ppm. These leachate analyses indicate that hexavalent chromium concentrations are well below the proposed EP maximum toxicity level.[18]

The Agency has previously stated its concerns about the conversion of trivalent to hexavalent chromium in an oxidizing environment. (See 45 FR 72029–72031 (October 30, 1980) explaining the Agency's current policy regarding the regulation of chromium-containing wastes). The Agency is therefore requiring that this waste be disposed at a landfill approved or registered by the State to handle this type of waste. The Agency, therefore, has granted a conditional temporary exclusion to Bently Nevada's facility in Minden, Nevada for its waste water treatment sludge as described in its petition.

XVI. Peerless Chain Company

A. Petition for Exclusion

The Peerless Chain Company (Peerless) located in Winona, Minnesota, involved in the manufacture of steel chain and wire forms has petitioned the Agency to exclude its sludge, formerly listed as EPA Hazardous Waste No. K063 (sludge from lime treatment of spent pickle liquor from steel finishing operations).[19] Peerless has petitioned to delist its waste because it does not meet the criteria for which the waste was originally listed.

Peerless' manufacturing process utilizes sulfuric acid to pickle coils of steel rod and wire. Its waste treatment process for the spent pickle liquor involves lime neutralization and land disposal of the sludge. They claim their sludge is environmentally stable and non-hazardous, and specifically that the sludge does not contain hazardous levels of hexavalent chromium and lead, the constituents of concern for which the spent pickle liquor (K062) is listed.

Peerless submitted a detailed description of their sludge treatment system, EP toxicity test results, and total constituent analyses for total chromium and lead. The samples were taken over a period of two months which the petitioner claims to be representative of any variation of constituent concentration in the waste. Total constituent analyses of the sludge revealed maximum lead and total chromium levels of 4.04 and 9.20 mg/kg, respectively. EP toxicity tests revealed maximum lead and total chromium levels of 0.21 and 0.10 mg/l, respectively.

B. Agency Analysis and Action

The constituents of concern in this waste are hexavalent chromium and lead. EP extracts from sludge samples analyzed by Peerless show lead and total chromium levels well below the EP maximum toxicity limits.[20] These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH of 11 indicates that Peerless' waste treatment process effectively neutralizes its spent pickle liquor waste. The Agency, therefore has granted a temporary exclusion to the Peerless Chain Company of Winona, Minnesota, for its treated spent pickle liquor, as described in its petition.

XVII. Whirlpool Corporation

A. Petition for Exclusion

The Whirlpool Corporation located in Findlay, Ohio, involved in the manufacture of household dryers and dishwashers, has petitioned the Agency to delist its treated sludge presently listed as EPA Hazardous Waste No. F006–Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum, (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Whirlpool has petitioned to delist its waste because it does not meet the criteria for which it was originally listed.

The production process which generated the waste at Whirlpool involves metal preparation using a phosphating pretreatment process. Whirlpool claims that it does not use any of the hazardous constitutents in its manufacturing process (i.e., nickel, cadmium, hexavalent chromium or cyanide) for which EPA Hazardous Waste No. F006 was listed. It therefore claims that the treated wastewater sludge generated is non-hazardous due to the absence of these constituents in the sludge. In addition, it also claims that the treated wastewater sludge is non-hazardous due to the absence of

[18] See footnote 16.

[19] See Footnote 1.

[20] See footnote 2.

any other toxic compounds and due to the effectiveness of their treatment system.

Whirlpool has submitted a detailed description of its waste treatment system, constituent analysis of the sludge and EP toxicity test results for cadmium, total chromium, nickel, and cyanide. Samples were obtained over a six month period which Whirlpool claims to be representative of any variation of constituent concentration in the waste.

The treatment system involves lime neutralization and flocculation, clarification, and vacuum filtration. Constituent analyses of the final treatment sludge revealed cadmium, total chromium, nickel and cyanide concentrations of .82, 35, 2000, and 38 ppm, respectively. EP toxicity results for cadmium, total chromium, nickel and cyanide produced maximum leachate levels of <0.1, <0.1, 8.0, and .18 ppm, respectively.

B. Agency Analysis and Action

The constituents for which EPA Hazardous Waste No. F006 is listed are cadmium, hexavalent chromium, nickel and cyanide. Whirlpool has shown that its phosphating pretreatment process does not involve the use of cadmium, chromium or cyanide. The low concentrations of these contaminants in the sludge are probably a result of unknown minor sources of contamination rather than the direct use of these constituents in the plating process. In addition, EP extracts show cadmium and total chromium levels well below the maximum EP toxicity levels,[21] while cyanide levels are negligible and not of regulatory concern. With respect to nickel, although the petitioner claims that it is not used in the process, the Agency believes a concentration of 2000 ppm is far above what the Agency would consider a minor source of contamination. However, since the EP extract for nickel is not considered to be of regulatory concern, the Agency has not questioned the high contamination of nickel in the sludge. The Agency, therefore, has granted a temporary exclusion to the Whirlpool Corporation of Findlay, Ohio for the treated wastes generated by its electroplating processes, as described in their petition.

XVIII. The Mearl Corporation

A. Petition for Exclusion

The Mearl Corporation (Mearl), involved in the production of cosmetic pigments, has petitioned the Agency to exclude its waste generated from the production of chromium hydroxide treated titanium dioxide-mica pigments; anhydrous chromium oxide treated titanium dioxide-mica pigments and iron blue coated titanium dioxide-mica pigments, from the following EPA Hazardous Wastes:

K006—Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated)

K007—Wastewater treatment sludge from the production of iron blue pigments

Mearl has petitioned to exclude its waste because it does not meet the criteria for which it was originally listed.

Mearl manufactures a variety of pearlescent pigments which include chrome oxide green and iron blue titanium dioxide-coated mica pigments. Mearl claims that its production processes are fundamentally different than those described in the listing background document. The iron blue process involves the precipitation of iron blue onto the titanium dioxide-mica surface using ferrocyanide and ferric salt solution rather than an oxidation reaction; production of anhydrous chrome oxide green involves an aqueous precipitation of the trivalent chromium salt solution (pH 5–7) and low temperature chrome oxide green pigment involves the precipitation of a chromium (III) chloride solution (via pH 6–7 adjustment) onto a titanium oxide-mica pigment, where only low temperature drying is used (100–125°C). Mearl claims that whatever trace amount of chromium enters the sludge is immobile due to high levels of gypsum in the wastestream.

Mearl has submitted a description of its manufacturing process and wastewater treatment system and total constituent analyses and EP toxicity tests for chromium and cyanide. In addition, Mearl has tested its sludge for cyanide amenable to chlorination (free cyanide). Samples were collected over a four month period which the petitioner claims to be representative of any variation of constituent content in the waste.

Mearl uses a centralized collection tank system for batch wastewater treatment, and neutralizes and precipitates the waste by lime addition. Total constituent analyses of the wastewater treatment sludge revealed maximum levels of 65 and 800 ppm for complexed cyanide and total chromium, respectively. EP toxicity tests produced maximum leachate levels of 0.03 ppm for total chromium. Cyanide gas release was monitored when the sludge was subjected to a pH of 5 to 9 and at a pH of 1. No free cyanide was detectable at a pH 5–9 and 1 ppm was present at pH of 1.

B. Agency Analysis and Action

The constituents of concern for which EPA Hazardous wastes K006 and K007 are listed are hexavalent chromium and cyanide. The EP extract samples for total chromium are well below the national interim primary drinking water standard.[22] These low leachate levels indicate that chromium is present in essentially an immobile form. Free cyanide levels are also not of regulatory concern.

The Agency, however, is concerned about the possible photodecomposition of the high levels of complexed (total) cyanide present in the treatment residue. The Agency has data indicating that complexed cyanides photodecompose to free cyanide. The Agency is not presently at a point where it can determine whether the complexed cyanide concentration found in Mearl's sludge is of regulatory concern. However, since no surface impoundments are involved in Mearl's treatment process, a relatively simple management method can be adopted to assure that photodegradation of complexed cyanides does not occur, namely assuring that the waste is covered daily. In addition, Mearl has agreed to perform additional screening tests if their disposal scenario or treatment process changes. The temporary exclusion will therefore require disposal of this waste at a state permitted or registered landfill where the waste is covered daily, eliminating any concern of photodegradation of complexed cyanides. The Agency, therefore, has granted a conditional temporary exclusion to the Mearl Corporation's facility in Peekskill, New York for its treated pigment production wastes as described in its petition.

XIX. Resource Recycling Technologies, Inc./Industrial Liquids Recycling, Inc.

A. Petition for Exclusion

Industrial Liquids Recycling, Inc. (ILR) involved in the treatment of acidic wastewater, chromium bearing wastes and spent pickle liquors, has petitioned the Agency to exclude its treatment residue from unlisted hexavalent chromium-bearing wastes and EPA Hazardous Waste K062-Spent pickle liquor from steel finishing operations. ILR has petitioned to exclude its treatment residue because it no longer meets the criteria for which the initial waste was listed.

[21] See footnote 2.

[22] See footnote 2.

ILR claims that its treatment system neutralizes and immobilizes the hazardous constituents in the accepted wastes as well as reducing all chromium to the trivalent form. ILR also claims that its prescreening system will not allow acceptance of non-treatable wastes (e.g., cyanide-bearing wastes).

ILR has submitted a detailed description of its waste prescreening procedures, and sludge treatment system; constituent analyses of the treatment residue for lead, total chromium, cadmium and nickel; EP toxicity tests of the treatment residue for all the inorganic EP toxic listed constituents; and total constituent analyses of influent accepted wastes. Samples were taken over a one month period which the petitioner claims is representative of any variation of the constituent content in the waste.

ILR's prescreening procedure prior to acceptance of wastes entails pH determination, total acidity and analysis for metals, including EP toxic metals, for all first-time customers. Chromium analyses are performed with both atomic absorption spectrophotometry and a colorimetric (HACH) test kit. ILR's treatment system involves segregated storage; mixing of hexavalent chromium bearing wastes with K062 wastes containing sufficient ferrous iron for chromium reduction (maintained under acidic conditions); batched lime neutralization; settling; flocculation; and pressure filtration.

Total constituent analyses of the treated residue produced maximum total chromium and lead concentrations of 92 and 121 ppm, respectively. EP toxicity tests produced maximum total chromium and lead concentrations of 0.2 and 0.8 ppm, respectively. Total constituent analyses of incoming wastes revealed maximum hexavalent chromium and lead concentrations of 160 and 175 ppm, respectively.

ILR has also developed a contingency plan which addresses process batch monitoring to assure consistent treatment efficiency and a management scenario for any batch for which the treatment residue exhibits characteristics beyond an identified acceptable range. ILR has proposed to take weekly composite samples of their treatment residue and perform an EP toxicity test for all metals enumerated in § 261.24. If a particular batch exceeds 50 percent of the EP maximum levels the residue would be managed as a hazardous waste in accordance with 40 CFR Parts 262 through 265.

B. Agency Analysis and Action

The Agency's function under RCRA includes the establishment of a national program to improve solid waste management and to promote environmentally sound hazardous waste treatment and disposal practices. Properly managed waste treatment facilities could assume an important role in this process particularly in view of the scarcity of hazardous waste disposal sites. The Agency, therefore, wishes to encourage these treatment processes through the exclusion of the treatment residues from the hazardous waste regulations, where justified.

The Agency has reviewed the total constituent analyses and EP toxicity data submitted by ILR on its treatment residue. The EP leachate levels reported for total chromium and lead are well below the EP maximum toxicity levels,[23] indicating that these constituents are present in essentially an immobile form in the treatment residue. The presence of a reducing environment and the low leachate levels of total chromium indicate that the reduction of any hexavalent chromium has gone to completion. The final pH range of 8.4–9.2 of the treated slurry indicates that ILR effectively neutralizes its acid wastes.

The Agency has accepted ILR's contingency plan with the following modifications: The contingency management plan will be implemented if the extract levels for lead exceed 30 percent of the maximum EP limit and the extract levels for hexavalent chromium exceed 30 percent of the proposed maximum EP limit for hexavalent chromium (see 45 FR 72029–72031 (October 30, 1980) explaining the Agency's current policy regarding regulation of chromium-containing wastes). The contingency management plan will provide that all wastes exceeding the 30 percent level as indicated above will be handled as hazardous wastes subject to all regulations under 40 CFR Parts 262–265. The 30 percent level indicated above is the result of negotiations between ILR and the Agency (as well as being based in part on ILR's original proposal), and does not necessarily have precedential significance. The Agency believes it necessary to specify some value in light of ILR's uncertainty as to the limitations of its process, and the possible variation of incoming wastestreams to their facility. To assure that cyanide bearing wastes are not accepted at this facility the Agency is requiring that all trucks be sampled prior to offloading. Samples should be prescreened using the colorimetric test as described in *Standard Methods for Water and Wastewater* Method #413 I, or a comparable test.

Based on the EP toxicity data, the prescreening process, and the contingency agreement, the Agency is granting Industrial Liquids Recycling Inc. a temporary exclusion for the treatment residue generated from the treatment process described in its petition at its Mount Pleasant, Tennessee facility.

XX. Empire-Detroit Steel Division/ Cyclops Corporation

A. Petition for Exclusion

The Empire-Detroit Steel Division (Empire), involved in the conversion of uncoated mild-carbon steel coils to galvanized coils and galvanized sheets, has petitioned the Agency to exclude its treated sludge formerly listed as EPA Hazardous Waste No. K063, (sludge from the lime treatment of spent pickle liquor from steel finishing operations).[24] Empire has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

Empire uses the processes of hydrochloric acid pickling, alkali neutralization, liquid fluxing, molten zinc galvanizing and chromate coating. Its treatment process for spent pickle liquor, rinse, and overflow wastes involves mixing with spent alkaline solutions, lime slurry addition for neutralization, (pH adjustment to 8.3), polymer flocculation, clarification and vacuum filtration.

Empire has submitted a description of its wastewater treatment system, and EP toxicity test results for lead and total chromium. The petitioner claims that the samples, taken over a one month period, are representative of any variation of the constituent levels in the wastestream. EP toxicity tests revealed maximum total chromium and lead levels in the waste extract of 0.041 and 0.028 ppm, respectively.

B. Agency and Analysis Action

The constituents of concern in this waste are hexavalent chromium and lead. EP extracts from the sludge samples analyzed by Empire show total chromium and lead consistently below the national interim primary drinking water standards.[25] These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH of 8.3 indicates that Empire has effectively neutralized its spent pickle liquor wastes. The Agency therefore, has granted the Empire-Detroit Steel Division's facility in Dover, Ohio a temporary exclusion for its

[23] See footnote 2.

[24] See footnote 1.

[25] See footnote 2.

treated spent pickle liquor and rinse wastes, as described in its petition.

XXI. Hamblet and Hayes Company

A. Petition for Exclusion

The Hamblet and Hayes Company, involved in the production of basic chromium sulfate for the tanning industry, has petitioned the Agency to exclude its treated waste from regulation under the EP toxicity characteristic for total chromium. Hamblet and Hayes claims that its waste is non-hazardous since the chromium present is primarily in the trivalent rather than hexavalent form.[36]

Hamblet and Hayes produces basic chromium sulfate by the addition of sodium dichromate, sulfuric acid and sucrose as a reducing agent. An in-process control is used to assure complete reduction of the hexavalent chromium. The batch production of chromium sulfate is tested for the presence of hexavalent chromium with a potassium iodide test sensitive to 0.1 ppm. If hexavalent chromium is present, sodium bisulfite is added until the chromium is reduced.

Hamblet and Hayes' waste consists of batches of chromium sulfate solution in which chromic oxide or "hydrolyzed chrome" has been formed by undesirable production variables. The chromic oxide exists as a fine colloidal particle. The batches are tested for chromic oxide after the test for hexavalent chromium which is incorporated as a part of their production process. Hamblet and Hayes claims that there is essentially no hexavalent chromium present in its waste stream since their product is tested and reduced if necessary, before it is tested for chromic oxide which if present creates the waste generated by this facility.

Hamblet and Hayes has submitted a description of its production and wastewater treatment process, and results of potassium iodide tests for hexavalent chromium including spiked sample tests and standard comparisons. Diphenyl carbazide tests were also run on the waste stream including spiked sample tests and standard comparisons. In all cases the waste stream contained <0.1 ppm hexavalent chromium. Hamblet and Hayes presently disposes of its waste at a POTW where it is eventually pumped into the outgoing discharge.

B. Agency Analysis and Action

On October 30, 1980 the Agency proposed in the **Federal Register** to amend the characteristic of EP toxicity to apply to hexavalent chromium instead of trivalent chromium, due to evidence of less toxicity and less solubility of the trivalent form. Since this proposal was published, the Agency has been accepting petitions for exclusion for wastes containing trivalent chromium which are generated from processes using trivalent chromium and not generating hexavalent chromium, and where the waste is managed on a non-oxidizing environment. Although Hamblet and Hayes uses hexavalent chromium in its production process, it has shown that through carefully controlled monitoring of batch releases, its waste contains trivalent chromium exclusively (or nearly exclusively). The Agency feels that this continuous monitoring of the chromium sulfate product for hexavalent chromium prior to monitoring for hydrolyzed chromium (which determines whether a batch is waste or useable product), provides assurance that essentially no levels of hexavalent chromium of regulatory concern will be present in the waste. The Agency has accepted the potassium iodide and phenyl carbazide tests performed by Hamblet and Hayes (an alternative to the Agency's proposed analytic method) since it has been validated by the method of standard additions; it appears to be more selective in a high trivalent chromium-bearing waste; and because the concentration of trivalent chromium in the waste stream may have presented a contamination problem when running the co-precipitation extraction procedure. Hexavalent chromium in the waste stream is present at concentrations consistently below the maximum proposed EP toxicity levels. Although Hamblet and Hayes' present disposal scenario is not an oxidizing environment, to prevent any future mismanagement of the high concentration of trivalent chromium in this waste, the Agency has conditioned the temporary exclusion to require that this waste be disposed of in a non-oxidizing environment. (See 45 FR 72029–72031 (Oct. 30, 1980).) The Agency, therefore has granted a conditional temporary exclusion to the Hamblet and Hayes Company in Salem, Massachusetts, for its chromium bearing waste as described in its petition.

XXII. Chem-Clear, Inc.

A. Petition for Exclusion

Chem-Clear, Inc. involved in the treatment of hazardous wastes, has petitioned the Agency to exclude its treatment residue from the following listed EPA Hazardous Wastes:

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum;

F007—Spent cyanide plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions);

F008—Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating bath sludges);

K062—Spent pickle liquor from steel finishing operations; and

U188—Phenol

Chem-Clear claims that its treatment residue is nonhazardous and does not meet the criteria for which the accepted wastes were initially listed. Chem-Clear has petitioned to delist the treatment residue, as required by § 261.3(d)(2) of the regulations, since the hazardous constituents of concern are either destroyed, rendered non-toxic, or immobilized.

Chem-Clear has submitted a detailed description of its prescreening and treatment systems; EP toxicity tests and total constituent analyses of the treatment residue for phenol, total cyanide, free cyanide, cadmium, total chromium, hexavalent chromium, lead and nickel; and a contingency monitoring and management plan.

Chem-Clear's prescreening processes involve testing for pH; total organics; settleable and floatable solids; recoverable oil; treatability with respect to sewer discharge limits; sample neutralization; total metals content; total cyanide; phenol and compatibility (e.g., reactivity) with batched materials already in the system. Chem-Clear claims that if a particular material is accepted for pretreatment (e.g., neutralization of strong acid; chromium reduction; cyanide or phenol

[36] On October 30, 1980, the Agency proposed to amend the characteristic of EP toxicity to measure for hexavalent chromium rather than total chromium (See 45 FR 72029). In that same **Federal Register** notice, the Agency provided a mechanism for generators to exclude their waste from hazardous waste status which presently are deemed hazardous solely due to the presence of chromium, but contain trivalent chromium exclusively (or nearly exclusively), are generated from processes which use trivalent chromium exclusively (or nearly exclusively), and are typically and frequently managed in non-oxidizing environments (See 45 FR 72035). This petitioner meets only two of the above conditions (i.e., the wastes are not generated from processes which use trivalent chromium exclusively), but because of special monitoring provisions which will be carried out by the petitioner, the Agency has decided to consider this petition.

destruction) each load is specifically tested to determine correct chemical volumes of additives for pretreatment.

Chem-Clear's pretreatment system involve cyanide and phenol destruction through hydrogen peroxide oxidation; sodium hydroxide addition for neutralization; and acidification and reduction of hexavalent chromium with sodium bisulfite. Final waste treatment involves the batch mixing of wastes by air diffusers and centrifugal pumping, addition of lime, alum, ferric chloride and polymer flocculants; flocculation; clarification; and pressure filtration.

Total constituent analyses of the treatment residue indicated maximum phenol, cyanide, free cyanide, cadmium, total chromium, lead and nickel concentrations of 7.44; 322; 12; 170; 3620; 1090; and 1100 ppm, respectively. EP toxicity tests produced maximum phenol, cyanide, free cyanide, cadmium, total chromium, hexavalent chromium, lead, and nickel concentrations of 0.11; 1.6; 0.22; 0.18; 15.6; 0.84; 0.3; and 2.7 ppm, respectively. Samples were taken over a three month period which the petitioner claims is representative of the constituent concentration variation in the sludge.

In addition, Chem-Clear has proposed a contingency management plan which would assure that the constituents in the treatment residue are consistently within an acceptable range. Chem-Clear will implement a program of treatment residue batch monitoring for each of the EP toxic metals. If concentrations of any of these constituents in the extract exceed 30 percent of the maximum EP toxicity limits, Chem-Clear will manage the waste as a hazardous waste in accordance with 40 CFR Parts 262 through 265.

B. Agency Analysis and Action

The Agency has reviewed the residue analyses and EP toxicity data submitted by Chem-Clear. The EP leachate levels reported for cadmium and lead are well below the EP maximum toxicity levels, while that for hexavalent chromium is well below the proposed EP maximum toxicity level, indicating that these constituents are present in a relatively immobile form in the treatment residue. The concentration of phenol and free cyanide found in the treatment residue is not considered of regulatory concern. Nickel and total cyanide extract levels are also not of regulatory concern.

The Agency has accepted Chem-Clear's proposal to utilize a monitoring system on the influent mixture entering the treatment vessel and on the existing slurry prior to batch treatment, to determine the process control procedures required to limit the leachability of cadmium, chromium, lead and nickel in its treatment residue. The Agency has notified Chem-Clear that information characterizing the effect of variation of metal concentrations and mixtures in the process batch, process control variables, and the types and quantities of treatment chemicals which will determine the limitations of their system should be gathered during the next six month period. This will include identification of raw waste constituent concentration ranges and specific mixing ratios necessary to produce acceptable constituent levels in the waste extract. The Agency also has accepted Chem-Clear's proposed contingency plan with the following modifications:

(1) The contingency plan will be implemented if the extract values for Cr^{+6} exceeds 30 percent of the proposed maximum EP limit for hexavalent chromium (see 45 FR 72029–72031 (October 30, 1980) explaining the Agency's current policy regarding regulation of chromium-containing wastes).

(2) The contingency plan will be implemented if the extract values for nickel exceed 20 ppm in the treated residue.[27]

(3) The contingency plan will be implemented if the concentration of phenol in the treatment residue exceed 15 ppm in the residue.[28]

(4) The contingency plan will be implemented if the concentration of free cyanide exceeds 10 ppm in the treatment residue and if the extraction values for free cyanide exceed 2 ppm.[29]

(5) Any wastes triggering the implementation of the contingency plan will be handled as hazardous wastes subject to all appropriate regulations under 40 CFR Parts 262–265.

The limitations indicated above are the result of negotiations between Chem-Clear and the Agency based substantially on Chem-Clear's original voluntary proposal, and does not necessarily have precedential significance. The Agency believes it necessary to specify some limiting values in light of Chem-Clear's present uncertainty as to the limitations of its process. In addition, a safeguard is necessary in light of the high volumes of toxic constituents in the incoming wastes and in the treatment residue and the high volumes of sludge generated annually by Chem-Clear.

The Agency, however, is concerned about the possible photodecomposition of the high levels of complexed (total) cyanides present in the treatment residue. The Agency has data indicating that complex cyanides if exposed to sunlight may photodecompose to free cyanide. This is easily addressed by assuring that the waste is covered as a daily practice. Therefore, the Agency is requiring that Chem-Clear's treatment residue be disposed at a state permitted or registered landfill where the waste is covered as a daily practice, eliminating any concern of photodecomposition of the complexed cyanides.

Thus, based on the EP toxicity data for the heavy metals, total cyanide and total concentration of phenol in the treatment residue, the prescreening processes, and the contingency agreement, the Agency is granting Chem-Clear's Cleveland, Ohio facility a conditional temporary exclusion for the treatment residue generated from the treatment process, described in its petition.

C. Agency Information Needs for Final Delisting

The Chem-Clear Corporation has been notified that prior to receiving final delisting, the limitations of its system must be determined as previously described in this publication.

Amendment to Previous Temporary Exclusions

As discussed earlier, the Agency had published an interim nickel leachate level of 10 ppm in considering petitions for exclusion (i.e., any waste extract for nickel which was less than 10 ppm was not of regulatory concern (46 FR 17196, March 18, 1981)). After consideration of additional nickel toxicity data, however, the Agency is amending the allowable nickel leachate level from 10 to 20 ppm. By doing this, the Agency now believes that in most cases, the concentration of nickel in the waste extract at less than 20 ppm would not be of regulatory concern. This level is based in part on the Agency's amended nickel water quality criterion value, with an upward multiplier allowing for some attenuation and dilution of the contaminant.

The temporary exclusions granted to the following facilities are therefore amended as follows to incorporate the

[27] See footnote 11.

[28] As the Agency indicated in the **Federal Register** on January 16, 1981, the Agency does not believe the current EP is aggressive enough for measuring the mobility of organics. Therefore, in order to ensure the Agency's concerns are met with respect to phenol, the action level for phenol will be set on the concentration of phenol present in the sludge, rather then in the extract. This level is based in part on the ambient water quality criterion for phenol and the acceptable daily intake for phenol determined by the Office of Water, Criteria and Standards Division, October, 1980.

[29] The free cyanide level is based in part on the standard for cyanide while the extract level is based in part on the Public Health Service's suggested drinking water standard.

present nickel leachate value of 20 ppm below which nickel leachate values are not considered to be of regulatory concern:

(1) Systech Liquid Treatment Corporation, Hilliard, Ohio
Systech's contingency plan will be implemented if the extract values for nickel exceed 20 ppm in the dewatered slurry leachate.

(2) Systech Liquid Treatment Corporation, Nashville, Tennessee
Systech's contingency plan will be implemented if the extract values for nickel exceed 20 ppm in the dewatered slurry leachate.

(3) Systech Liquid Treatment Corporation, Muskegon Heights, Michigan
Systech's contingency plan will be implemented if the extract values for nickel exceed 20 ppm in the dewatered slurry leachate.

Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Anaylsis. This grant of temporary exclusions is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding wastes generated at specific facilities from EPA's listed hazardous wastes, thereby enabling the facility to treat its waste as non-hazardous eliminating the need for compliance with the hazardous waste regulations.

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

Dated: July 29, 1981.
Christopher J. Capper,
Acting Assistant Administrator.

[FR Doc. 81-22923 Filed 8-5-81; 8:45 am]
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federal register

Thursday
August 6, 1981

Part IV

Department of Transportation

Federal Highway Administration

Urban Mass Transportation Administration

Urban Transportation Planning

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

23 CFR Parts 450 and 650

49 CFR Part 613

[FHWA Docket No. 80-24, Notice 4]

Urban Transportation Planning

AGENCIES: Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), Department of Transportation (DOT).

ACTION: Removal of regulations; issuance of interim final regulations.

SUMMARY: The purpose of this document is to issue amendments to existing regulations governing urban transportation planning under FHWA and UMTA grant programs. The amendments are intended to (1) reduce redtape and simplify administration of the planning process especially for urbanized areas under 200,000 population, (2) incorporate recent legislative changes, and (3) clarify the purpose of Transportation System Management (TSM) and other aspects of the planning process. The amendments previously issued to these regulations (46 FR 5702, January 19, 1981) are withdrawn and the rulemaking docket (FHWA Docket No. 80-24) is closed.

EFFECTIVE DATES: The amendments published on January 19, 1981 (46 FR 5702) are withdrawn effective July 30, 1981. These interim final amendments are effective on July 30, 1981..

FOR FURTHER INFORMATION CONTACT: FHWA: Sam W. P. Rea, Jr., Urban Planning Division, (202) 426-2961, or Stanley Abramson, Office of the Chief Counsel, (202) 426-0761; or UMTA: Robert Kirkland, Office of Planning Assistance, (202) 426-4991, or Anthony Anderson, Office of Chief Counsel, (202) 426-1906, all located at 400 Seventh Street, SW., Washington, D.C. 20590. FHWA office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday; UMTA office hours are from 8:30 a.m. to 5:00 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: This document amends the FHWA/UMTA regulations for urban transportation planning (23 CFR 450 and 49 CFR 613). The provisions of 23 CFR 450, Subparts A and C are incorporated into 49 CFR 613, Subparts A and B respectively. These amendments are considered to be significant under the regulatory policies and procedures of the Department of Transportation (DOT) because they involve important departmental policy. A regulatory evaluation has been prepared for these amendments and is available for inspection in the rulemaking docket (No. 80-24, Room 4205). Copies of the regulatory evaluation may be obtained by contacting Mr. Sam W. P. Rea, Jr., at the address provided above under the heading "For Further Information Contact." The Administrators of the FHWA and UMTA have determined that this document does not contain a major rule under Executive Order 12291 and that, for the purposes of the Regulatory Flexibility Act, these amendments will not have a significant economic impact on a substantial number of small entities.

Background

On September 17, 1975, FHWA and UMTA jointly issued final regulations (40 FR 42976) implementing the urban transportation planning process that is mandated under the Federal-Aid Highway Acts (23 U.S.C. 101 et seq.) and the Urban Mass Transportation Act of 1964, as amended (UMT Act) (49 U.S.C. 1601 et seq.). The foregoing statutes require a continuing, comprehensive and cooperative (3C) planning process in all urban areas of more than fifty thousand population.

Under the urban transportation planning regulations, the UMTA and FHWA review and evaluate the transportation planning process in each urbanized area. Federal certification of the process does not constitute approval or rejection of any given transportation project, but simply constitutes the formal recognition that an acceptable 3C planning process exists. This certification is a prerequisite to subsequent Federal approvals of individual project proposals.

Proposed amendments to the urban transportation planning regulations were published for notice and comment on October 30, 1980 (45 FR 71990). Final amendments and a request for additional public comments were published on January 19, 1981 (46 FR 5702). The amendments published on January 19, 1981, were orginally scheduled to take effect on February 18, 1981. On February 4, 1981, the DOT postponed the effective date until March 31, 1981 (46 FR 10706). The action was taken pursuant to the President's memorandum of January 29, 1981 (46 FR 11227, February 6, 1981), which, among other things, directed executive agencies to postpone for 60 days the effective dates of regulations which had been issued but were scheduled to become effective during the 60-day period following issuance of the memorandum. As a result of their initial review of the postponed amendments, the FHWA and UMTA decided to postpone the effective date for an additional 90-day period (46 FR 19233, March 30, 1981) in order to provide sufficient time for full and appropriate review and revision of the subject amendments. An additional 30 days was provided by notice of June 30, 1981 (46 FR 33513).

The FHWA and UMTA have completed their review of the postponed amendments and the comments submitted to the public docket and have decided to withdraw those amendments at this time. In their place, the FHWA and UMTA are today issuing interim final regulations which incorporate only those provisions of the withdrawn amendments which will (1) reduce redtape and streamline the planning process for areas under 200,000 population, (2) incorporate recent legislative changes, and (3) clarify the purpose of Transportation System Management (TSM) and other aspects of the planning process. Although the changes being made are not as comprehensive as originally proposed, the entire text of the regulations (23 CFR 450, Subparts A and C) is being reissued for purposes of clarity and consistency.

The urban transportation planning regulations have been the subject of extensive public comment. In the preparation of this withdrawal notice and the interim final regulations set forth below, consideration was given to all substantive comments received as of June 1, 1981. For these reasons, it is not anticipated that additional notice and public participation would result in the receipt of useful information. Further rulemaking at this time would only serve to delay implementation of streamlined procedures. Accordingly, the FHWA and UMTA have determined that notice and comment on the withdrawal of the previously issued amendments and the issuance of these interim final amendments would be unnecessary and contrary to the public interest. The rulemaking docket (FHWA Docket No. 80-24) is being closed at this time.

As part of their ongoing program evaluation activities, the FHWA and UMTA are conducting a comprehensive review of the urban transportation planning process. The need for subsequent revisions to these regulations will be considered on the basis of the results of this review, legislative action and the experience gained by the FHWA and UMTA in operating under these regulations. It is anticipated that notice and opportunity

for comment would be provided prior to issuance of any subsequent revisions.

These regulations apply to all urbanized areas, and it is anticipated that the 1980 Census may result in the designation of approximately 100 new urbanized areas in addition to the 279 urbanized areas which are currently so designated. These new urbanized areas would be required to meet these joint urban transportation planning regulations and would be eligible for Federal funding to support their transportation planning processes. In view of the Administration's efforts to reduce redtape, to simplify or eliminate Federal requirements wherever possible, and to remove the Federal presence in areas of limited national interest, the Federal Highway Administration and the Urban Mass Transportation Administration are studying ways to simplify or eliminate these planning requirements in these newly designated urbanized areas. Guidance on this issue will be published in the **Federal Register** no later than August 31, 1981.

The transportation issues in these newly designated urbanized areas will be a subject of the comprehensive review of the urban transportation process mentioned earlier in this preamble.

Interim Final Regulations and Disposition of Comments

Over 190 comments were submitted to the public docket, including 57 from metropolitan planning organizations, 67 from State and local governments, 14 from national organizations and groups, 12 from transit operators and authorities, 5 from other Federal agencies and 39 from private citizens and other interested parties. Several commenters submitted more than one response to the docket.

The proposed provisions relating to major urban transporation investments elicited the most comments. These proposed changes (including the revisions to 23 CFR 630 and 49 CFR 613) have been withdrawn due to the ongoing reevaluation of the Department's major investment programs. Among the amendments was a new appendix to 49 CFR 613 that was a revised statement of UMTA policy on major urban mass transportation investments. This appendix would have superseded previous UMTA policy statements: "Policy on Major Urban Mass Transportation Investments" (41 FR 41512; September 22, 1976) and "Policy Toward Rail Transit" (43 FR 9428; March 7, 1978). However, since the interim final rule does not include the revised UMTA policy statement, the 1976 and 1978 statements remain in place. The Procedural provisions of these policy statements were changed in an October 30, 1980 notice of revised UMTA policy (45 FR 71986). These 1980 procedural revisions also remain in place.

In view of the interest expressed in these regulations, each provision of the regulations which has been substantively revised or which was the subject of major commentary or concern is discussed below. All other substantive provisions of the joint planning regulations and related regulations (i.e., 23 CFR 630) remain unchanged. A table is included at the end of this preamble indicating the sections that are being substantively revised by this interim rule. For additional background information on the revisions to these regulations readers are referred to the preamble to the notice of proposed rulemaking published on October 30, 1980 (45 FR 71990).

Section 450.106 is revised to conform to Sections 169(a) and 305(b) of the Surface Transportation Assistance Act of 1978 (Pub. L. 95–599) which provides that designations of metropolitan planning organizations (MPO's), after November 7, 1979, shall be made by agreement among the units of general purpose local government and the Governor. This section, however, is not intended to mandate new or reaffirmed designation action on the part of local governments or the Governor. To the extent possible, the MPO designated shall be established under specific State legislation, State enabling legislation or by interstate compact. In addition, the prinicpal elected officials of the general purpose local governments shall be adequately represented on the MPO.

Several commenters requested that we more clearly define what constitutes "agreement" between units of general purpose local government and the Governor in the designations or redesignations made after that point in time. We have used the precise language of the legislation. We expect State and local officials to develop mutually acceptable procedures for making MPO designations. We are not imposing a Federal mandate on the definition of "adequate representation" of principal elected officials on the MPO policy body. In the spirit of a cooperative planning process, we expect State and local officials to develop mutually acceptable organizational structure and representation.

Section 450.108 has been revised to allow the requirement for an agreement between the MPO, the State and the publicly owned transit operators to be met if the parties agree to document their responsibilities and procedures in a unified planning work program (UPWP). In order to minimize redtape, the requirement that agreements be sent to FHWA and UMTA (§ 450.108(g)), proposed in the NPRM, is deleted in the interim final rule.

Several commenters requested that the geographical scope of the transportation planning process as identified in § 450.110 and the geographical requirement relating to the representation on the MPO (§ 450.106(d)) be identical. We do not believe that such a requirement would be appropriate. The existing regulation requires that, as a minimum, the jurisdiction of the metropolitan planning organization encompass the urbanized area, as this boundary relates to the eligibility requirements of FHWA and UMTA capital and operating assistance programs. However, it is good planning practice to include areas likely to be urbanized when conducting long-range planning. To integrate transportation planning with other planning activities in the area, and to permit flexibile institutional arrangements, we intend to retain the permissive language of the existing regulation.

Several commenters expressed concern that elimination of the prospectus and the subsequent inclusion of some of its elements in the UPWP might result in an increase in paperwork and staff effort. Therefore, we have revised § 450.114 of the regulations to make the development of a prospectus optional and have not added any additional mandatory elements to be included in the UPWP.

One commenter noted that the revised § 450.114 no longer contains language which encourages combining UPWP requirements with those of other planning programs. We do want to continue this encouragment and are, therefore, reinstating the language of the previous section which is still applicable.

The NPRM contained a substantial number of proposed revisions related to the MPO responsibilities under the Clean Air Act (Pub. L. 95–95). None of the changes added new requirements but merely restated specific requirements contained in the Clean Air Act. It has been found that MPO responsibilities concerning air quality matters are clearly stated within the law and generally do not require elaboration in the regulation. Therefore, with the exception of § 450.112(c), these changes have been eliminated from this interim rule. Section 450.112(c) has been retained to ensure coordination between transportation and air quality planning

by requiring MPO involvement in the development of transportation control measures in nonattainment areas.

The proposed rule also contained several references to the FHWA–UMTA Air Quality Conformity and Priority Regulation (23 CFR 770). These references have been consolidated into those contained in §§ 450.120(a)(2) and 450.320(c)(4). Additional references to this regulation would be redundant and, therefore, have been eliminated. Since UMTA is required to approve the annual element of the transportation improvement program (TIP/AE), § 450.320 is revised to specifically state that UMTA's approval constitutes the finding that the TIP/AE meets the requirements of §§ 176(c) and 176(d) of the Clean Air Act (42 U.S.C. 7506(c) and (d)) regarding conformity and priority of transportation programs and projects.

Sections 450.106(e) and 450.120(a)(7) are amended to allow greater participation in planning activities. The word "local" was deleted from § 450.106(e) to allow other than local agencies to carry out selected elements of the planning process. Likewise, § 450.120(a)(7) was revised to allow appropriate private and public transportation providers to participate in the process.

Section 450.120(a)(8) was amended to provide greater flexibility in performing transportation planning activities.

Several comments were concerned with the elimination of the requirement for an annual certification as proposed in § 450.122. This change is considered appropriate given the relatively slow rate of change occurring in the planning process on a yearly basis. While a formal certification review should not be needed annually, informal assessments of the need for a certification review would be a continuing function in the FHWA and UMTA administration of the planning process.

To help clarify a number of questions that have arisen regarding the purpose and scope of TSM, revisions have been made to § 450.116 and Appendix A. In § 450.116, conventional terms for elements of the transportation plan, i.e., short- and long-range elements, are now used. It should be noted that the importance of TSM is in no way diminished with this revision. Section 450.116 still lists TSM as a key component of both elements of the transportation plan.

The Appendix A has been revised to clarify the purpose of TSM as primarily addressing operational and service issues both short- and long-range. The new Appendix A replaces the 1975 Appendix version completely. Therefore, it is designed to stand alone as clarification on the intent, scope, roles and responsibilities, activities and programming of TSM.

With these revisions, no new documentation is anticipated for TSM. TSM is to be documented in the normal products of the planning process. Much discretion is left to the localities to decide how best to report on TSM activities.

Lastly, since the TSM concept has been widely accepted and is now an integral part of the ongoing transportation planning and programming process, UMTA has decided to delete § 613.202 of Title 49. This in no way lessens the importance to TSM as a consideration in UMTA's program approval actions. Rather, it reflects our confidence that TSM will continue to find widespread application as a useful tool in meeting transportation needs with limited resources. Therefore, this requirement is being removed as part of our efforts to simplify the regulation.

Appendix B to 23 CFR Part 450, Subpart A and the Appendix to 49 CFR Part 613, Subpart B on transportation for elderly and handicapped persons are eliminated. Similarly, § 613.204 of 49 CFR is being removed at this time. Revisions to the appendices were published as parts of revisions to the DOT rule implementing § 504 of the Rehabilitation Act of 1973 (46 FR 37488, July 20, 1981). The DOT rule implementing § 504 (49 CFR 27) has been added as a citation to § 450.120(a)(5).

As part of a joint FHWA/UMTA effort to reduce redtape and simplify administrative and technical requirements in small metropolitan areas, FHWA and UMTA issued guidance on August 1, 1980, related to meeting the minimum requirement of the joint planning and programming regulations for urbanized areas of less than 200,000 population. This guidance was published in the Federal Register on October 23, 1980 (45 FR 70249). The guidance has been revised to make it consistent with this rulemaking and is included as Appendix C. Many commenters reacted favorably to the guidance.

As discussed in the NPRM, the provisions of 23 CFR Part 450, Subpart C are being revised in order to: (a) reflect recent amendments to this subpart which were issued in connection with amendments to the Interstate substitution and withdrawal regulations (23 CFR Part 476, Subpart D), published by FHWA and UMTA on October 20, 1980 (45 FR 69390); and (b) make technical revisions to this subpart to make it consistent with the proposed modification in Subpart A.

Also modified is § 450.312(a), which had required that, for informational purposes, the annual element of the TIP contain all nonfederally funded transportation systems management projects. Several commenters had objected to this requirement, which has been in the regulation since 1975, arguing that its benefit to the Federal Government is outweighed by its burden to the MPO's. We have removed the requirement as part of our efforts to simplify the regulation.

Section 450.308(e) is also eliminated as part of our efforts to simplify the regulation. This section required a discussion of how improvements from the two elements of the plan were merged into the transportation improvement program.

Table of Sections Containing Substantive Revisions

23 CFR 450

Subpart A
- 450.106(a)
- 450.106(e)
- 450.108(e) (new)
- 450.112(c) (new)
- 450.114
- 450.116
- 450.120(a)(2)
- 450.120(a)(5)
- 450.120(a)(7)
- 450.120(a)(8)
- 450.122(a)
- Appendix A
- Appendix B (deleted)
- Appendix C (new)

Subpart C
- 450.308(e) (deleted)
- 450.312(a)(2) (deleted)
- 450.320(c)(4) (new)

49 CFR 613

Subpart B
- 613.202 (deleted)
- 613.204 (deleted)
- Appendix (deleted)

The amendments published on January 19, 1981 (46 FR 5702) are withdrawn immediately. Because the interim final rule streamlines existing procedures, good cause exists to make it effective in less than 30 days under DOT regulatory policies and procedures. In addition, a 30-day delay in effective date is not required under the Administrative Procedure Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2). Accordingly, this interim final rule is effective upon issuance.

(Catalog of Federal Domestic Assistance Program Numbers 20.205, Highway Research, Planning and Construction; 20.500, Urban

Mass Transportation Capital Grants: 20.501, Urban Mass Transportation Capital Improvement Loans; and 20.507, Urban Mass Transportation Capital and Operating Assistance Formula Grants. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to these programs)

Issued on: July 30, 1981.

Arthur E. Teele, Jr.,

Urban Mass Transportation Administrator.

L. P. Lamm,

Executive Director, Federal Highway Administration.

In consideration of the foregoing, Chapter I of Title 23, Code of Federal Regulations, and Chapter VI of Title 49, Code of Federal Regulations, are amended as set forth below.

23 CFR 630.106 [Amended]; 49 CFR Part 613 [Amended]

1. The amendment to 23 CFR 630.106 which redesignated paragraphs (b) and (c) as paragraphs (c) and (d) respectively and added a new paragraph (b), and revised 49 CFR Part 613, Subpart B and the authority citation for Subpart A, all as published in the Federal Register at 46 FR 5702, January 19, 1981 are hereby removed.

2. Part 450, Subpart A of 23 CFR is revised to read as follows:

PART 450—PLANNING ASSISTANCE AND STANDARDS

Subpart A—Urban Transportation Planning

Sec.

Authority: 23 U.S.C. 104(f)(3), 134, and 315; Sections 3, 5, and 8 of the Urban Mass Transportation Act of 1964, as amended (UMT Act) (49 U.S.C. 1602, 1604, and 1607); Sections 110, 172, 174, and 176 of the Clean Air Act; and 49 CFR 1.48(b) and 1.51.

Subpart A—Urban Transportation Planning

§ 450.100 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 134, and Sections 5(l) and 8 (a) and (c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604(l) and 1607 (a) and (c)), which require that each urbanized area, as a condition to the receipt of Federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area.

§ 450.102 Applicability.

The provisions of this subpart are applicable to the transportation planning process in urbanized areas. Certification under this subpart shall be a prerequisite for program approvals in urbanized areas pursuant to 23 U.S.C. 105(d) and 134(a), Section 8(c) of the UMT Act (49 U.S.C. 1607(c)), and Subpart C of this part.

§ 450.104 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this subpart as so defined.

(b) As used in this subpart:

"Governor" means the Governor of any one of the fifty States, or Puerto Rico, and includes the Mayor of the District of Columbia.

"Metropolitan planning organization (MPO)" means that organization designated as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as provided in 23 U.S.C. 104(f)(3), and capable of meeting the requirements of Sections 3(e)(1), 5(l), and 8 (a) and (c) of the UMT Act (49 U.S.C. 1602(e)(1), 1604(l), and 1607 (a) and (c)). This organization is the forum for cooperative decisionmaking by principal elected officials of general purpose local government.

§ 450.106 Metropolitan planning organization: Designations.

(a) Designations of metropolitan planning organizations (MPO's) shall be made by agreement among the units of general purpose local governments and the Governor. To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous urbanized areas.

(b) Funds authorized by 23 U.S.C. 104(f) shall be made available by the State to the MPO, as required by 23 U.S.C. 104(f)(3). To the extent possible, the MPO shall be eligible to receive planning funds authorized by Section 8 of the UMT Act of 1964, as amended (49 U.S.C. 1607).

(c) To the extent possible, the MPO designated shall be established under specific State legislation, State enabling legislation, or by interstate compact, with authority to carry out metropolitan transportation planning, and should perform the functions required by the Office of Management and Budget (OMB) Circular A-95 "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects" (41 FR 2052, January 13, 1976).

(d) Principal elected officials of general purpose local government within the jurisdiction of the MPO shall have adequate representation on the MPO.

(e) Nothing herein shall be deemed to prohibit the MPO from utilizing, through contractual agreements, the staff resources of other agencies to carry out selected elements of the planning process.

(f) An MPO designated under the provisions of this section shall remain designated until another MPO is designated under the provisions of this section.

§ 450.108 Metropolitan planning organization: Agreements.

(a) The responsibilities for cooperatively carrying out transportation planning and programming shall be clearly identified in an agreement or memorandum of understanding between the State and the MPO.

(b) Where the MPO is different from the A-95 agency, there shall be an agreement between the two organizations which prescribes the means by which their activities will be coordinated, as required by Part IV of OMB Circular A-95. This agreement shall specify how transportation planning and programming will be part of the comprehensively planned development of the urbanized area.

(c) There shall be an agreement between the MPO and publicly owned operators of mass transportation services which specifies cooperative procedures for carrying out transportation planning and programming as required by this subpart.

(d) To the extent possible, there shall be one cooperative agreement containing the understandings required by this section among the State, MPO,

publicly owned operators of mass transportation services and, where necessary, the A–95 agency.

(e) Where parties involved agree, the requirement for an agreement specififed in paragraphs (a) and (c) of this section may be satisfied by including the responsibilities and procedures for carrying out a cooperative process in the unified planning work program.

§450.110 Metropolitan planning organization: Geographic scope.

The transportation planning process shall, as a minimum, cover the urbanized area and the area likely to be urbanized in the period covered by the long-range element of the transportation plan described in §450.116.

§450.112 Metropolitan planning organization: Responsibilities.

(a) The MPO in cooperation with the State, and in cooperation with publicly owned operators of mass transportation services, shall be responsible for carrying out the urban transportation planning process specified in §450.120 and shall develop the planning work programs, transportation plan, and transportation improvement program specified in §§450.114 through 450.118. The MPO shall be the forum for cooperative decisionmaking by principal elected officals of general purpose local government.

(b) The MPO shall annually endorse the plan and programs required by §§450.114 through 450.118.

(c) The MPO shall develop or assist in developing the transportation control measures of the SIP in nonattainment areas which require transportation control measures.

§450.114 Urban transportation planning process: Planning work programs.

(a) The urban transportation planning process shall include the development of a unified planning work program (UPWP). The UPWP shall:

(1) Describe all urban transportation and transportation-related planning activities anticipated within the area during the next 1- or 2-year period regardless of funding sources; and

(2) Document work to be performed with planning assistance provided under section 8 of the UMT Act (49 U.S.C. 1607) and 23 U.S.C. 104(f) and 307(c).

(b) Arrangements may be made to combine the unified planning work program requirements with those of other Federal sources of physical planning funds (e.g., Department of Housing and Urban Development and Department of the Interior).

(c) The urban transportation planning process may include the development of a prospectus. The prospectus may include: a summary of the planning program including discussions of the important transportation issues facing the area and, for each of the elements specified in §450.120 of this subpart, a general description of the status, anticipated accomplishments and procedures used to carry out each element. To the extent that the prospectus satisfies the requirements of §450.108 it may by included by reference in the UPWP.

§450.116 Urban transportation planning process: Transportation plan.

(a) The urban transportation planning process shall include the development of a transportation plan consisting of a short-range element and a long-range element. Transportation system management (TSM), as described in Appendix A to this subpart, shall be a key component of these elements. The transportation plan shall be reviewed annually to confirm its validity and its consistency with current transportation and use conditions.

(b) The short-range element of the transportation plan shall:

(1) Provide for the near-term transportation needs of persons and goods in the urbanized area;

(2) Identify actions, including TSM measures, that present a systematic approach in addressing problem areas.

(c) The long-range element of the transportation plan shall:

(1) Provide for the long-term transportation needs of persons and goods in the urbanized area;

(2) Identify new transportation policies, strategies, or facilities or major changes in existing facilities and may be in sufficient detail to identify location and mode to be implemented; and

(3) Fully explore TSM as a policy and investment strategy for the long-range transportation and development plans for the area.

(d) The transportation plan shall be consistent with the area's comprehensive long-range land use plan, urban development objectives, and the area's overall social, economic, environmental, system performance, and energy conservation goals and objectives.

§450.118 Urban transportation planning process: Transportation improvement program.

(a) The urban transportation planning process shall include development of a transportation improvement program (TIP) including an annual element as prescribed in Subpart C of this part.

(b) The program shall be a staged multiyear program of transportation improvement projects consistent with the transportation plan developed under §450.116.

§450.120 Urban transportation planning process: Elements.

(a) The urban transportation planning process shall:

(1) Provide for the consideration of social, economic, and environmental effects in support of the requirements of 23 U.S.C. 109(h), and Sections 5(h)(2) and 14 of the UMT Act (49 U.S.C. 1604(h)(2) and 1610) and Section 174 of the Clean Air Act;

(2) Comply with the procedures in 23 CFR 770 related to air quality;

(3) Include provisions to ensure involvement of the public;

(4) Be consistent with Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794, which ensure that no person shall on the grounds of race, color, sex, national origin, or physical handicap be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program receiving Federal assistance from the Department of Transportation;

(5) Include special efforts to plan public mass transportation facilities and services that can effectively be utilized by elderly and handicapped persons pursuant to Section 16 of the UMT Act (49 U.S.C. 1612), Section 165(b) of the Federal-Aid Highway Act of 1973, as amended, and 49 CFR 27;

(6) Provide for the consideration of energy conservation goals, objectives, and where established, energy conservation targets;

(7) Provide for the involvement of the appropriate public and private transportation providers;

(8) Include the following activities as necessary and to the degree appropriate for the size of the metropolitan area and the complexity of its transportation problems:

(i) An analysis of existing conditions of travel, transportation facilities, vehicle fuel consumption, and systems management:

(ii) An evaluation of alternative TSM improvements in the development of the transportation plan to:

(A) Make more efficient use of existing transportation resources;

(B) Reduce energy consumption for transportation overall; and

(C) Respond to short-term disruptions in the energy supply;

(iii) Projections of urban area economic, demographic, and land use activities consistent with urban development goals, and projections of

potential tranportation demands based on these levels of activity;

(iv) Analysis of alternative transportation investments or strategies to meet area wide needs for transportation facilities and to aid in the development of the long-range element of the transportation plan, such analysis to include estimates of the energy consumption of each alternative;

(v) Refinement of the transportation plan through the conduct of corridor, transit technology, and staging studies; and subarea, feasibility, location, legislative, fiscal, functional classification, institutional, and energy impact studies;

(vi) Monitoring and reporting of urban development, transportation, and energy consumption indicators and a regular program of reappraisal of the transportation plan; and

(vii) Implementation programming which merges the results of plan refinement of the long-range element and the improvements recommended in the short-range element of the transportation plan to produce a TIP as specified in Subpart C of this part.

(b) The urban transportation planning process shall include preparation of technical reports to assure documentation of the development, refinement, and reappraisal of the transportation plan.

§ 450.122 Urban transportation planning process: Certification.

(a) The Federal Highway and Urban Mass Transportation Administrators jointly will review and evaluate as appropriate the transportation planning process in each urbanized area to determine if the process meets the requirements of this subpart.

(b) If, upon the review and evaluation conducted under paragraph (a) of this section, the Administrators jointly determine that the transportation planning process in an urbanized area meets or substantially meets the requirements of this subpart, they may take one of the following actions, as appropriate:

(1) Certify the transportation planning process; or

(2) Certify the transportation planning process subject to one of the following conditions:

(i) That certain specified corrective actions be taken; or

(ii) That the process is a basis for approval of only those categories of programs or projects that the Administrators may jointly determine and that certain specified corrective actions be taken.

(c) The State and the MPO shall be notified of the actions taken under paragraph (b) of this section.

(d) A certification under paragraph (b) of this section will remain in effect until a new certification determination is made.

Appendix A—Advisory Information on Transportation System Management Under UMTA and FHWA Joint Regulations, 23 CFR Part 450, Subparts A and C, and 49 CFR 613, Subparts A and B

1. *Purpose and Definition.* To implement the updated urbanized area planning requirements contained in Title 23 of the United States Code and the Urban Mass Transportation Act of 1964, as amended, UMTA and FHWA have jointly issued revised regulations (23 CFR Part 450 and 49 CFR Part 613). These regulations include Transportation System Management (TSM) as a key consideration in the planning process.

This appendix provides additional guidance on the goals and scope of Transportation System Management (TSM).

It is increasingly important that transportation resources—facilities, equipment and services—be operated in the most efficient manner possible. This need led to the concept of TSM and its inclusion as a feature of transportation plans for urbanized areas.

When originally introduced, the TSM concept represented a significant change in the direction of transportation planning and programming. TSM expands the focus of the planning process to include the consideration of improved *service and operations*, as well as *facilities*, as a potential means to maximize mobility. TSM addresses both *supply* and *demand*. The TSM concept views the transportation system as a whole with all modes receiving attention. The philosophy calls for addressing the transportation of people and goods, not merely movement of vehicles.

TSM accounts more explicitly for external factors in transportation decisionmaking such as fiscal limitations, energy, environment, and air quality. These external constraints on mobility can be dealt with through TSM in order to continue to expand or maintain mobility.

2. *Scope.* Transportation System Management calls for improving the efficiency and effectiveness of the transportation system by improving the operations and/or services provided. TSM aspects of the Transportation Plan address services and operations of the system and identify management and operational changes needed to improve efficiency and effectiveness.

A range of tactics (actions) is available to solve State and local transportation problems. Examples are:

—Traffic operations improvements
—Ridesharing
—Incentives to use of high occupancy vehicles (such as buses, carpools and vanpools), including preferential parking, reserved lanes, exclusive ramps, etc.
—Transit route and schedule changes
—Transit management improvements
—Transit fare structure changes
—Innovative transit and paratransit services
—Pedestrian provisions
—Commuter oriented bicycle, motorcycle, and moped programs
—Parking management programs
—Work schedule changes
—Goods movement measures

In every case, these tactics address the operations or services provided by the transportation system. In addition, some of these tactics can affect transportation demand, as opposed to only supply.

Transportation System Management is applicable to a number of operating environments and with a wide range of agencies and groups participating. For example, the central business district (CBD) is a likely site for high occupancy vehicle parking preferences, bus lanes, and pedestrian provisions, while a radial corridor is an appropriate place for high occupancy vehicle lanes, express bus services and park and ride lots. Each of these actions need the support and coordination of a broad range of agencies and interest groups.

Several TSM tactics applied together may often be more effective as a group than individual actions taken in an uncoordinated manner. Therefore, a systematic approach to TSM planning should be encouraged. For example, a package of measures to improve the efficiency of a corridor as a whole should be more effective as opposed to only looking at individual problem areas in the corridor in an isolated manner.

Since Transportation System Management actions involve operations and services on existing facilities rather than development of major new facilities, they are generally *low cost*. Certain actions, such as high occupancy vehicle lanes, may involve substantial sums, however.

TSM involves both short- and long-term actions. Service and operation changes generally can be implemented more quickly than construction of new facilities and thus can have a short-range focus. However, TSM strategies may also involve *long-term* facility improvements (e.g., dedication of a new facility to high occupancy vehicle use) and have long-term impacts.

3. *Roles and Responsibilities.* A wide range of agencies is likely to participate in addressing TSM considerations in the planning process. While the metropolitan planning organization (MPO) is primarily responsible for TSM coordination, other agencies, including State DOT's, city traffic departments, public transit operators and enforcement agencies, as well as the private sector, should also be involved. These agencies generally have better knowledge of the operations of specific system elements under their control and can be called on to implement improvements. Private sector involvement in programs such as ridesharing, work schedule changes, goods movement, etc., is vital to their success.

The decision on which agency should conduct needed analyses should be made locally and should be based on the scale and level of the particular project or problem under study. For example, it is probably most

appropriate that operators conduct route and schedule studies and other similar transit management analyses and that local traffic departments undertake signalization studies. In order to support these efforts, MPO's are encouraged to pass Federal planning assistance funds through to such agencies.

Private sector involvement is also important. Employers should be involved in ridesharing or transit-use promotions or in work rescheduling to spread peaks. Also, private providers of mass transit services should be considered for new services, such as paratransit or special user operations. Studies of goods movement management issues, such as truck routes, port access, downtown delivery, etc., should involve the private sector and port authorities.

Ensuring that all likely participants have an appropriate role can be critical to the success of a specific strategy. For example, a downtown parking management program would require participation of a variety of city agencies such as planning and zoning, traffic, and administration. Police involvement early in the planning process would ensure that enforcement is given adequate attention. Downtown business persons, whose operations might be affected, should be involved. Support from such a group could be critical. The transit operator could suggest key bottlenecks where parking changes could be beneficial.

4. *Planning Activities.* To address TSM, a number of key planning activities are encouraged in each urbanized area as part of the continuing planning process. Each area's Unified Planning Work Program (UPWP) should reflect, as necessary activities such as:

—System monitoring and data collection, including traffic and automobile occupancy counts and transit ridership monitoring and surveys;
—Regional problem identification, allowing for selection of such areas for further study of person and goods movement problems;
—Transit service planning, including reviews of service area, route, schedules, etc., on a continuing basis;
—Transit management analyses, covering maintenance practice, organization, personnel policies, financial planning, training, labor relations, etc.;
—Ridesharing and high occupancy vehicle analyses for HOV lanes, parking management, alternative work schedules, etc.;
—Analysis of signal timing optimization and other traffic engineering measures;
—Coordination of local agency activities to ensure that these will result in a plan that is internally consistent;
—Selective post-project evaluations to determine the effectiveness of implementated projects and areas for modification.

No new documentation products are required to address TSM. The plans and programming implications of TSM will be documented in the normal products of the urbanized area planning process, i.e., UPWP, technical reports, TIP, and transportation plan.

The manner in which TSM is documented should not be confused with the need for project justification. Technical information that may be needed for justifying certain types of transit projects should be provided in technical reports on those projects and need not be included in the document(s) describing TSM aspects of the transportation plan.

The joint planning regulations require that the plan be reviewed and endorsed annually. Certification reviews will ensure that TSM is adequately addressed in the planning process.

5. *Programming.* Effective planning for Transportation Systems Management is likely to result in the programming and3, implementation of TSM type projects. One measure of the adequacy of the TSM planning effort conducted in an urbanized area is the level of TSM activity found in the area's Transportation Improvement Program (other measures include past progress in TSM implementation, and most importantly, the overall efficiency of existing system service and operations). FHWA and UMTA will not prescribe the number of types of projects that must appear in an area's TIP. TSM planning focused on the efficiency of existing services will generally result in the existence, on an ongoing basis, of programs covering transit service monitoring and assessment, transit service adjustments, transit maintenance programs, transit operator financial management programs, transit management and organizational improvement programs, ridesharing, traffic signalization, and high occupancy vehicle incentives.

A variety of funding sources are available to support planning and implementation for TSM. UMTA places priority on use of Section 8 technical studies funds for TSM planning as does FHWA on use of PL and HP&R funds. Implementation funds are available from UMTA through the Section 3 discretionary capital grant program, the Section 4(i) innovative techniques and methods program and the Section 5 urban mass transportation formula grant program. Federal-aid highway funds may also be used to implement a wide range of TSM-type projects.

Appendix B—[Reserved]

Appendix C—Advisory Information on the Simplification of Administrative Requirements for Planning in Metropolitan Areas of Less Than 200,000 Population

Introduction

The simplification of Federal program requirements has been given a high priority by the Administrators of FHWA and UMTA and by the Office of the Secretary. The objective in developing the guidance was to: (1) reduce the burden of Federal planning requirements in all urbanized areas under 200,000 population; and (2) reduce the administrative burden on FHWA and UMTA staffs.

This appendix provides for an appropriate level of effort for smaller urbanized areas.

Advisory Guidance

—There will be no need for a formal agreement except where the MPO and the A-95 agency are different. The requirements of other agreements may be satisfied through description of roles and responsibilities in the work program and/or TIP.

—The Unified Planning Work Program (UPWP) may be a brief summary of the important transportation issues facing the area, and the work activities in the UPWP addressing these issues. The review of the UPWP need only be by the Federal funding agencies. Joint review and approval procedures should be worked out by these agencies.

—In accordance with Section 134, Title 23, U.S.C., the transportation plan must be based on transportation needs and consider long-range land use plans, overall goals and objectives, and their impact on future development. In small urbanized areas the long-range element may be a simple statement about land use policy and the location of major public facilities, and transportation improvements. The focus should be on the development of the short-range element.

—The level of technical effort should be commensurate with the problems being addressed. Maximum use should be made of simplified planning techniques, which are discussed in several planning manuals specifically developed for small areas.

—The transportation improvement program/annual element of the plan should be scaled to the needs of the area. If only a few projects can be funded annually, the document need only be a single page with the coming year's projects clearly identified.

—The certification review of the small area planning process should be as simple as possible and should be based to the maximum extent on previously submitted data.

—While the regulations under subpart C call for specific initiation procedures, the key to local involvement is the MPO endorsement. This should also be the focus of Federal review.

2. Part 450, Subpart B of 23 CFR is amended as follows:

§ 450.200 [Amended]

a. By amending § 450.200(b) to remove the phrase "by the Governor" in the third sentence.

§§ 450.202, 450.204, and 450.206 [Amended]

b. By amending §§ 450.202, 450.204 and 450.206 to delete the term "Pub. L." wherever it appears therein and to substitute in lieu thereof the term "PL".

c. By amending §§ 450.202(c) and 450.206(b) to delete the phrase "section 9" wherever it appears therein and to substitute in lieu thereof the phrase "section 8".

3. Part 450, Subpart C of 23 CFR is revised to read as follows:

PART 450—PLANNING ASSISTANCE AND STANDARDS

Subpart C—Transportation Improvement Program

Sec.
450.300 Purpose.
450.302 Applicability.

Sec.

Authority: 23 U.S.C. 105, 134(a), and 135(b); Sections 3, 5, and 8(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1604, and 1607(c)); Sections 110, 172, 174, and 176 of the Clean Air Act; and 49 CFR 1.48(b) and 1.51.

Subpart C—Transportation Improvement Program

§ 450.300 Purpose.

The purpose of this subpart is to establish guidelines for the development, content, and processing of a cooperatively developed transportation improvement program in urbanized areas and to prescribe guidelines for the selection by implementing agencies of annual programs of projects to be advanced in urbanized areas.

§ 450.302 Applicability.

(a) The regulations in this subpart shall be applicable to projects in or serving urbanized areas with funds made available under:

(1) 23 U.S.C. 104(b)(6) (urban systems projects);

(2) 23 U.S.C. 103(e)(4) (Interstate substitution projects);

(3) Sections 3 and 5 of the Urban Mass Transportation Act of 1964, as amended (UMT Act) (49 U.S.C. 1602 and 1604—UMTA capital and operating assistance projects);

(4) 23 U.S.C. 104(b)(1) (projects on extensions of primary systems in urbanized areas), except as provided in this subpart;

(5) 23 U.S.C. 104(b)(5) (projects on the Interstate System), except as provided in this subpart.

(b) Projects under paragraphs (a) (4) and (5) of this section, which are included in the highway safety improvement program, may be excluded from the transportation improvement program at the option of the State.

§ 450.304 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this subpart as so defined.

(b) As used herein:

"Annual element" means a list of transportation improvement projects proposed for implementation during the first program year.

"Governor" means the Governor of any one of the fifty States, or Puerto Rico, and includes the Mayor of the District of Columbia.

"Highway safety improvement program" means a program prepared by the State pursuant to 23 CFR Part 924.

"Interstate substitution projects" means projects funded under 23 U.S.C. 103(e)(4) (Withdrawal of Interstate segments and substitution of either nonhighway public mass transit projects or highway projects, or both).

"Interstate System projects" means projects funded under 23 U.S.C. 104(b)(5).

"Metropolitan planning organization (MPO)" means that organization designated as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as provided in 23 U.S.C. 104(f)(3), and capable of meeting the requirements of Sections 3(e)(1), 5(1), and 8 (a) and (c) of the UMT Act (49 U.S.C. 1602(e)(1), 1604(1), and 1607 (a) and (c)). This organization is the forum for cooperative decisionmaking by principal elected officials of general purpose local government.

"Transportation improvement program (TIP)" means a staged multiyear program of transportation improvements including an annual element.

§ 450.306 Transportation improvement program: General.

(a) The transportation improvement program (TIP) shall be developed and updated annually under the direction of the metropolitan planning organization (MPO) in cooperation with:

(1) State and local officials;

(2) Regional and local transit operators;

(3) Recipients authorized under Section 5(b) (2) or (3) of the UMT Act (49 U.S.C. 1604(b) (2) or (3)); and

(4) Other affected transportation and regional planning and implementing agencies.

(b) The TIP shall consist of improvements recommended from the short-range and long-range elements of the transportation plan developed under § 450.116.

(c) The TIP shall cover a period of not less than 3 years, but may at local discretion cover up to 5 or more years.

§ 450.308 Transportation improvement program: Content.

The TIP shall:

(a) Identify transportation improvements recommended for advancement during the program period;

(b) Indicate the area's priorities;

(c) Group improvements of similar urgency and anticipated staging into appropriate staging periods; and

(d) Include realistic estimates of total costs and revenues for the program period.

§ 450.310 Annual element: Project initiation.

Federally funded projects shall be initiated for inclusion in the annual element at all stages in the development of the transportation improvement for which program action is proposed. These projects shall be initiated as follows:

(a) Proposed urban system highway projects shall be initiated by local officials in whose jurisdiction the project is located.

(b) Proposed urban system nonhighway public mass transit projects and Interstate substitution nonhighway public mass transit projects shall be initiated by principal elected officials of general purpose local governmental in consultation with local transit operating officials or by local transit operating officials.

(c) Proposed UMTA Section 3 projects (49 U.S.C. 1602) shall be initiated by recipients authorized under Section 5(b) (1) or (2) of the UMT Act (49 U.S.C. 1604(b) (1) or (2)), by local transit operating officials, or by principal elected officials of general purpose local governments in cooperation with local transit operating officials.

(d) Proposed UMTA Section 5 projects (49 U.S.C. 1604) shall be initiated by recipients authorized under Section 5(b) (1) or (2) of the UMT Act (49 U.S.C. 1604(b) (1) or (2)). Nothing in this paragraph is intended to prohibit or discourage the initiation by such recipients of projects recommended by local transit operating officials or by principal elected officials of general purpose local governments in cooperation with local transit operating officials.

(e) Proposed urban extension and Interstate System projects shall be initiated by the State highway agency.

(f) Proposed Interstate substitution highway projects shall be initiated according to the provisions of this section for the Federal-aid system of which they will be a part.

§ 450.312 Annual element: Content.

(a) Except as provided in § 450.302(b), the annual element shall contain projects initiated under § 450.310 and endorsed under § 450.316.

(b) With respect to each project under paragraph (a) of this section the annual element shall include:

(1) Sufficient descriptive material (i.e., type of work, termini, length, etc.) to identify the project;

(2) Estimated total cost and the amount of Federal funds proposed to be obligated during the program year;

(3) Proposed source of Federal and non-Federal funds; and

(4) Identification of the recipient and State and local agencies responsible for carrying out the project.

(c) Projects proposed for Federal support that are not considered by the State and MPO to be of appropriate scale for individual inclusion in the annual element may be grouped by functional classification, geographic area, and work type.

(d) The annual element shall be reasonably consistent with the amount of Federal funds expected to be available to the area. Federal funds that have been allocated to the area pursuant to 23 U.S.C. 150 shall be identified.

(e) The total Federal share of projects included in the annual element and proposed for funding under Section 5 of the UMT Act (49 U.S.C. 1604) may not exceed apportioned Section 5 funds available to the urbanized area during the program year.

§ 450.314 Annual element: Modification.

The annual element may be modified at any time consistent with the procedures established in this subpart for its development.

§ 450.316 Action required by the metropolitan planning organization.

(a) The TIP, including the annual element, shall be endorsed annually by the MPO.

(b) The MPO shall submit the TIP including the annual element:

(1) To the Governor and the Urban Mass Transportation Administrator, and

(2) Through the State to the Federal Highway Administrator.

§ 450.318 Selection of projects for implementation.

(a) The projects proposed to be implemented with Federal assistance under Sections 3 and 5 of the UMT Act (49 U.S.C. 1602 and 1604) and nonhighway public mass transit projects under 23 U.S.C. 103(e)(4) shall be those contained in the annual element of TIP submitted by the MPO to the Urban Mass Transportation Administrator.

(b) Upon receipt of the TIP, the State shall include in the statewide program of projects required under 23 U.S.C. 105:

(1) Those projects drawn from the annual element and proposed to be implemented with Federal assistance under 23 U.S.C. 104(b)(6) (Federal-aid urban system) in which it concurs; provided, however, that in any case where the State does not concur in a nonhighway public mass transit project, a statement describing the reasons for the nonconcurrence shall accompany the statewide program of projects; and

(2) Those projects drawn from the annual element and proposed to be implemented with Federal assistance under 23 U.S.C. 104(b)(1) (Projects on urban extensions of the Federal-aid primary system) and 23 U.S.C. 104(b)(5) (Interstate System projects in urbanized areas); and

(3) Those projects not drawn from the annual element that are proposed to be implemented with Federal assistance under 23 U.S.C. 104(b)(1) (Projects on urban extensions of the Federal-aid primary system) and 23 U.S.C. 104(b)(5) (Projects on the Interstate System) provided that:

(i) Such project or projects were initiated pursuant to § 450.310(e); and

(ii) Such project or projects are for highway transportation improvements for which there has been a Federal authorization to acquire right-of-way or Federal approval of physical construction or implementation where right-of-way acquisition was not previously federally funded.

(c) For each project under paragraph (b)(3) of this section a statement shall accompany the statewide program of projects which shall:

(1) Include the views of the MPO; and

(2) Indicate how the requirements of 23 U.S.C. 134(a) have been met.

(d) The preparation and endorsement of the TIP and the selection of projects in accordance with this subpart will meet the requirements of 23 U.S.C. 105(d), 23 U.S.C. 134(a), and Section 8(a) of the UMT Act (49 U.S.C. 1607(a)).

(e) The State shall notify the MPO of actions taken under paragraph (b) of this section.

§ 450.320 Program approval.

(a) Upon the determination by the Federal Highway Administrator and the Urban Mass Transportation Administrator that the TIP or portion thereof is in conformance with this subpart and that the area is under planning certification, programs of projects selected for implementation under § 450.318 will be considered for approval as follows:

(1) Federal-aid urban system projects included in the statewide program of projects under 23 U.S.C. 105 will be approved by:

(i) The Federal Highway Administrator with respect to highway projects;

(ii) The Urban Mass Transportation Administrator with respect to nonhighway public mass transit projects; and

(iii) The Federal Highway Administrator and the Urban Mass Transportation Administrator jointly in any case where the statewide program of projects submitted pursuant to 23 U.S.C. 105 does not include all Federal-aid urban system nonhighway public mass transit projects contained in the annual element.

(2) Interstate substitution nonhighway public mass transit projects included in the annual element of the TIP will be approved by the Urban Mass Transportation Administrator.

(3) Projects proposed to be implemented under Sections 3 and 5 of the UMT Act (49 U.S.C. 1602 and 1604) included in the annual element of the TIP will be approved by the Urban Mass Transportation Administrator after considering any comments received from the Governor within 30 days of the submittal required by § 450.316(b)(1).

(4) Federal-aid urban extension and Interstate projects included in the statewide program of projects under 23 U.S.C. 105 will be approved by the Federal Highway Administrator.

(b) Approvals by the Federal Highway Administrator or joint approvals by the Federal Highway Administrator and Urban Mass Transportation Administrator will be in accordance with the provisions of this subpart and with 23 CFR 630, Subpart A. Approvals granted under this section will constitute:

(1) The approval required under 23 U.S.C. 105; and

(2) A finding that the program is based on a continuing, comprehensive transportation planning process carried on cooperatively by the States and local communities in accordance with the provisions of 23 U.S.C. 134.

(c) Approvals by the Urban Mass Transportation Administrator will be in accordance with the provisions of this subpart and with other applicable provisions of 49 CFR 613, Subpart B. These approvals will constitute:

(1) The approval required under Section 8(c) of the UMT Act (49 U.S.C. 1607(c));

(2) A finding that the projects are

based on a continuing, cooperative and comprehensive transportation planning process carried on in accordance with the provisions of Section 8 of the UMT Act (49 U.S.C. 1607), as applicable;

(3) A finding that the projects are needed to carry out a program for a unified or officially coordinated urban transportation system in accordance with the provisions of Sections 3(e)(1), 5(l) or 8(c) of the UMT Act (49 U.S.C. 1602(e)(l), 1604(1) or 1607(c)), as applicable; and

(4) In nonattainment areas which require transportation control measures, a finding that the program conforms with the SIP and that a priority has been given to transportation control measures contained in the SIP in accordance with procedures in 23 CFR 770.

Title 49—Transportation

PART 613—PLANNING ASSISTANCE AND STANDARDS

§§ 613.202, 613.204 and Appendix [Removed]

4. Part 613, Subpart B of 49 CFR is amended by removing §§613.202 and 613.204 and the Appendix.

[FR Doc. 81-22983 Filed 8-5-81; 8:45 am]
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Thursday, August 6, 1981

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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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.
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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.**

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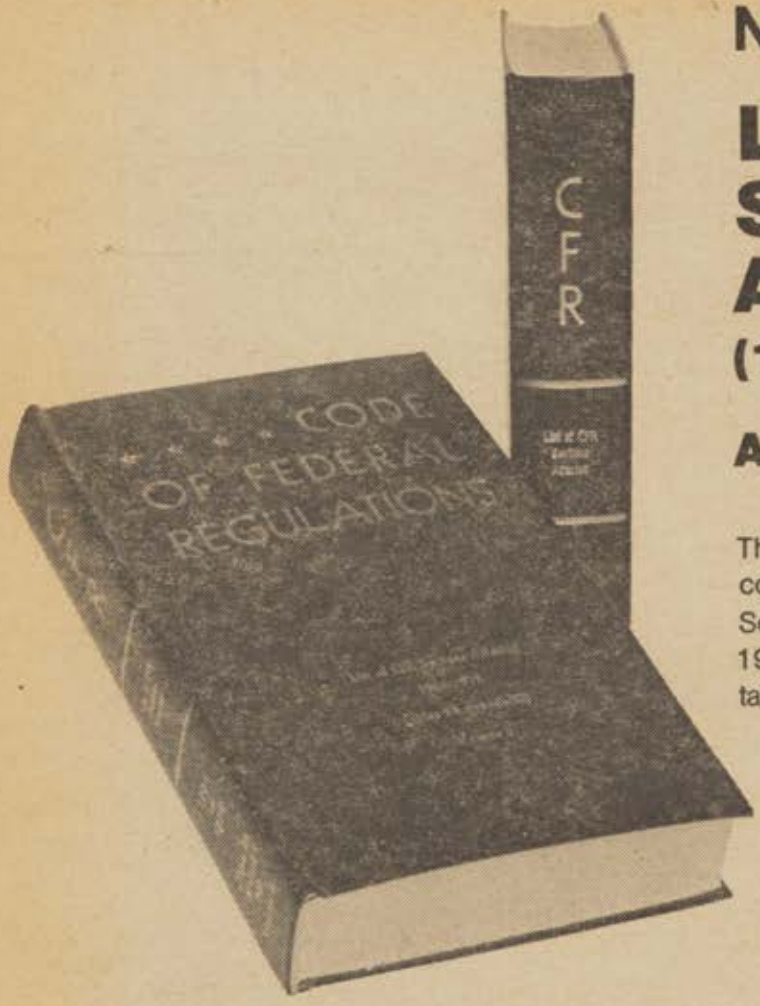

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